

**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 Kelter, 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. Alligood. 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. Kelter 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 <i>continued from 3/11/14</i> |
| April 22, 2014 | 1. TBD |

Meeting adjourned at approximately 10:16 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


Sine Bone, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, March 25, 2014, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

2.1 February 11, 2014 PC/DLC Joint Session

3.0 Information Items

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

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

5.1 Summary: NW Housing Alternatives Zone Change *continued from March 11, 2014*
Applicant/Owner: Angelo Planning Group/Northwest Housing Alternatives
Address: 2316 SE Willard St
File: ZA-13-02
Staff: Li Alligood

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

6.0 Worksession Items

6.1 Summary: Officer Elections
Staff: Denny Egner

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

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

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

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

Planning Department Staff:

Denny Egner, Planning Director
Li Alligood, Associate Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Alicia Martin, Administrative Specialist II

CITY OF MILWAUKIE
 PLANNING COMMISSION
 DESIGN AND LANDMARKS COMMITTEE
 JOINT SESSION MINUTES
 Milwaukie City Hall
 10722 SE Main Street
 TUESDAY, February 11, 2014
 6:30 PM

COMMISSIONERS PRESENT

Lisa Batey, Chair
 Scott Barbur
 Wilda Parks
 Gabe Storm

STAFF PRESENT

Denny Egner, Planning Director
 Li Alligood, Associate Planner

COMMISSIONERS ABSENT

Clare Fuchs, Vice Chair
 Shaun Lowcock
 Sine Bone

DLC MEMBERS PRESENT

Greg Hemer, Chair
 Sherry Grau, Vice Chair
 Becky Ives
 Val Ballestrem
 James Fossen

***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>.*

1.0 Call to Order – Procedural Matters*

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

DLC Chair Hemer called the Design and Landmarks Committee meeting to order.

2.0 Planning Commission Minutes

This item was taken out of order.

2.1 August 27, 2013

It was moved by Commissioner Parks and seconded by Commissioner Barbur to approve the August 27, 2013 Planning Commission minutes as presented. The motion passed unanimously.

2.2 September 10, 2013

It was moved by Commissioner Parks and seconded by Commissioner Storm to approve

the August 27, 2013 Planning Commission minutes as presented. The motion passed unanimously.

2.3 October 22, 2013

It was moved by Commissioner Parks and seconded by Commissioner Barbur to approve the August 27, 2013 Planning Commission minutes as presented. The motion passed with Chair Batey abstaining.

2.4 November 12, 2013

It was moved by Commissioner Parks and seconded by Commissioner Barbur to approve the August 27, 2013 Planning Commission minutes as presented. The motion passed with Commissioner Storm abstaining.

3.0 Information Items

Denny Egner, Planning Director, on behalf of Steve Butler, Community Development Director, updated the Planning Commission and DLC on the Riverfront Park, Adams Street Connector, and 17th Street Bikeway projects.

Li Alligood, Associate Planner, noted the development review permits for the downtown veterinarian clinic were being reviewed and the project was progressing.

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 – None

6.0 Joint Session Items

6.1 Summary: Moving Forward Milwaukie: Enhancing Our Commercial Districts
Staff: Li Alligood

Li Alligood, Associate Planner, presented the staff report via PowerPoint and noted the overview of the project provided in the meeting materials. She briefly explained the project steps and where the project was currently. There were six key phases involved in the project. A market study was done in December, and the development of the opportunity sites concepts was being worked on currently which would feed into the downtown and central Milwaukie implementation plan. The Planning Commission would have joint meetings with Council to discuss that plan and the outcome of those meetings would set the framework for code and comprehensive plan amendments and potentially financial incentives for development.

Ms. Alligood shared what staff was learning from the process and from the development concepts. There were potential code challenges and transportation issues but these would be part of the action implementation plan and would likely return to one or both of the groups for review. She noted an absorption analysis was received from the consultant that looked at the types of uses that were being absorbed (rented) in Milwaukie. Light industrial or flex space was found to have the highest rate of absorption; office space was the lowest. That information caused staff to pause and relook at the development concepts and types of uses being proposed as it was important for them to be feasible. The draft concepts were revised since the packet.

She reviewed the opportunity sites and their potential configurations, and answered questions of the Commission and DLC:

- 'Transportation challenges' were related to access and connectivity. Both central Milwaukie and downtown Milwaukie were near intersections located on state highways which involved access restrictions. The condition of a number of the intersections near the opportunity sites was also a concern.
- As to why office space was being proposed, the concepts were to test a wide range of assumptions and feasibility so that staff would be able to draw lessons. Although office space may not be viable, it should remain an allowed use.
- The concept plans included off-street parking, though it was not required downtown. The intent was to not set an arbitrary minimum, but it was recognized that the market in Milwaukie did indicate the want for off-street parking for live and work. Since parking

structures were expensive, direction from Council was to not propose options supported by public funds.

Opportunity Sites key questions and issues:

Cash Spot – Access to the property was allowed only from Washington St or Main St as access from Hwy 99/McLoughlin Blvd was not permitted. If the area was designated as a mixed-use, multi-modal area, it would give more flexibility in terms of new street access. Regardless, this property was not ideal for including a parking structure due to the constrained access and safety concerns. There was vacant Adams St right-of-way to the south as an access option.

Triangle site – Off-street parking was not assumed since it was located at a transit station. One proposed option was four stories, and although the community preferred to keep building height at two-three stories, having the fourth story made the feasibility pencil out more. Five stories were allowed outright but the project was trying to be conservative.

Chair Batey noted that in her observation, the exercises at the project advisory committee meetings indicated that three to four floors were acceptable.

Texaco site – The western side of the site was purchased by Metro with Transportation Oriented Development (TOD) funds so there were certain requirements for the type of development allowed, such as resulting in an increase in public transportation ridership and to include a portion of affordable housing. The eastern side was owned by the City and used as a parking lot since the '60s. Development could be as one concept or split, which would allow for different uses.

Murphy Site – The site was large so was more difficult to determine possibilities. Generally, it could be divided between west and east, with a mix of uses. Surface parking was required. The zone was restrictive and required mixed use, and flex space was not allowed at the moment and would need to come before the Commission for approval. A third option would be all flex space, including commercial, light industrial, and incubator space.

McFarland Site – The southeastern half was a brownfield and cannot be developed with residential; it would have to be capped either with concrete or new soil and landscaping.

Department of Environmental Quality (DEQ) would need to be involved in any development or zone changes for the site. Flex space would not be feasible based on limitations on heavy traffic and neighborhood appetite.

Ms. Alligood reviewed the next steps and noted the presentation to Council the following week which would cover the costs and deficits of these sites, and how or if the Council was interested in moving forward with the proposals. Code and transportation challengers would not be covered; those would be a part of a joint session with the Commission and Council to review the implementation plan.

DLC Chair Hemer asked how conducive the existing codes were to allow the proposed concept plans, or would there need to be a great deal of code changes.

Ms. Alligood indicated barriers such as parking restrictions for south of Washington St, minimum building heights in downtown, maximum setbacks which would not allow open space on the Texaco site, and the restrictive overlay zones on the Murphy and McFarland sites would need to be addressed for development.

Mr. Egner noted the developer roundtable held in January that included a wide range of developer types. The developers were excited to be involved and saw potential and opportunities in Milwaukie. He felt the City needed to do a better job of marketing itself.

DLC Chair Hemer applauded the City and the Planning staff on working on this important project.

Ms. Alligood encouraged the Commission and DLC to either attend or watch the Council meetings the following week to get an idea of the conversation; the Commission would be involved in the next round for the project.

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

Mr. Egner noted future joint sessions for both groups with the Council.

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179 **9.0 Forecast for Future Meetings:**

180 February 25, 2014 1. Public Hearing: CSU-13-14 5197 SE King Rd Road Home
181 Program

182 March 11, 2014 1. Public Hearing: ZA-13-002 2316 SE Willard St NW Housing
183 Alternatives

184 2. Public Hearing: ZA-14-01 Public Murals Program *tentative*

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187 Meeting adjourned at approximately 8:33 p.m.

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191 Respectfully submitted,

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193 Alicia Martin, Administrative Specialist II

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198 _____
198 Lisa Batey
199 Planning Commission Chair

Greg Hemer
Design and Landmarks Committee Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Li Alligood, Associate Planner

Date: March 18, 2014, for March 25, 2014, Public Hearing

Subject: File: ZA-13-02

Applicant: Mary Dorman, Angelo Planning Group

Owner(s): Northwest Housing Alternatives and Jerald & Patricia McAlister

Address: Multiple properties at the NW corner of 23rd Ave and Lake Rd

Legal Description (Map & Taxlot): TLID 11E36BC0 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, & 6900

NDA: Historic Milwaukie

ACTION REQUESTED

Approve application ZA-13-02 and adopt the recommended Findings of Approval found in Attachment 1. Approval of this application would result in a Zoning Map amendment and a zone change of the subject property from Residential Zone R-2 to Residential-Business Office Zone R-1-B.

BACKGROUND INFORMATION

This proposal was first heard by the Planning Commission on March 11, 2014. Please see the staff report and packet from that hearing for the background information about this application.

Since the March 11 hearing, staff has identified some corrections and revisions to the recommended Findings of Approval. Attachment 1 is a new version of the recommended findings with the revisions identified.

Key changes include:

- The Engineering Department has clarified that MMC 19.700 Public Facility Improvements does not apply to this application, as it is specific to development on the site. However, the approval criteria of MMC 19.902.6.B.5 references the provisions of MMC 19.700, which are to be followed if a traffic impact study (TIS) is required. Because MMC 19.700 is not applicable, the findings related to this chapter (former Finding 9) have been deleted.

- Finding 8.b(6)1 has been revised to clarify the relationship of the density standards contained in the Comprehensive Plan and Zoning Ordinance.

ADDITIONAL INFORMATION

In response to the discussion at the March 11, 2014, hearing, the applicant has submitted a supplemental narrative regarding the appropriateness of the proposed zone change and subsequent development for the surrounding neighborhood (Attachment 2).

Several concerns were voiced at the hearing, including: the status of the Town Center Master Plan (TCMP) as a policy document, specifically regarding the applicability of the policies and maps included in the TCMP; conflict between the residential densities identified in the Comprehensive Plan and the Zoning Ordinance; Comprehensive Plan policies related to housing rehabilitation; the area of analysis in considering the appropriateness of a zone change; the types of uses permitted in the requested R-1-B zone; the distinction between local and arterial street designations; crime rates of the site as compared to surrounding areas; and post-approval development requirements. These concerns are addressed below.

A. Role of Comprehensive Plan and Ancillary Documents

Several public comments challenged the approval of the requested zone change based on a the Land Use Concept Map contained within the Town Center Master Plan (TCMP), which was adopted as an ancillary document to the Comprehensive Plan in 1997.¹ These comments in turn led to questions about the role of the ancillary documents in considering compliance with the policies of the Comprehensive Plan.

Staff believes that the text and maps of the Comprehensive Plan, rather than those contained in ancillary documents (but not incorporated into the text and maps of the Comprehensive Plan), contain the primary policies guiding development in the city.

The Comprehensive Plan was adopted in 1989; since that time, subarea or site-specific plans, such as park master plans and transportation plans, have been adopted as “ancillary documents” to the Comprehensive Plan. The current Milwaukie Comprehensive Plan consists of the Plan itself as well as 20 ancillary documents. Although neither the Comprehensive Plan nor the Zoning Ordinance contain a definition of “ancillary,” the Merriam-Webster Unabridged Dictionary defines “ancillary” as “subordinate, subsidiary; auxiliary; related; supplementary.”

The Town Center Master Plan was adopted in December 1997. The implementing ordinances, which adopted the implementing Mixed Use Overlay Zone MU, were adopted in May 1998.² The Comprehensive Plan was further amended in 1999 to establish the TC Town Center land use designation to reflect the redesignation of Milwaukie from a Regional Center to a Town Center.

The specific question raised by the Historic Milwaukie Neighborhood District Association (NDA) was whether the requested zone change was required to comply with the proposed land use designations (Table 2) and land use concept plan (Figure 11) located on pages 28

¹ Ordinance #1826, adopted December 2, 1997. The original name of the document was the Regional Center Master Plan.

² Ordinances #1831 and 1832, adopted May 18, 1998.

and 29 of the TCMP.³ The answer lies within the document itself. The TCMP describes its role within the Comprehensive Plan on page 19 of the document (emphasis added):

“Phase One is the adoption of the Regional [Town] Center Master Plan as an ancillary document to the Milwaukie Comprehensive Plan.

Phase Two consists of applying the ideas and concepts outlined in this master plan to a series of *amended and new planning policies*, zoning guidelines, design criteria, economic development strategies, and final land use assessment of ways to meet regional housing and job targets.”

The TCMP continues to describe the changes to the Comprehensive Plan and Zoning Ordinance that would be required to implement the recommendations of the TCMP. Table 5: Actions and Results, further identifies action items for implementation of the TCMP, including “Revise Comprehensive Plan text to incorporate RCMP policies, data, and maps.”

The tables and maps include those contained in Chapter 3 of the TCMP, specifically *Table 2: Proposed Land Use Designations* and *Figure 11: Land Use Concept Plan*. These tables and figures describe potential revisions to the existing land use designations of the Comprehensive Plan. The subject site is located within Subarea 5; the table and figure propose a revision of the Northwest Housing Alternatives (NHA) site from a C/HD Mixed Use designation to an “attached infill residential” designation, and describes the desired development type for that designation as “duplexes, triplexes, and rowhouses at 12 dwelling units per net acre.” The detailed description of Subarea 5 further identifies the NHA site as a “vacant or redevelopable parcel” and states that “it is anticipated that the predominant multifamily and public use character” of Subarea 5 will continue in the future (page 83). Table 18, on page 85, includes a comparison of the existing land uses and proposed future land uses of the subarea. The NHA site is identified as an Attached Infill Residential area, which would be a revision from the designation of C/HD Mixed Use.

Although these revisions were proposed in the TCMP, they were not subsequently implemented by the 1998 amendments to the Comprehensive Plan or Zoning Amendment text or maps. These revisions were not made yet other recommendations contained in the TCMP were implemented, including adoption of minimum residential densities, application of the Mixed Use Overlay MU to downtown and specific sites in Subareas 2 and 4, and the adoption of the Town Center TC land use designation. The site designation of C/HD and associated development types remain and were not changed with the 1998 amendments. For this reason, the TCMP maps should not be considered while evaluating the application.

B. Residential Density Ranges

The Planning Commission has requested additional information regarding an apparent discrepancy between the R-1-B Zone residential density range identified by the Comprehensive Plan and that identified by the Zoning Ordinance. Staff has researched the issue and has concluded that there is not an actual conflict, due to the fact that the Comprehensive Plan describes the net *density* ranges for the zone, and the Zoning Ordinance identifies the *gross* density range. See Attachment 3 for a more detailed discussion.

³ The Town Center Master Plan is available online at http://www.milwaukieoregon.gov/sites/default/files/fileattachments/TownCenterMasterPlan_0.PDF.

C. Comprehensive Plan Policies in High Density Areas

The NHA site is currently designated C/HD Mixed Use, which is a high density mixed use designation. The relevant Comprehensive Plan policies are those contained in Chapter 4, Objective #2, Policy 6, which states:

“Within the Mixed Use Area designated on Map 7, a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be required to implement these policies, and that single structures containing different uses will be the predominant building type.”

Public testimony stated that the Comprehensive Plan policies require rehabilitation of existing homes rather than redevelopment. Chapter 4, Objective #4, Policy 4, addresses the desired character of areas designated Low Density LD. However, Policy 1 acknowledges that redevelopment of those areas designated High Density will be necessary:

“1. Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands. Identified historic resources will be protected as outlined in the Historic Resources Chapter. The predominant housing type will be multifamily.”

Staff believes that the C/HD zone is a High Density Zone as well as a Mixed Use Zone and therefore the proposal complies with the policies of the Comprehensive Plan, including those related to neighborhood conservation. See Attachment 1 Findings for a more detailed discussion of applicable Comprehensive Plan policies.

D. Area of Analysis

The Planning Commission and Historic Milwaukie NDA have requested clarification of the “area of analysis” when applying the approval criteria of MMC 19.902.6.B.1:

1. The proposed amendment is compatible with the surrounding area based on the following factors:
 - a. Site location and character of the area.
 - b. Predominant land use pattern and density of the area.
 - c. Expected changes in the development pattern for the area.

There are several possibilities, ranging from the entire Historic Milwaukie neighborhood to the properties immediately adjacent to the subject site.

It is difficult to identify a consistent neighborhood character due to the wide range of development types and densities in the Historic Milwaukie neighborhood. The Historic Milwaukie neighborhood contains various development types ranging from the large single-family lots of the Waverly area to the dense, compact commercial development of downtown Milwaukie and a number of large civic and institutional properties. In addition, development that occurs in the northeastern corner of the neighborhood would have a limited impact on properties in the southeast corner.

For this reason, staff conducted analysis on the area within 1/4 mile of the site, and included analysis of the existing uses both within 1/4 mile of the site and throughout the Historic Milwaukie neighborhood in Finding 8(b)1 of Attachment 1.

E. Permitted Development and Uses

Public and written testimony suggested that the range of uses permitted by the R-1-B Zone is much broader than the proposed office use and could also include uses such as hair salons. However, the zoning ordinance distinguishes between *office* uses, which are expected to draw minimal traffic, and *personal/business service uses*, such as a hair salon, that is expected to draw a higher level of traffic to the site. The Zoning Ordinance defines “office” as follows:

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

The Zoning Ordinance defines “personal/business services” as follows:

“Personal/business services” means the provision of services to individuals or businesses. Typical uses include laundromats/dry cleaners, tanning salons, barbers, beauty salons, shoe repair, copy centers, secretarial services, and blueprint services.

Personal/business service uses are not permitted in the R-1-B Zone.

Public testimony also included questions about the development permitted by the existing and proposed zones. As stated in the staff report and presentation, the existing R-2 Zone on the site permits the redevelopment of the site with buildings of up to 3 stories or 45 feet. Development of the site in either the R-2 or R-1-B Zone will require the provision of off-street parking to accommodate the expected users of the site.

F. Parking & Traffic Impacts

Per MMC 19.605.1, the required off-street parking ratios vary by the proposed uses; for residential uses, from 1 to 1.25 spaces are required per dwelling unit; for office uses, a minimum of 2 spaces and a maximum of 3.4 spaces per 1,000 square feet of floor area is required. As proposed, the applicant would be required to provide 54 parking spaces. The minimum parking ratios are intended to accommodate both the staff and residents of the site, and will likely alleviate the current parking problems in the area.

As determined by the City’s traffic engineer, the zone change complies with both the Milwaukie Comprehensive Plan and the 2013 Transportation System Plan (TSP), and is exempt from the State Transportation Planning Requirement (TPR) requirement for a traffic impact study (TIS). Staff has requested a confirmation of this finding and will provide additional information before the March 25, 2014, hearing in this application.

Milwaukie Municipal Code (MMC) 19.700 Public Facility Improvements is not triggered by the zoning map amendment, but will be triggered by expansion of the existing buildings or redevelopment of the site. Depending on the proposed uses, and the number of trips generated by those uses as determined by the Institute of Transportation Engineers (ITE) manual, a TIS may be required before the site is redeveloped, and the developer would be required to mitigate any impacts to the traffic system.

G. Crime Rates

Members of the Historic Milwaukie Neighborhood District Association (NDA) submitted a report for crime statistics at the NHA site during 2013 (see Attachment 4). This report was provided by the Milwaukie Police Department, but did not provide enough information to identify the reason for the calls and whether they were related to criminal activities or arrests. Milwaukie Police Chief Steve Bartol and the applicant have provided additional information to clarify this report (see Attachments 2b and 4a).

Although crime is an important community concern, it does not appear to apply to any of the approval criteria to be considered for the zone change request. An exception could be MMC 19.902.6.B.1, an evaluation of compatibility with the surrounding neighborhood, but in order to consider the crime statistics in applying this criterion, the Commission would need to make a finding that the crime rate of the NHA site is somehow substantially higher or different than the surrounding area.

According to www.portlandmaps.com (see Attachment 4c), the subject site has a similar crime rate as the areas to the east and south, and a lower crime rate than the areas to the north and west. Also, according to both Chief Bartol and the applicant, many of the police visits to the subject site are not the result of crimes that have been committed. Therefore, it does not appear that a finding of denial on this point could be made.

H. Post-Approval Development Requirements

The Planning Commission and members of the public have expressed concerns that if the zone change is approved, the applicant will be able to develop whatever they wish. However, there are many regulatory controls in place to implement the community's vision regarding how a development appears and how impacts are managed.

The applicant will be required to submit a development review application (they can choose Type I or Type II review) and must demonstrate compliance with the regulations of the Zoning Ordinance. These regulations include:

- MMC 19.505.3 Design Standards for Multifamily Housing: Multifamily design standards, including provision for private and public open space and resident amenities, pedestrian circulation, vehicle and bicycle parking (including vegetated screening), building orientation, building façade design, building materials, landscaping, screening of adjacent properties, recycling areas, sustainability, privacy considerations for adjacent residential properties, and safety.
- MMC 19.600 Off-Street Parking and Loading: Requirements for the provision and landscaping of off-street parking to serve the uses on the site.
- MMC 19.700 Public Facility Improvements: Requirements for a Traffic Impact Study and mitigation of impacts to transportation facilities.

ANALYSIS

The supplemental materials submitted by the applicant and the additional testimony submitted does not affect staff's analysis of the proposal.

Ultimately, the Planning Commission must balance the rights of a private property owner to develop their property in a way that conforms to adopted City policy, and the right of a community to shape the growth of their neighborhoods. In this case, the City's policies regarding

this area were adopted in 1979, refined in 1989, and have remained largely unchanged since that time. Although the Planning Commission and the community may disagree with the adopted policies for this area, the approval criteria require an evaluation of the application on its merits and compliance with the existing Comprehensive Plan policies.

Staff has concluded that the R-1-B Zone is more appropriate for this location than the R-O-C Zone, and that the requested zone change complies with the Comprehensive Plan. The subject site is contiguous to the R-1-B Zone to the south. The Comprehensive Plan designates the subject site as Commercial/High Density Mixed Use (C/HD). Both the current R-2 and proposed R-1-B zones allow multifamily development outright and many of the development standards, specifically related to height, are the same in both zones.

Staff believes a change in zone from R-2 to R-1-B would not significantly impact the neighborhood and would allow for development that is consistent with the Comprehensive Plan policy for the site and neighborhood character. Visual impacts of redevelopment would be minimal; general setback and height requirements are the same in both zones and any difference would be visible primarily in the distance between the buildings.

The character of the surrounding neighborhood is defined by a combination of institutional, multifamily, single-family and office development that, in most cases, has not yet been developed to full capacity. The zoning of the area supports development to a residential density that is greater than that which exists today. New multifamily housing has been developed incrementally since the 1960s, and Comprehensive Plan policies support the continued development of multifamily residential dwellings in this area.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the zoning map amendment for the 10 properties at the northeast corner of Lake Rd and 23rd Ave/Willard St. This will result in a Zoning Map amendment and a zone change of the subject property from Residential Zone R-2 to Residential-Business Office Zone R-1-B. A zone change to R-1-B would increase the minimum/maximum residential density of the site from 11.6/17.4 dwelling units per acre to 25/32 dwelling units per acre and would allow the construction of office uses by right.
2. Adopt the attached Findings of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Subsection 19.1006 Type III Review
- MMC Section 19.902 Amendments to Maps and Ordinances

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application upon finding that all approval criteria have been met.
- B. Approve the application with modified Findings. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria. Findings of Denial will need to be drafted and read into the record.
- D. Continue the hearing. This option requires that the applicant provide a waiver to the 120-day clock. If the applicant is not willing to provide a waiver to the 120-day clock, the Planning Commission may need to deny the application.

The final decision on these applications, which includes any appeals to the City Council, must be made by May 22, 2014, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Staff has received additional comments both at the March 11, 2014, public hearing and between the hearing date March 17, 2014. Written comments provided to the Planning Commission at the March 11, 2014, public hearing and received between March 11, 2014, and March 17, 2014, are summarized below. Oral testimony received at the hearing is not included. Comments received by 5:00pm on March 18, 2014, will be provided to the Planning Commission under separate cover. See Attachment 5 for further details.

- **Connie Kilby, Town Lake Estates, 2451 SE Lake Rd, March 9, 2014:** Opposition to application due to potential impacts to residents of Town Lake Estates
Staff Response: The applicant's development concept does not include development of the area adjacent to the Town Lake Estates. However, future development could occur in that location. Future development would be required to be set back between 5 and 15 feet from the property line; the Town Lake Estates development was built to the minimum 5 foot setback on the north and the existing house directly to the north is located approximately 5 feet from the lot line. Ms. Kilby expresses concerns about the existing parking situation near the site but also expresses concerns about the addition of existing off-street parking to support the uses on the site. Redevelopment of the site will be required to accommodate parking demands on-site or through a shared parking agreement with another entity.
- **The Session of Milwaukie Presbyterian Church, 2416 SE Lake Rd, March 10, 2014:** Supports the application and the NHA temporary shelter programs.
- **Lou Ann Lee, Town Lake Estates, 2449 SE Lake Rd, March 11, 2014:** Supports the application and allowing NHA to expand its services.
- **Ashley Jensen, Warrior Room, 1928 SE Washington St, March 11, 2014:** Supports the application and allowing NHA to expand its services.
- **David L. Robinson, Robinson Law Firm LLC, 10600 SE McLoughlin Blvd, Ste 205, March 11, 2014:** Supports the application and allowing NHA to expand its services.
- **Bethany Robinson, 3236 SE Harvey St., #14, March 11, 2014:** Supports the application and allowing NHA to expand its services.
- **Leona M. Yorkston, Town Lake Estates, 2455 SE Lake Rd, March 11, 2014:** Opposes the application. It is unclear what her specific concerns are but they appear to focus on the

number of schools and churches in the area, as well as the proximity of the light rail station to the site.

- **Jean Baker, Chair, Historic Milwaukie NDA, March 11, 2014:** Opposes the application due to the lack of compliance with the Comprehensive Plan and Zoning Ordinance, crime, parking issues, and concerns about the development of an office building at this location.

Staff Response: Many of Ms. Baker's concerns are addressed in this staff report, specifically regarding the applicability of the Town Center Master Plan, the apparent discrepancy between the residential density ranges of the Comprehensive Plan and Zoning Ordinance, etc. Her comment contains some inaccuracies:

- The applicant has not requested any exemptions to City plans, and any "exemptions" or deviations from the relevant standards would require a Type II or III Variance Review application.
 - The Comprehensive Plan is a policy, rather than a regulatory, document. It contains recommendations regarding the implementation of its policies, but the Zoning Ordinance is the implementing document.
 - Information about criminal activity on the site, as well as conditions on the site 25 years ago, has very narrow, if any, relevance to the approval criteria for this application.
 - This application is not a development review application; at the time of construction, the applicant will be required to comply with the City's off-street parking standards or request a formal adjustment of the required parking. As proposed, the applicant's conceptual plan does comply with the City's off-street parking requirements.
 - To describe the area surrounding the subject site as "predominantly residential" is incorrect. In the immediate area, there are churches, schools, office buildings, and a combination of multifamily and single-family residential uses.
 - A development proposal is not required for a zoning map amendment application. The applicant provided a conceptual plan for purposes of discussion. The proposed temporary shelter on site will be subject to Community Service Use review; any multifamily development on site will be reviewed against the City's adopted multifamily residential development and design standards. In addition State law prevents needed housing from being subject to discretionary review; the City must provide a "clear and objective" administrative review option.
 - The letter seems to refer to Downtown Design Review, which is a discretionary review and does require more detailed information about the materials, colors, and design of the development. As noted above, this development will not be subject to discretionary review unless the applicant elects to undergo it.
- **Connie Kilby, Town Lake Estates, 2451 SE Lake Rd, March 15, 2014:** Additional testimony opposing the application and responses to applicant testimony.

Staff Response: Staff did provide photos of the rear entrance of the Town Lake Estates to demonstrate the existing conditions surrounding the site, but did not provide photos of the interior or the Town Lake Estates development. Ms. Kilby has submitted images of the development to share with the Planning Commission (see entry for March 17, 2014, comment below). Ms. Kilby's comments contain some incorrect assumptions:

- The applicant (or a future purchaser of the property) could develop the site with 3-story buildings under the current zoning. A developer may choose to do so for many reasons: to provide additional open space; to meet other development standards

related to lot coverage, minimum vegetation, setbacks, or off-street parking; or to provide larger or more luxurious dwelling units.

- The role of City staff is not to speak on behalf of the applicant or the community – it is to analyze the proposal with respect to the relevant approval criteria. The Planning Commission can, and has, disagreed with staff's analysis and findings in the past. The staff report and draft findings are meant to be a starting point so that the Planning Commission can focus on the criteria.
- **Jean Baker, Chair, Historic Milwaukie NDA, March 17, 2014:** Additional testimony opposing the application including concerns about crime, compliance with the TCMP, impact of redevelopment on seniors, call for a moratorium on zone changes, etc.

Staff Response: Many of Ms. Baker's concerns are addressed in this staff report, specifically regarding the applicability of the Town Center Master Plan, the apparent discrepancy between the residential density ranges of the Comprehensive Plan and Zoning Ordinance, etc. Ms. Baker's comment contains some inaccuracies:

- The Town Center Master Plan is listed on the City's web site as an ancillary document to the Comprehensive Plan and has not been moved. It is available at <http://www.milwaukieoregon.gov/planning/planning-documents-ordinances-plans-and-guidelines>.
 - The subject sites are designated C/HD Mixed Use, rather than TC Town Center as Ms. Baker states.
 - The Zoning Ordinance does not directly address protections for senior citizens, but other sections of the Milwaukie Municipal Code contain regulations regarding noise and other impacts of active development.
 - The City's off-street parking regulations require screening (vegetative or fencing) of parking lots from adjacent uses in order to minimize the impact of lights.
 - Ms. Baker states that the applicant has agreed to enter into a Good Neighbor Agreement, which is the appropriate forum for agreements regarding tenant screening etc. These considerations are outside of the scope of the Zoning Ordinance.
 - Staff incorrectly stated that the Zoning Ordinance densities control – as described in the staff report, they implement the Comprehensive Plan, which is the controlling document. The Findings have been revised to reflect this.
 - **Jean Baker, Chair, Historic Milwaukie NDA, March 17, 2014:** Additional testimony stating that the City Attorney's determination of the appropriate level of review was based on a Comprehensive Plan amendment rather than Zoning Map amendment.
- Staff Response:** Staff requested clarification of this statement but did not receive it as of this writing. Comprehensive Plan text amendments are subject to Type V review, and Comprehensive Plan map amendments are subject to Type IV review. There is no Type III review option for amendments to the Comprehensive Plan. The applicant has requested an amendment to the Zoning Map; no amendments to the Comprehensive Plan are required or proposed.
- **Jean Baker, Chair, Historic Milwaukie NDA, March 17, 2014:** Additional testimony stating that the Zoning Ordinance is an implementing document and needs to implement the policies of the Comprehensive Plan.

Staff Response: Staff agrees that the Zoning Ordinance must implement the policies of the Comprehensive Plan. At issue is a statement included in the original recommended Findings of Approval (8(b)6(1)(i), page 5). The Findings have been revised to remove that statement and to clarify the relationship of the Comprehensive Plan and Zoning Ordinance density ranges.

- **Connie Kilby, Town Lake Estates, 2451 SE Lake Rd, March 17, 2014:** Additional testimony opposing the application and responses to applicant testimony, expressing concerns about traffic impacts, and including photos of Town Lake Estates.
- **Michael Park, 2460 SE Willard St, March 18, 2014:** Additional testimony opposing the application and expressing concerns about the behavior of NHA residents, the level of activity at Milwaukie High School in the spring and summer, and parking.

Staff Response: Some of Mr. Park's concerns have been addressed in the staff report, specifically those related to parking (see Section F). Mr. Park's comments contain some inaccuracies:

- The original 1985 land use approvals state that the site has sufficient parking for the proposed temporary shelter use and staff. The public right-of-way is available for anyone to park, and is not restricted to use by particular residents or groups.
- **Ray Bryan, 11416 SE 27th Ave, March 18, 2014:** Additional testimony opposing the application and clearance of existing homes; increased density and expanded uses; traffic impacts; and impacts on livability.

Staff Response: Many of Mr. Bryan's concerns were addressed in the March 11, 2014, staff report and attachments and others are addressed in this staff report and revised Findings (Attachment 1), specifically regarding Comprehensive Plan policies for C/HD Mixed Use areas, compatibility of the requested zone change, the area of analysis, and the adequacy of public facilities and utilities. Mr. Bryan's comment contains some inaccuracies:

- Mr. Bryan states that the relevant Comprehensive Plan policies are those related to the Med. D. Medium Density land use designation, which is implemented by the R-2 Zone. However, the Comprehensive Plan policies are specific to the land use designations of Map 7, rather than the existing zoning of the site. See Section C of the staff report.
- The Zoning Ordinance differentiates between office uses, such as an accountant's office, and personal/business services, such as a hair salon or tattoo parlor. See Section E of the staff report.
- The applicant did incorrectly state that the R-2 Zone implements the Mixed-Use High Density designation. However, that does not affect the staff analysis of the application.
- Mr. Bryan notes that there are many opportunity sites in the area (specifically those identified by the Moving Forward Milwaukie project). However, those are in downtown and central Milwaukie, where the zoning supports pedestrian-friendly mixed use commercial development, rather than office development.
- Although the Comprehensive Plan identifies provisions for a 15% increase in density in the C/HD Mixed Use areas in exchange for exceptional design or amenities, the Zoning Ordinance does not include any such provision.
- Metro staff evaluates compliance with the Metro Urban Growth Management Plan. They did not identify any concerns or submit any comments. However, Mr. Bryan notes that development of the property with both office and residential uses could actually

reduce the housing capacity. This is counter to his previous statements that the increased residential density of the R-1-B Zone would result in an unacceptable increase in residential density on the site.

- See Section A above for a discussion of the role of the Town Center Master Plan in evaluating this application.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. REVISED Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Additional information submitted by the applicant				
a. Memo dated March 14, 2014, regarding the appropriate zoning designation for the site	☐	☒	☒	☒
b. Memo dated March 17, 2014, regarding crime statistics submitted by the Historic Milwaukie NDA	☐	☒	☒	☒
3. Memo from staff dated March 17, 2014, addressing residential densities	☐	☒	☒	☒
4. Additional Materials	☐	☒	☒	☒
a. Memo from Captain David Rash to Chief Steve Bartol regarding police activities at the NHA site, dated March 13, 2014	☐	☒	☒	☒
b. E-mail from Chief Bartol to Dennis Egner, dated March 14, 2014	☐	☒	☒	☒
c. CrimeMapper Crime Report for 2416 SE Willard St, updated February 24, 2014	☐	☒	☒	☒
5. Comments Received since March 4, 2014	☐	☒	☒	☒
6. List of Record	☐	☒	☐	☐

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-100>.

**Recommended Findings in Support of Approval
File #ZA-13-02, Northwest Housing Alternatives/McAlister**

Note: Substantive revisions to the March 11, 2014, recommended findings have been noted below. Deletions are ~~struck through~~ and additions are underlined.

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Mary Dorman, Angelo Planning Group, for Northwest Housing Alternatives (NHA) and Jerald and Patricia McAlister, has applied for approval to amend the Zoning Map for 10 properties from Residential Zone R-2 to Residential-Business Office Zone R-1-B. Nine of the properties are owned by NHA and located at 2302 SE Willard St, 2316 SE Willard St, 2328 SE Willard St, 2342 SE Willard St, 2400 SE Willard St, 2416 SE Willard St, 11465 SE 23rd Ave, 11481 SE 25th Ave, and an unaddressed lot (Tax Lot ID 11E36BC06200); one property is owned by the McAlisters and located at 2404 SE Willard St (TLIDs 11E36BC0 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, and 6900). The land use application file number is ZA-13-02.
2. The applicant is seeking land use approvals for amendment of the zoning on the site from Residential Zone R-2 to Residential-Business Office Zone R-1-B in order to redevelop the NHA campus with multifamily, office, and temporary shelter uses. The zone change would permit the redevelopment of the existing NHA campus with multifamily residential and office uses.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Subsection 19.1006 Type III Review
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - ~~MMC Chapter 19.700 Public Facility Improvements~~
4. The future development of the proposed office use on the site will be subject to the following provisions of the MMC (these are not applicable to this land use decision):
 - MMC Section 19.1004 Type I Review
 - MMC Section 19.906 Development Review
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Subsection 19.504 Site Design Standards
5. The future development of the proposed multifamily residential use on the site will be subject to the following provisions of the MMC (these are not applicable to this land use decision):
 - MMC Section 19.1004 Type I Review or MMC 19.1005 Type II Review
 - MMC Section 19.906 Development Review
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Subsection 19.505.3 Design Standards for Multifamily Housing
6. The future development of the proposed temporary shelter use will further be subject to the following provisions of the MMC (these are not applicable to this land use decision):

- MMC Section 19.1006 Type III Review
 - MMC Section 19.904 Community Service Uses
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Subsection 19.505.3 Design Standards for Multifamily Housing
7. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on March 11, 2014, as required by law.
 8. MMC Section 19.902 Amendments to Maps and Ordinances
 - a. MMC 19.902.6.A establishes the review process for changes to the Zoning Map.
 The subject site consists of 10 properties totaling 1.83 acres. The properties are owned by two parties who jointly submitted an application for the zoning map amendment. The City Attorney has determined that the application is quasi-judicial in nature and subject to Type III review per MMC 19.1006.
 - b. MMC 19.902.6.B establishes criteria for approval of changes to the Zoning Map.
 The applicant has requested an amendment to the Zoning Map. The request does not include amendments to the text of Titles 14, 17, or 19, or other land use regulations within the Milwaukie Municipal Code. The application is subject to the approval criteria of this section.
 - (1) The proposed amendment is compatible with the surrounding area based on the following factors:
 - (a) Site location and character of the area.
The site is located in the southeast corner of the Historic Milwaukie neighborhood, adjacent to Lake Rd and within 300 ft of the Lake Road neighborhood. The site is less than 1/2 mile from the center of downtown Milwaukie, across the street from Milwaukie High School, and 1/4 mile from Milwaukie Elementary School. The children living on-site will have convenient access to the local schools. The site has excellent access to existing bus service on Lake Rd and downtown, and is less than 1/4 mile from the future Milwaukie light rail station on Main St and 21st Ave.
The character of the area is transitioning from a largely single-family to a mixed use area. Downtown Milwaukie is located to the west of the site and is developed with mixed-use commercial uses; properties to the southwest of the site are developed with a combination of office, single-family residential, and institutional uses; properties to the southeast of the site are developed with single-family, multifamily, office, and institutional uses; and properties to the east are developed with multifamily, institutional, and single-family uses.
The proposed amendment would permit the development of the site with multifamily residential and office uses similar to those found in the vicinity.
 - (b) Predominant land use pattern and density of the area.
The Historic Milwaukie neighborhood consists of a range of land use patterns, from small-lot multifamily to large residential estates and

institutional uses. The predominant use in the Historic Milwaukie neighborhood by area is commercial (49 percent), followed by single-family residential (24 percent), multifamily residential (13 percent), institutional (8 percent), and vacant properties (6 percent).

Within the immediate area (1/4 mile of the site), the predominate land use by area is single-family residential (32 percent), followed closely by institutional (30 percent), vacant properties (12 percent), commercial properties (11 percent), and multifamily residential and industrial uses (7 percent each). The predominate residential type in the area is multifamily; there are approximately 407 dwelling units in the immediate area; 238 of the dwelling units in the area are multifamily units and 167 are single-family or duplex dwellings.

The actual residential density of the immediate area ranges from 0.75 to 43.6 dwelling units per acre; the average density multifamily residential density within 1/4 mile of the site is 24.5 dwelling units per acre. The proposed amendment permits densities of 25 to 32 dwelling units per gross acre.

- (c) Expected changes in the development pattern for the area.

The Comprehensive Plan Land Use Map designates this area for high density residential and mixed-use development, and the area is largely zoned for multifamily development. Though this zoning has existed since 1968, many of the properties in the area have not been developed to the densities permitted by the zoning. The location of the site adjacent to downtown and the arrival of the Milwaukie light rail station less than 1/4 mile from the site will likely encourage development and redevelopment of the surrounding area to the higher densities set forth by the Comprehensive Plan and permitted by the zoning ordinance.

- (2) The need is demonstrated for uses allowed by the proposed amendment.

NHA is requesting the zone change in order to redevelop its site in order to better serve its employees and clients. In the past 10 years, the number of employees at NHA has doubled due to an expanding affordable housing portfolio and an increase in the number of clients being served through their homelessness and resident services programs.

The Annie Ross House shelter is located in a building that has been converted from a single-family dwelling to five separate suites with shared bathroom and kitchen facilities. NHA plans to build a larger shelter with independent living units as part of the campus redevelopment and expansion that would be allowed by the proposed amendment.

NHA owns and manages 510 rental apartment units in Clackamas County and they are in very high demand, as evidenced by the 2 percent annual vacancy rate. NHA plans to maximize the development potential of the site in order to provide additional office space for employees, an expanded temporary shelter, and an increased number of on-site dwelling units.

- (3) The availability is shown of suitable alternative areas with the same or similar zoning designation.

There are few other areas of the city with the R-1-B zone. The largest area is east of downtown Milwaukie and it is developed with a mix of institutional, office, and residential uses. The second area is south of Lake Rd, adjacent to the subject site. These properties are developed with a mix of office and single-family residential uses. There are no undeveloped sites of a size similar to the subject site in these areas.

- (4) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The subject property and adjacent properties are currently developed. The Engineering Department has not identified any public facility or utility deficiencies, and the site is well-served by existing transportation facilities. No additional facilities, utilities, or services are required.

- (5) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The site is located at the intersection of Lake Rd, an arterial, and 23rd Ave/Willard St, local streets. Arterial streets are designed to accommodate high volumes at moderate speeds. The City's Transportation System Plan (TSP) evaluated the transportation system through the year 2030. This evaluation assumes increased traffic volumes based on the Comprehensive Plan designation and development capacity of the city.

Under the Transportation Planning Rule's chapter on plan amendments (OAR 660-012-0060), Section 9 states that a proposed rezoning that is consistent with the existing Comprehensive Plan map and consistent with the adopted Transportation System Plan (TSP) can be approved without considering the effect on the transportation system.

The City of Milwaukie's Comprehensive Plan map shows that the subject property is within an area designated as (Commercial/High Density) Mixed Use C/HD. This designation allows and encourages a range of different uses including residential, commercial and office. The proposed amendment will bring the zoning of the site into alignment with its Comprehensive Plan designation. As such, the Engineering Director has determined that a transportation impact study (TIS) is not required. Future development or redevelopment of the site may require a TIS subject to the provisions of Chapter 19.700.

- (6) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The Planning Commission finds that the relevant Comprehensive Plan policies are those of Chapter 4 – Land Use, Residential Land Use and Housing Element.

- (i) Objective #2 – Residential Land Use: Density and Location

1. Policy 1

Residential densities will be based on the following net¹ density ranges:

- *Medium Density (Zones R-3, R-2.5, R-2) - 8.8 to 21.1 units per net acre*
- *High Density (Zones R-1, R-1-B) - 21.2 to 24.0 units per net acre*
- *Town Center: Outside of Downtown (Zone R-O-C) - 25 to 50 units per net acre*

The current R-2 Zone designation is described as a medium density zone and the proposed R-1-B Zone is described as a high density or mixed use zone. The Mixed Use C/HD designation of the Comprehensive Plan Land Use Map is a high density mixed use designation. Both the R-1 and R-1-B zones would implement this designation.

The Comprehensive Plan net density range of 21.2 to 24.0 dwelling units per net acre and the Zoning Ordinance gross density range of 25 to 32 dwelling units per acre ~~conflict~~ appear to conflict. However, when the methodology outlined in Table 2 of the Comprehensive Plan is followed, the gross densities of the Zoning Ordinance and the net densities of the Comprehensive Plan are in general agreement. The mixed use R-O-C zone density range of the Comprehensive Plan and the Zoning Ordinance align. However, the Planning Commission finds that the R-O-C zone is not the appropriate zone for this site. See Finding 8.b.(6)(i)2 below.

Because the Comprehensive Plan is a policy, rather than regulatory document, the zoning density ~~of the~~ is guided by the Comprehensive Plan and implemented by the Zoning Ordinance controls. The Comprehensive Plan designation of the R-1-B Zone as a high density or mixed use zone, and the Land Use Map designation of the site as Mixed Use, which includes High Density uses, supports the appropriateness of the R-1-B Zone at this location.

2. Policy 6

High Density in Mixed Use Areas will be based on the following policies:

- a. *Within the Mixed Use Area designated on Map 7 [the Land Use Map], a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be required to implement these policies, and that single structures containing different uses will be the predominant building type.*

¹ "In calculating buildable lands, density standards will be applied to net parcel areas to determine the maximum number of dwelling units allowed. Gross site area will be reduced to net site area according to the following schedule:

- Areas one acre or larger will be reduced by twenty percent (20%) for the purposes of right-of-way dedication."

- b. Commercial uses will be allowed at the ground floor level, and will be located relative to the downtown area so that pedestrian access between areas is convenient and continuous.*
- c. Office uses will be allowed at the ground and first floor levels.*
- d. High Density residential uses will be allowed on all levels. At least fifty (50) percent of the floor area within a project must be used for residential purposes.*

As described in Finding 8.b(6)(i).2, the High Density HD land use designation is implemented by the R-1 and R-1-B zones. The Comprehensive Plan does not identify the appropriate zones to implement the Mixed Use C/HD designation but provides the above description of the types of high density uses to be permitted in the Mixed Use Area.

The described uses most closely reflect those permitted by the Residential-Office-Commercial Zone R-O-C, which allows a wide range of residential, office, and commercial uses. However, the R-O-C Zone has only been applied to three sites designated Town Center TC (specifically, the Murphy and McFarland sites and a portion the Providence Hospital campus). Comprehensive Plan policies support the commercial development of areas with the Commercial C or Town Center TC designation, including downtown Milwaukie, and do not support the establishment of new commercial areas outside of those designations. The R-O-C Zone permits commercial development and is a commercial zone; the Planning Commission finds that the R-O-C Zone is not the appropriate zone for this site.

The closest comparable zone is the R-1-B Zone. There is substantial precedent for applying the R-1-B Zone to areas with the C/HD designation. The R-1-B Zone and R-O-C Zones share the same development standards and minimum and maximum residential density requirements, but the R-1-B Zone allows a much narrower range of non-residential uses and does not permit commercial uses.

The Planning Commission finds that the R-1-B Zone is more in keeping with the surrounding area and is more appropriate for this location than the R-O-C Zone.

(ii) Objective #4 – Neighborhood Conservation

1. Policy 1

Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands. Identified historic resources will be protected as outlined in the Historic Resources Chapter. The predominant housing type will be multifamily.

Both the existing zone and the requested R-1-B zone would permit the clearance of the existing property and new construction of multifamily housing.

(iii) Objective #5 – Housing Choice

1. Policy 5

Although not all higher density and Town Center lands will immediately be zoned for maximum permissible densities, the rezoning of these lands will be approved when it can be demonstrated that adequate public facilities exist or can be provided in accordance with City plans and standards to support increased development.

As detailed in Finding 8.b.4, adequate public facilities exist to support increased development on the site.

(iv) Objective #6 Housing Assistance

To assist low and moderate income households in obtaining adequate housing which is consistent with other housing objectives and policies.

The proposed amendment would permit the expansion of housing opportunities for low and moderate income households in Milwaukie.

(7) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any areas where the proposed amendments were inconsistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

(8) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules

The Planning Commission finds that the criteria of MMC 19.902 are met.

~~9. MMC Section 19.700 Public Facility Improvements~~

~~a. MMC 19.702 establishes the applicability of this chapter.~~

~~The proposed zone change has the potential to intensify the uses on the site, which could result in an increase in vehicle trips. The Planning Commission finds that this chapter is applicable.~~

~~b. MMC 19.703.1 establishes the requirements for a pre-application conference.~~

~~The Engineering Director has determined the proposed zone amendment is complex and has required a pre-application conference. A pre-application conference was held on July 25, 2013.~~

~~c. MMC 19.703.2 establishes the materials required for application submittal.~~

~~The Engineering Director has determined that a Transportation Impact Study is not required as part of the proposed zone amendment in accordance with MMC Section 19.704. A Traffic Facilities Review land use application is not required. Future development may require submission of other land use applications. Compliance with MMC 19.700 will be reviewed during the review of the other land use applications.~~

~~d. MMC 19.703.3 establishes applicable safety and functionality standards.~~

~~Any required public facility improvements shall comply with the standards and requirements of MMC Chapter 19.700 and the Public Works Standards. The proposed zone amendment application shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the zone amendment.~~

~~The Planning Commission finds that the proposed zone amendment meets the safety and functionality standards of MMC Section 19.703.3.C~~

- ~~e. MMC 19.704 establishes the appropriate evaluation of impact to the transportation system. A transportation impact study may be required.~~

~~The Engineering Director has determined that the zone amendment application impacts to the transportation system are not significant enough to require a transportation impact study.~~

- ~~f. MMC 19.705 ensures that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development~~

~~The Engineering Director has determined that the zone amendment application does not require providing transportation facility improvements due to the following:~~

~~Metro's regional model, which includes land use scenarios for 2005 (base year) and 2030 (planning horizon year), was used to forecast future conditions for the adopted Milwaukie TSP. The subject property lies within the Metro model's TAZ 627, which during the TSP forecasting process was disaggregated into five smaller zones in order to provide more refined transportation network detail and loading. Sub-TAZ 6271, which contains the subject property, is assumed to have the following land use characteristics in 2005 and 2030:~~

~~2005~~

~~76 households~~

~~18 retail employees~~

~~590 "other" employees (i.e., office, etc.)~~

~~2030~~

~~86 households~~

~~22 retail employees~~

~~795 "other" employees (i.e., office, etc.)~~

~~Sub-TAZ 6271 is bordered by Washington Street, 27th Avenue, Lake Road, and the railroad tracks. It also contains areas designated in the comprehensive plan as Public P (Milwaukie High School), High Density HD, and Town Center TC.~~

~~The Engineering Director finds that the land use assumptions underlying sub-TAZ 6271 are consistent with the Mixed Use C/HD Comprehensive Plan designation of the subject property, allowing for reasonable growth across a mix of residential and employment uses.~~

- ~~g. 19.706 Fee In Lieu of Construction~~

~~As determined in MMC Section 19.705, the proposed zone amendment is not subject to right of way dedication or frontage improvements to mitigate the transportation impacts of the proposed zone amendment.~~

~~The requirements of MMC Section 19.706 do not apply to the proposed zoning amendment.~~

~~h. 19.707 Agency Notification and Coordinated Review~~

~~The proposed zone amendment is within 200 feet of Lake Road, a designated arterial and transit route. Notice of the land use application has been provided to Metro and Clackamas County for review and comment.~~

~~i. 19.708 Transportation Facility Requirements~~

~~The Engineering Director has determined that the existing transportation facilities are adequate to serve the proposed zone amendment.~~

~~j. 19.709 Public Utility Requirements~~

~~The Engineering Director has determined that the existing public utilities are adequate to serve the proposed zone amendment.~~

~~The Planning Commission finds that the criteria of MMC 19.700 are met.~~



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March 14, 2014

Li Alligood
Associate Planner
City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206

Re: Additional Information Re: File ZA-13-02

Dear Li,

NHA wishes to submit the following additional information to include in the record for review by the Planning Commission.

Issue: Implementing Zones for Mixed Use C/HD Comprehensive Plan Designation

The staff power point presentation at the March 11, 2014 public hearing included the following slide:

Key Issue #1: Comprehensive Plan

Comprehensive Plan Designation	Implementing Zones
Low Density LD	R-10, R-7
Moderate Density MD	R-5
Medium Density MED. D	R-3, R-2.5, R-2
High Density HD	R-1, R-1-B
Mixed Use C/HD	?
Town Center TC	R-O-C

Current Designation →

← Current Zone



NHA understands that the Milwaukie Comprehensive Plan is dated. However, we believe that the Plan (map and policies) provides sufficient guidance to find that the R-1-B zone is the appropriate and



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intended implementing zone for the Mixed Use C/HD (C/HD) plan designation and the slide above is causing more confusion than is necessary.

The Comprehensive Plan includes a specific designation for High Density HD residential, along with a specific implementing zone (R-1). The development standards for the R-1 and R-1-B zones are virtually the same in terms of permitted housing types, development standards and minimum/maximum densities. However, there is one important distinction: professional offices are a permitted use in the R-1-B zone but they are a conditional use in the R-1 zone.

Because the C/HD plan designation is clearly identified and described as a Mixed Use plan designation, and only the R-1-B zone allows outright a mix of high density residential and office uses, NHA believes that the slide presented at the Planning Commission hearing should be revised to identify the R-1-B zone as the implementing zone for the C/HD plan designation. As part of a future policy discussion, the City may want to consider whether the High Density HD plan designation should be implemented only by the R-1 zone.

Issue: Applicability of Town Center Master Plan

Map 7 includes two distinct plan designations for the Town Center TC and Mixed Use C/HD designations. The NHA properties are **not** designated Town Center. The Plan clearly states that the R-O-C zone implements the Town Center TC designation for properties outside of Downtown. The R-O-C zone has only been applied to properties with the Town Center TC land use designation (specifically, the Murphy and McFarland sites and a portion of the Providence Hospital Campus).

The plan policies relating to the Town Center Areas **only apply** to areas with the Town Center TC designation on Map 7. Because the NHA properties are not designated Town Center TC on Map 7, the provisions of the Town Center Master Plan are not relevant or applicable. Additionally, as noted in NHA testimony at the March 11th public hearing, Figure 38 of the 1997 Town Center Master Plan is in error because it does not accurately reflect the Mixed Use C/HD plan designation that has been in place on the NHA properties since 1979 and was not changed as part of the 1997 Town Center Master Plan.

I am available at 503-654-1007 x 110 should you have any questions.

Sincerely,

Jonathan Trutt
Housing Director



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Northwest Housing Alternatives Analysis of 2013 CAD Call Data
 Provided by Chief Bartol on 3/13/14

This memo provides additional information regarding the calls for service to NHA owned property in 2013. While the handout provided at the March 11, 2014 Planning Commission hearing and additional details from Chief Bartol regarding this data begin to illustrate dynamics at play, it does not present a full story. A more thorough understanding of this data demonstrates that NHA has had a productive and supportive relationship with the police, and that we work with them to maintain safety at the campus and to hold program participants accountable. In conversations with the prior Police Chief, he indicated that the level of service calls for this property was relatively low compared to other properties in the City with comparable numbers of residents. In total there were 21 calls for service in 2013 reported in the handout. We provide the following observations:

- One address and incident are not our property. 2404 is a property belonging to a neighbor and the incident was not criminal in nature.
- Ten calls related to attempted warrant service resulted in two separate arrests of one individual. We believe that the charges were failure to appear/parole violation. Of the other attempted warrant services, it is unclear whether the subjects were actually program participants. Some of the contacts were conversations with staff to determine if the subject was or was not a participant. Three incidents on the handout referred to warrant services which were cancelled with no police visit to the property.
- There was one arrest stemming from the discovery of an outstanding warrant identified as a result of an unrelated call for service; the individual was charged and released the same day.
- Five of the calls were initiated by staff:
 - 3 were requests for support as we notified participants that their participation in the program was being terminated or to request support to remove trespassers from the property.
 - 1 was staff reporting that drug paraphernalia had been found during a routine room inspection. The participant was terminated from the program. The police were consulted to see if they wished to pursue charges relating to the paraphernalia.
 - 1 was a welfare check to ensure that a resident had not become ill.
- Remaining incidents include:
 - 1 program participant called police for support when threatened by a prior abuser who was not a program participant.
 - 1 suspected burglary was determined to be unfounded.
 - 1 truancy citation was issued.
 - 1 recovered stolen vehicle; program participant bought the car without knowing that it had been stolen; the program participant was not charged.



Memorandum

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Li Alligood, Associate Planner

Date: March 14, 2014

Re: Clarification regarding residential density discrepancies between the Comprehensive Plan and Zoning Ordinance

At the March 11, 2014, Planning Commission hearing on file ZA-13-02, requesting a zone change from Residential Zone R-2 to Residential Zone R-1-B, the Planning Commission requested additional information regarding a discrepancy between the residential densities listed for these zones in the Comprehensive Plan, and the densities listed in these zones in the Zoning Ordinance. Staff has researched the implementing ordinances and the history of these density ranges, and has concluded that they are compatible for the following reasons:

- The current Comprehensive Plan density ranges and Zoning Ordinance density ranges were adopted at the same time (April 6, 1999)
- The Comprehensive Plan density ranges are *net*, while the Zoning Ordinance density ranges are *gross*.
- When the Comprehensive Plan methodology is applied to the Zoning Ordinance density ranges, the numbers are reduced to the Comprehensive Plan density range.

The staff analysis is described in more detail below.

BACKGROUND

The first minimum residential densities were adopted into the zoning ordinance in 1999 in order to implement the Town Center Master Plan. Between 1979 and 1999, the Comprehensive Plan contained a range of residential densities, but did not assign specific zones to them. Zoning Ordinance controlled maximum residential densities by minimum lot size.

Historical Policies

The 1979 Comprehensive Plan was adopted to comply with the Statewide Planning Goals, and was the first Comprehensive Plan officially recognized by the State. This plan added the "Moderate Density" and "Commercial/High Density Mixed Use" land use designation and renamed the

Page 2

“Apartment-Office Residential” land use category “High Density.” It also identified net residential density ranges for these land use designations. These density ranges assumed a reduction of 25% of site area for single-family detached development, and 20% of site area for duplex, rowhouse, or multifamily development.

Table 2. 1979 Comprehensive Plan & Zoning Ordinance Residential Densities

Comp Plan Designation	Comp Plan Net Density (du/ac)	Implementing Zone(s)	Minimum Lot Size (sf)	Zoning Ord Gross Density (du/ac)
Low Density	Up to 6.7	R-10, R-7, R-5	5,000 – 10,000	6.5
Moderate Density	6.8-10.7	R-3	3,750	9.3
Medium Density	6.8-15.0	R-2	2,500	13.9 ¹
High Density	15.1-31.2 du/ac	R-1-B, R-1, R-O-C	1,400	24.8 ²

The 1979 zoning ordinance established the Residential-Office-Commercial Zone R-O-C but did not include minimum or maximum densities for the residential zones; the maximum developable densities in the city were controlled by minimum lot sizes, dimensions, and maximum lot coverage requirements.

The Comprehensive Plan land use densities remained virtually unchanged between 1979 and 1994, with a few exceptions:

- 1984: Residential Zone R-2.5 was adopted to implement the Medium Density Comprehensive Plan land use designation, along with the R-3 Zone.
- 1994: Residential density range for the Regional Center (25-50 du/ac) was added to the Comprehensive Plan upon Milwaukie’s designation as a Metro 2040 Regional Center.

Existing Policies

The apparent discrepancy between the residential density ranges of the Comprehensive Plan land use designations and the Zoning Ordinance was established on April 6, 1999, by ordinances 1854 and 1858.

Ordinance 1858 amended the text of Comprehensive Plan text of Objective #2, Policy 1, to update Table 2; clarify the methodology uses to determine the dwelling unit capacity of the city; and identify the zones that implement the Comprehensive Plan land use designations as well as the net residential density range for each land use designation. Ordinance 1854, adopted at the same hearing, established density ranges for residential zones as well as the Town Center designation of the Comprehensive Plan.

A comparison of the residential density ranges adopted by these ordinances is provided below. Of note is the fact that the High Density Comprehensive Plan and implementing zoning density ranges appear to conflict.

¹ Assumes multifamily residential development, which is permitted outright in the R-2 Zone.

² Assumes multifamily residential development, which is permitted outright in the R-1-B, R-1, and R-O-C zones.

Table 3. Comparison of 1999 Comprehensive Plan & Zoning Density Ranges

Comp Plan Designation	Comp Plan Density Range	Implementing Zone(s)	Zoning Density Range
Low Density	Up to 6.2 du/ac	R-10	3.5 – 4.4 du/ac
		R-7	5.0 – 6.2 du/ac
Moderate Density	6.3 to 8.7 du/ac	R-5	7.0-8.7 du/ac
Medium Density	8.8 to 21.1 du/ac	R-3	11.6 to 14.5 du/ac
		R-2.5	11.6 to 17.5 du
		R-2	11.6 to 17.4 du/ac
High Density and Mixed Use	21.2 to 24.0 du/ac	R-1	25 to 32 du/ac
		R-1-B	25 to 32 du/ac
Regional Center	25 to 50 du/ac	R-O-C	25 to 32 du/ac

The key distinction between the Comprehensive Plan density ranges and the Zoning Ordinance density ranges is that the Comprehensive Plan density ranges are net density ranges. Per Table 2 of the Comprehensive Plan, the net density was calculated including the following reductions:

- Gross vacant buildable land was reduced by 5% to account for future needed schools, local and regional parks, and churches.
- A second gross-to-net reduction of 10% or 20% was made for right-of-way, depending on the size of the lot. Lots of 1 acre or more assumed a 20% reduction; lots between 3/8 and 1 acre assumed a 10% reduction; and lots less than 3/8 acre assumed a 0% reduction.

The staff report for the amendments does not identify any issues or concerns raised during the hearing process, but does recommend adoption of a definition of “net acre” into the zoning ordinance.

ANALYSIS

Because the Comprehensive Plan land use and Zoning Ordinance land use densities conform in all but the High Density areas, this analysis focuses on the R-1 and R-1-B zones.

The gross density range is reached by dividing one acre by the minimum lot size for the high end of the range (e.g. multifamily development) and by subtracting 5,000 sf from the acre (representing single-family detached development and the zoning ordinance requirement that the first lot in the R-1-B zone be at least 5,000 sf,) before dividing by the minimum lot size:

- $43,560/1,400 = 31.1$ du/ac
- $43,560 - 5,000/1,400 = 27.5$ du/ac

This calculation results in a gross residential density range of 27.5 to 31.1 dwelling units per acre. The Zoning Ordinance residential density range for the R-1-B Zone is 25 to 32 dwelling units per acre; the calculated gross densities above fall within this range.

The gross residential densities were then compared with the net residential densities included in the Comprehensive Plan. The methodology for the net density calculations includes the reductions noted above (5% for schools, parks and churches, 10-20% for right-of-way dedication):

- Less than 1 acre (90% gross area): $[(43,560 \times 0.95) \times 0.90 - 5,000]/1,400 = 24.4$
- More than 1 acre (80% gross area): $[(43,560 \times 0.95) \times 0.80 - 5,000]/1,400 = 21.3$

These calculations result in a net residential density range of 21.3 – 24.4 dwelling units/net acre, which is, for the most part, within the Comprehensive Plan net density range for the High Density land use designation.

Table 4. Comparison of Gross and Net Density Calculations by Square Footage

Zone	Min. Att. Lot Size (sf)	Gross Density Range (du/ac)	Zoning Ord. Density (du/ac)	15% ³ Reduction (du/ac)	25% ⁴ Reduction (du/ac)	Comp Plan Density (du/ac)
R-1	1,400	27.5 – 31.1	25 – 32	24	20.1	21.2 - 24.0
R-1-B						

Another method of comparison is starting from a baseline of the Zoning Ordinance density range and calculating the Comprehensive Plan net density range as a percentage based on the methodology described in the Comprehensive Plan. This methodology assumes that development at the lower end of the density range occurs on properties of less than one acre, and that development on the upper end of the density range occurs on properties of greater than one acre.

- R-1-B Zone minimum density: 25 du/ac x 85% = 21.25 du/net ac
- R-1-B Zone maximum density: 32 du/ac x 75% = 24 du/net acre

These densities also fall within the Comprehensive Plan density range for the High Density land use designation.

Table 5. Net Density Calculations as a Percentage of Gross Density

Zone	Min. Att. Lot Size (sf)	Zoning Ord. Density (du/ac)	15% Reduction (du/ac)	25% Reduction (du/ac)	Comp Plan Net Density Range (du/ac)
R-1	1,400	25 – 32	24	21.25	21.2 - 24.0
R-1-B					

CONCLUSION

Using either methodology described above, the *gross* residential density range identified in the Zoning Ordinance and the *net* residential density range identified by the Comprehensive Plan correlate.

³ 5% reduction for schools, parks, and churches plus 10% ROW reduction for properties between 3/8 and one acre.

⁴ 5% reduction for schools, parks, and churches plus 20% ROW reduction for properties over one acre.



MILWAUKIE

Dogwood City of the West

Memorandum

To: Chief Steve Bartol

From: Captain Dave Rash

Date: March 13, 2014

Re: Annie Ross Properties/CAD calls 2013

Chief,

In 2013, we responded to addresses associated with the Annie Ross Properties twenty times. Of those responses, Officers initiated 12 of those calls, neighbors initiated the calls 2 times, tenants initiated the calls 2 times and staff initiated the calls 4 times.

Addresses Contacted:

2316 SE Willard	8	(7 different Individuals)
2316 SE Willard # 5	4	(4 attempts on 1 individual)
2342 SE Willard	1	(Called in by Neighbor unfounded Burglary)
2400 SE Willard	5	(4 different individuals)
2416 SE Willard	1	(1 individual)
11481 SE 25 th	1	(1 individual)

*Note: Some of the warrant attempts were for the same subject at the residences.

Officer initiated calls are broken down by

Warrant Arrests	2	(2 different Subjects)
Warrant Attempts	8	(5 different Subjects)
Recovered Stolen Vehicle	1	
Truancy Court Citation	1	

Neighbors Initiated calls are broken down by

Burglary	1	(Unfounded)
Welfare Check	1	(Confidential Case)

Tenants Initiated calls are broken down by

Domestic Disturbance	1	(Lead to a warrant arrest)
Property Call	1	(Turned in drug paraphernalia)

Staff Initiated calls are broken down by

Threats	2	(2 individuals)
Assist Public	1	(1 individual)
Welfare Check	1	(1 Individual)

From: [Egner, Dennis](#)
To: [Alligood, Li](#)
Subject: FW: Annie Ross
Date: Friday, March 14, 2014 8:40:56 AM
Attachments: [2013 Annie Ross.doc](#)
[Bartol 2013 NW Housing Alternatives.xlsx](#)

From: Bartol, Steve
Sent: Thursday, March 13, 2014 5:07 PM
To: Egner, Dennis; Dion.Shepard (sheparddioni@hotmail.com); ray1bryan2@gmail.com; jean baker (jeanbaker.milw@gmail.com); 'trimble@nwhousing.org'
Cc: Rash, David
Subject: FW: Annie Ross

On the 10th, at the request of the Historic Milwaukie NDA I provided some stats at their monthly meeting regarding calls for service at the NW Housing Alternative Properties (see attached excel spreadsheet). Since then I have received several request for clarification of the particular calls. To that end I asked Capt. Rash to look at the various calls and attempt to help with some perspective (attached word doc). As you will see, although there were 11 attempt warrant services, some of those were multiple attempts for the same person.

Also, I understand from talking with Ms. Trimbal of NW Housing that the one address, 2404 SE Willard, is not their property.

Some of you also asked about disposition codes. Here is a little cheat sheet –

R1 – Report written (Associated with a warrant service, it would likely be a custody report)
R2- Special report written (A report written to document an incident, not necessarily criminal)
W3- Subjects advised (nothing requiring a report, nothing criminal)
Y1 – Field contact Report written (3x5 card documenting who we talked to. Used for those events not rising to the level of a special report, but we want to know who we talked to and where we talked to them)
W1- Assignment completed (when associated with an attempt warrant service, means they tried but no one was there).
CAN – Call cancelled (When related to a warrant service, it means that the Sergeant had dispatch send the call to a printer in the office to be held for later when staffing was better or the call load diminished).
W8- Call handled by another officer (in this case the subject wasn't there and it was referred to another agency where they might be).
S1 – Cannot locate problem (in this case, the subject of the warrant wasn't there)

Hope all this helps.

Steve

Steve Bartol – Chief of Police
Milwaukie Police Department
Office 503-786-7416
bartols@milwaukieoregon.gov

From: Rash, David
Sent: Thursday, March 13, 2014 4:01 PM
To: Bartol, Steve
Subject: Annie Ross

David J. Rash
Captain
City of Milwaukie
3200 SE Harrison Milwaukie, OR 97222
T 503.786.7486 | C 971-563-8367
Public Safety Building 503.786.7400

FBINA Class # 246
Southern Police Institute AOC # 121

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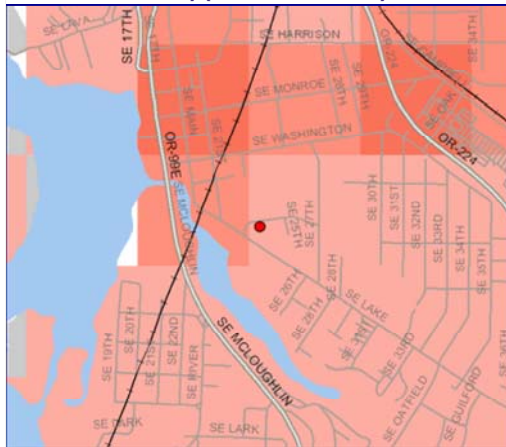
2400 SE WILLARD ST																		
MP130303	MP1300646	ASL	WSV	R1	2400 SE WILLARD ST ,MIL	SAT	2/16/2013	10:06:30	10:08:34	10:08:44	10:08:44	11:57:34	3	50105	1	5996A	2M1	44000
MP130308	MP1300657	UNW	UNW	R2	2400 SE WILLARD ST ,MIL	SAT	2/16/2013	23:20:21	23:20:35	23:20:48	23:22:15	1:15:54	2	50105	1	5996A	1M1	50187
MP130816	MP1301770	AWSV	WSV	R1	2400 SE WILLARD ST ,MIL	WED	5/8/2013	7:12:26	7:14:21	7:14:28	7:18:45	8:06:43	3	50105	1	5996A	2M1	21341
MP1316157		SSC	SSC	W3	2400 SE WILLARD ST ,MIL	SAT	9/14/2013	12:30:30	12:31:05			12:44:12	3	50105	1	5996A		
MP131683	MP1303829	AWSV	AWSV	Y1	2400 SE WILLARD ST ,MIL	THU	9/26/2013	12:14:30	13:08:50	13:09:10	13:13:30	13:15:59	3	50105	1	5996A	2M1	34912
MP131791	MP1304089	SS	RSV	R1	2400 SE WILLARD ST ,MIL	WED	10/16/2013	2:23:01	2:23:01	2:23:01	2:23:01	4:12:40	2	50105	1	5996A	1M90	40689
2316 SE WILLARD ST																		
MP130562	MP1301239	AWSV	AWSV	W1	2316 SE WILLARD #5	SAT	3/30/2013	12:26:39	12:26:39	12:26:39	12:26:39	12:27:37	3				2M1	44000
MP1304692		AWSV	AWSV	CAN	2316 SE WILLARD ST #5 ,MIL	FRI	3/15/2013	13:41:35				16:33:00	3	50105	1	5996A		
MP1305531		AWSV	AWSV	CAN	2316 SE WILLARD ST ,MIL	THU	3/28/2013	15:57:31				19:54:03	3	50105	1	5996A		
MP130555	MP1301215	AWSV	AWSV	CAN	2316 SE WILLARD ST ,MIL	FRI	3/29/2013	10:47:05				10:55:53	3	50105	1	5996A		
MP130646	MP1301429	AWSV	WSV	R1	2316 SE WILLARD ST ,MIL	FRI	4/12/2013	21:07:50	21:07:50	21:07:50	21:11:06	23:49:10	3	50105	1	5996A	3M5	42556
MP1308116		AWSV	AWSV	W8	2316 SE WILLARD ST ,MIL	TUE	5/7/2013	12:39:05	15:15:02	15:15:12	15:18:22	19:36:15	3	50105	1	5996A	3M1	42181
MP131090	MP1302420	AWSV	AWSV	S1	2316 SE WILLARD ST ,MIL	TUE	6/18/2013	16:02:25	20:53:18	20:58:35	21:00:42	21:16:40	3	50105	1	5996A	3M1	20023
MP131105	MP1302450	AWSV	AWSV	Y1	2316 SE WILLARD ST ,MIL	THU	6/20/2013	21:02:59	21:02:59	21:02:59	21:05:59	21:11:46	3	50105	1	5996A	3M5	42556
MP1315760		ASP	ASP	W2	2316 SE WILLARD ST ,MIL	FRI	9/6/2013	14:43:42	14:46:13	14:48:44	14:48:44	14:49:44	3	50105	1	5996A	3M1	42556
MP1316291		THR	THR	W1	2316 SE WILLARD ST ,MIL	TUE	9/17/2013	11:20:43	11:24:35	11:25:16	11:25:16	13:11:50	3	50105	1	5996A	2M1	21341
MP131941	MP1304440	ASP	WCK	R1	2316 SE WILLARD ST ,MIL	MON	11/11/2013	14:16:18	14:17:02	14:17:58	14:20:43	15:26:09	3	50105	1	5996A	3M2	52241
2302 SE WILLARD ST																		
11466 SE 23RD AVE																		
2328 SE WILLARD ST																		
2342 SE WILLARD ST																		
MP1312025		BURJ	BURJ	W3	2342 SE WILLARD ST ,MIL	FRI	7/5/2013	22:56:31	22:56:52	22:57:31	22:59:29	23:22:50	1P	50105	1	5996A	3M2	52261
2416 SE WILLARD ST																		
MP1321816		JUV	JUV	Y3	2416 SE WILLARD ST ,MIL	SAT	12/21/2013	11:31:30	11:31:30	11:31:30	11:31:30	11:40:25	3	50105	1	5996A	2M2	48771
11481 SE 25TH AVE																		
MP1308780		WCK	WCK	W1	11481 SE 25TH AVE ,MIL	FRI	5/17/2013	21:22:44	21:25:22	21:26:09	21:34:18	22:12:32	3	50105	1	5996A	3M5	C2400
2404 SE WILLARD ST																		
MP131585	MP1303546	WCK	WCK	R1	2403 SE MONROE ST ,MIL	SUN	9/8/2013	13:58:14	13:58:20	13:59:03	14:01:07	14:34:39	3	50105	1	5996A	2M2	48771

CrimeMapper

2316 SE WILLARD ST - MILWAUKIE

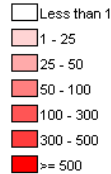
[New Search](#) | [Mapping](#) | [Advanced](#) | [Google Earth](#) | [Help](#) | [PortlandOnline](#)[Explorer](#) | [Property](#) | [Maps](#) | [Projects](#) | **Crime** | [Census](#) | [Environmental](#) | [Transportation](#)
[Summary](#) | [Part 1 Crimes](#) | [Part 2 Crimes - A](#) | [Part 2 Crimes - B](#) | [Sexual Offenders](#)

Total Crime Summary (Previous 12 Months)

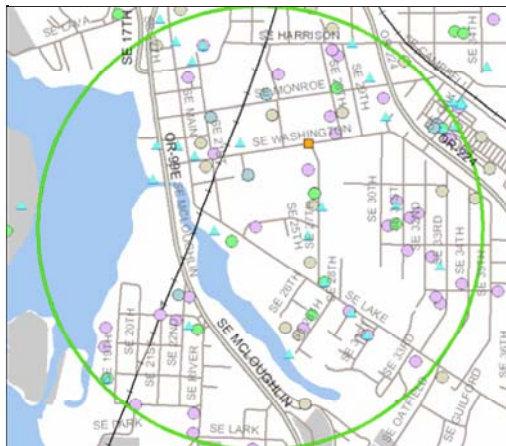


On the left is a map shaded based on the number of total crimes in a half mile grid. Below we've listed crime maps for this area. For more detailed information click on a crime category.

TOTAL CRIME GRID

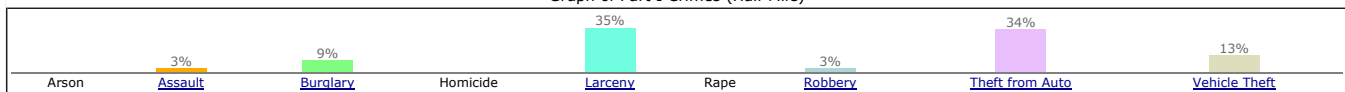


Part I Crimes

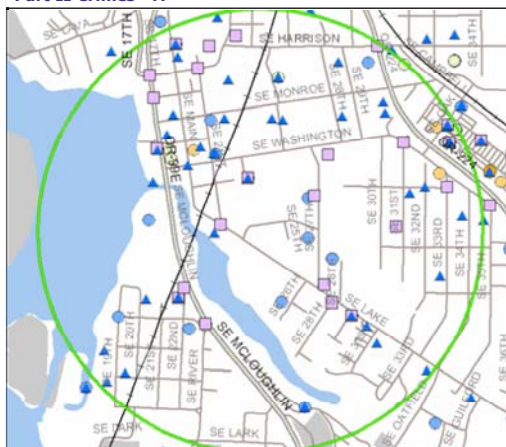


- Arson** - Any willful burning or attempt to burn a building, motor vehicle, aircraft, or personal property of another.
- Assault** - An attack by one person upon another for the purpose of inflicting severe injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or injury.
- Burglary** - The unlawful entry of a structure (both residential and non-residential) with intent to commit a theft.
- Homicide** - The willful (non-negligent) killing of one human being by another.
- Larceny** - The unlawful taking of property from the possession of another; includes pickpocket, pursesnatch, shoplift, and bike theft.
- Rape** - The carnal knowledge of a female, forcibly and against her will. Attempts are included.
- Robbery** - The taking or attempting to take anything of value from a person or persons by force or threat of force.
- Theft from Auto** - The unlawful taking of motor vehicle contents or parts. Note: Theft from Auto (Car Prowl) is a Larceny. It has been separated from the Larceny category to more easily identify where these crimes occur.
- Vehicle Theft** - The theft or attempted theft of a motor vehicle; includes motorcycles.

Graph of Part I Crimes (Half Mile)

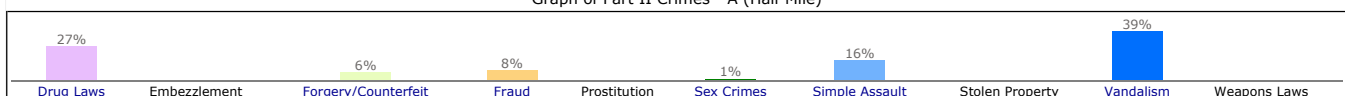


Part II Crimes - A



- Drug Laws** - Offenses relating to the unlawful possession, sale, use, growing, and manufacturing of illegal drugs.
- Embezzlement** - Misappropriation or misapplication of money or property entrusted to one's care, custody, or control.
- Forgery/Counterfeit** - Making, altering, or possessing of a document or negotiable instrument, or signing another's signature, with intent to defraud. Attempts are included.
- Fraud** - Fraudulent conversion and obtaining money or property by false pretenses. Includes identity theft, confidence games and bad checks, except forgeries and counterfeiting.
- Prostitution** - Sex offenses of a commercialized nature, including assisting or promoting prostitution. Attempts are included.
- Sex Crimes** - Statutory rape, sodomy, molest, indecent exposure, and other offenses against common decency. Attempts are included. (Does not include rape or prostitution.)
- Simple Assault** - Assaults and attempted assaults where no weapons are used and which do not result in serious or aggravated injury to the victim.
- Stolen Property** - Buying, receiving, and possessing stolen property, including attempts.
- Vandalism** - Willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without consent of the owner or persons having custody or control. Attempts are included.
- Weapons Laws** - All violations of regulations or statutes controlling the carrying, using, possessing, furnishing, and manufacturing of deadly weapons or silencers. Attempts are included.

Graph of Part II Crimes - A (Half Mile)



Alligood, Li

From: Connie <kilbys@eoni.com>
Sent: Sunday, March 09, 2014 5:13 PM
To: Alligood, Li
Subject: Written Testimony RE: Proposed NW Housing Authority Zoning Change Proposal

Importance: High

Hello Li,

I was given your name/email address to direct any written comments/testimony regarding the above zoning change request. I would like to submit the following testimony however I will also attend the meeting on the 11th to provide additional testimony once I have had a chance to totally digest all of the paperwork that was provided recently. It's pretty overwhelming as a single citizen to put together a coherent and concise response to this proposal when only having a couple of weeks to prepare. I also have other commitments that require my time and attention during the same 2 weeks, so it has been quite a stressor....
 please include this introduction in my testimony. Also, if the formatting is off, please feel free to adjust things for easier reading. Thank you very much.

TO: MILWAUKIE PLANNING COMMISSION

FROM: CONNIE KILBY, HOMEOWNER
 2451 SE Lake Road
 Milwaukie, OR 97222

RE: TESTIMONY IN OPPOSITION TO ZONING CHANGE PROPOSED BY NW HOUSING AUTHORITY

Thank you for the opportunity to offer my testimony in this matter. I apologize for the formatting of this written response. I do not have a word processing program on my computer and so have to provide this in the body of this email.

I have been a homeowner at the above address for approximately 1.5 years. I have been a resident of Clackamas County most of my life. I spent the last 18 years in rural Union County working as a nurse after raising my daughter in Milwaukie and Gladstone in the 80's and 90's. It is a community I was anxious to return to and was happy to find such a lovely community at Townlake Estates on Lake Road.

After living on 160 acres in Union County for 18 years, it was important for me to find a quiet and stable community to settle back here. I am now semi-retired and needed a home that required less upkeep and a closer community atmosphere as I live alone. My family lives close by in Oak Grove. I have an 8 year old grandson with whom I spend a lot of time. He comes to stay with me often and we enjoy walking around Milwaukie to the local merchants, theater and restaurants. During the summer, my family and I enjoy the many activities offered by the Parks and Recreation Department including the Sunday Farmers Market. I am so fortunate to live within walking distance to downtown Milwaukie so I can enjoy these activities from the close proximity of my home.

When I purchased my condominium, I was struck by the close-knit group of homeowners and the long-term status of most of the residents here. This is a 55+ only condominium complex built in 1969. I understand it was originally built

specifically as a condominium complex designed for seniors. I appreciate that it is a single-level, well-built complex with a simple but well-maintained, well-established common courtyard. We have lovely shrubs, flowers, benches and walking paths in our little community.

It feels safe, quiet and settled. Most of the residents here, including myself, are here with the intention of living out our senior years here ... there is little turn-over in these residences. I had no intention of moving again. I believe most of the other homeowners feel the same as we have some residents who are 90 years old and still gardening. There are also many of us in our 60's and 70's who are still very active in the community working and/or volunteering.

I am now enjoying the community and getting involved. I volunteer at the Catholic School nearby one morning a week working with K-4th graders with reading and math. I attend and am involved with the parish there (St. John the Baptist). I recently interviewed and was selected for one of the open seats on the Public Safety Advisory Committee for the City of Milwaukie. I am a member of the Daughters of the American Revolution - Tualatin Chapter - and am getting involved in many civic volunteer activities with youth and citizenship events in Clackamas County. In addition, I continue to work part-time as a Registered Nurse as a camp nurse at CYO Camp Howard in Corbett. I volunteer helping family, neighbors and friends with medical advocacy as they struggle to negotiate the complexities of accessing appropriate medical care. So basically, I'm an involved, committed and productive member of this community and have hoped to continue that involvement.

I recently became aware of the proposed zoning change request by NW Housing Authority which would allow an increased housing density and other changes. While I am continuing to sift through the reams of paperwork about the zoning change, it has become easily apparent that this change would severely and negatively impact the stability and livability of this well-established neighborhood.

The zoning change would allow NW Housing Authority to increase the density of housing units which are directly behind our condominium complex...

within feet of the back patios of some of our home-owners. There are already some housing units owned and operated by NW Housing Authority in that location and I understand there have been on-going issues with that with the current zoning designation. I will let those particular homeowners articulate the specifics of that for themselves, but I do know there have been some problems. I live on the other side of the courtyard and have not had the same issues. But this is a community here at Townlake Estates and what affects my neighbors does concern me. It seems obvious that increasing the housing density in this already densely populated area would be a mistake.

If you look at the map where Townlake Estates is located, you will see that we occupy a relatively small area and there are 15 units here. We are all proud homeowners and live in close proximity to each other. In addition there are several large apartment complexes just blocks up Lake and Monroe Streets which seem to indicate a pretty dense housing situation already. To increase this allowance further, especially with the proposed location literally right on top of us, is unacceptable to me as a homeowner, neighbor, and concerned citizen of Milwaukie.

I have great concerns about the location of the increased density being located directly across from the high school...there is already a traffic issue (foot and vehicle) in this area especially during the bus drop-off/pick-up times of day. Many of the high school students drive their own vehicles and parking is an issue already. In addition, there are 2 elementary schools within blocks of this proposed change. I have many concerns about the amount of activity/traffic/congestion/noise that could result if this zoning change is approved. It could dramatically increase the housing density allowance for this small area which already accommodates a good number of Milwaukie residents.

It does not seem to fit the atmosphere of Historic Milwaukie to have a potential large multi-level apartment complex sticking up right in the midst of the downtown revitalization projects that are occurring. If the zoning change is allowed, there are no guarantees nor any retained control over what the developers would/could build there. Putting office space and large parking areas in that area just seems totally out of character for this beautiful historic area of town.

I do not believe NW Housing Authority has shown they have explored alternative and more appropriate locations in town that are available and would easily accommodate their needs. I also do not believe they have satisfied all of the criteria for the zoning change. I have had a chance to review Mr. Ray Bryan's submitted testimony where he quite thoroughly goes through each of these points specifically and provides excellent documentation for each. I won't repeat the arguments he presents, but would like to go on record as supporting his observations and conclusions.

I have worked as a Public Health/Community Health Nurse for most of my 33 year career. During that time, I have done hundreds of home visits to clients from all socio-economic levels. Many of my clients lived in low-income housing complexes (families, seniors and disabled residents).

I have worked with homeless clients. I understand the need for affordable and dignified housing for this population. I am an advocate for these clients and have no objection to the addition of housing units for this population if there is a demonstrated need for these in our community. I realize this hearing is not about WHAT will be built on the site, but simply a zoning change to increase density and usage. However, it cannot be ignored that we all know what is going to take place if this change is granted. I can tell you from many years experience in 3 different counties.... these high density complexes do not provide dignity to the population they claim to help. My experience has been overwhelmingly negative.

Complexes were poorly maintained, poorly operated, had become run-down with stray animals and litter. The residents are unhappy, degraded and have no investment in keeping their "unit" looking nice. It's a constant uphill battle for these people who truly want to climb out of poverty and into the mainstream culture of their community. By placing all of them in one central condensed area, we are doing them a great disservice. What has seemed to work better is to disperse these units throughout the general community so that they are not "warehoused" in one single location. The residents seem to be happier and more hopeful. The usual issues of noise, stray animals, domestic calls, litter, traffic etc. are greatly reduced when we are able to use creative and humane ways to integrate all of our citizens into one diverse community. I am strongly against "tenement" housing "solutions" for low income residents.

I would like to submit additional comments in the near future, but wanted to get this to you before the hearing this coming week.

In conclusion, I am strongly opposed to this zoning change for the reasons presented above in addition to Mr. Bryan's points. I will continue to oppose this change and will pursue any appeal that is allowed. If that fails, I can honestly say I would be in a position of having to decide whether to remain in this lovely community at Townlake Estates, or begin looking for other options to preserve my current level of comfort and well-being. Pride in ownership is partly dependent on how well the elected officials of a community support their loyal and long-term residents. I am urging you to deny this zoning change request.

Thank you for your consideration and the opportunity to provide testimony on this very important issue.

Sincerely,

Connie Kilby, BSN RN
2451 SE Lake Road
Milwaukie, OR 97222
503-305-8863

Alligood, Li

From: Brionna McMahon <brionnamcmahon@gmail.com>
Sent: Monday, March 10, 2014 5:52 PM
To: Alligood, Li
Subject: Re: Comment on ZA-13-02

To: Milwaukie Planning Commission
Re: NW Housing Alternatives Zoning Change

The NHA invited us to discuss their plans for the restructuring of their property on S E Willard St. on March 5th. In my opinion, they are a group of very intelligent and dedicated people. It is wonderful to meet folks willing to dedicate their careers to helping low income individuals and families into better housing and to work their way out of poverty. Several people on their staff were able to answer neighbors' concerns regarding the zone change in a detailed, knowledgeable, and PROFESSIONAL manner. They are willing to form alliances with neighbors concerning noise, security, or other problems, should they arise.

They have many other properties of this sort in Oregon and have managed them for several years now. Experience is a plus! I'm sure there have been times when they have had to confront issues. (Anyone who has raised children knows it isn't always smooth sailing, especially through those difficult teenage years.) I feel confident that NHA is up to the task of engaging their residents and the public as well. If I, personally, see behavior or a situation that is unacceptable, I will certainly alert someone on their staff. I would entreat my neighbors to engage the NHA in a civil manner when solving problems.

The greater community of any city has an obligation to help organizations like this succeed, especially with the economy we've had as a nation in the past several years. The poor always get hit the hardest in such economies. The rest of us should give organizations like NHA room to expand.

Lou Ann Lee
2449 S E Lake Rd
Milwaukie, OR 97222

Alligood, Li

From: Katie Pate <pastor@milwaukiepres.org>
Sent: Monday, March 10, 2014 11:29 AM
To: Alligood, Li
Cc: 'Jonathan Trutt'; 'Lester Garrison'
Subject: Letter in Support of Rezoning Willard Street from Milwaukie Presbyterian Church
Attachments: Letter in Support of ARH from Milwaukie Presbyterian Church.docx

Follow Up Flag: Follow up
Flag Status: Flagged

10 March 2014

To the Milwaukie Planning Commission,

As neighbors of the Annie Ross House, we the session of Milwaukie Presbyterian Church write in strong support of the proposed rezoning of Northwest Housing Alternatives' Willard Street property in Milwaukie.

Our church witnesses the need for affordable housing in Milwaukie on a regular basis. As a church, we receive requests for rent assistance from Milwaukie residents at least once a week. Our discretionary mission funds are limited, and so the most we can do is direct folks to county services through 211. On Sundays, we often encounter people who live on the streets of Milwaukie and we welcome them into the life and worship of our church. One couple told us they lived in the "swamp behind the Albertsons." Another young man said he lived in a nearby park. This is not an acceptable way for a community to function when NW Housing Alternatives is willing to expand their services to our neighborhood. As a church of volunteers, we cannot provide the necessary assistance and support to the homeless population that an organization like Northwest Housing Alternatives can with their budget backing and professional staff.

For the past few years, our congregation has been a part of the Sheltering Our Neighbor (SON) network of churches that provides emergency overflow housing for families who are on the waiting list for the Annie Ross House. This network is small, and so we have been on deck to host families for three two-week periods since November. Hosting families in a church that is not set up to be a shelter takes a massive amount of volunteer hours. We do not have a budget for this ministry, so all meals for the families in this network are donated by individual families of the church. We are glad to participate in the SON Network because we believe in its mission of keeping families off the street. However, providing this service for two weeks at a time every six weeks or so takes a toll on our volunteers. It is also true that what we are able to provide families is limited. For example, we do not have showers or laundry facilities. We would be delighted to see the Annie Ross House expand and put us out of business as an emergency shelter.

NHA Housing Director Jonathan Trutt met with representatives of our congregation a few months ago and we were delighted to learn more about NHA's plans to rezone the Willard Street property and provide more affordable housing in our neighborhood. We are excited about the new ministry opportunities that an expanded NHA campus might create for our church. Northwest Housing Alternatives has Milwaukie

Presbyterian Church's full support to rezone and expand the vital services they provide to our growing community.

Sincerely,

The Session of Milwaukie Presbyterian Church

Kevin Bixby

Ross Cottrell

David DeVore

Kelley Gutman

Marci Hartson

Claire Hobson

Christopher Jenkins

Cherie Kennedy

Linda Marquam

Mark Neher

Melissa Thomsen

Katie Pate, Moderator

Rusty Garrison, Clerk

5 March 2014

To the Milwaukie Planning Commission,

As neighbors of the Annie Ross House, we the session of Milwaukie Presbyterian Church write in strong support of the proposed rezoning of Northwest Housing Alternatives' Willard Street property in Milwaukie.

Our church witnesses the need for affordable housing in Milwaukie on a regular basis. As a church, we receive requests for rent assistance from Milwaukie residents at least once a week. Our discretionary mission funds are limited, and so the most we can do is direct folks to county services through 211. On Sundays, we often encounter people who live on the streets of Milwaukie and we welcome them into the life and worship of our church. One couple told us they lived in the "swamp behind the Albertsons." Another young man said he lived in a nearby park. This is not an acceptable way for a community to function when NW Housing Alternatives is willing to expand their services to our neighborhood. As a church of volunteers, we cannot provide the necessary assistance and support to the homeless population that an organization like Northwest Housing Alternatives can with their budget backing and professional staff.

For the past few years, our congregation has been a part of the Sheltering Our Neighbor (SON) network of churches that provides emergency overflow housing for families who are on the waiting list for the Annie Ross House. This network is small, and so we have been on deck to host families for three two-week periods since November. Hosting families in a church that is not set up to be a shelter takes a massive amount of volunteer hours. We do not have a budget for this ministry, so all meals for the families in this network are donated by individual families of the church. We are glad to participate in the SON Network because we believe in its mission of keeping families off the street. However, providing this service for two weeks at a time every six weeks or so takes a toll on our volunteers. It is also true that what we are able to provide families is limited. For example, we do not have showers or laundry facilities. We would be delighted to see the Annie Ross House expand and put us out of business as an emergency shelter.

NHA Housing Director Jonathan Trutt met with representatives of our congregation a few months ago and we were delighted to learn more about NHA's plans to rezone the Willard Street property and provide more affordable housing in our neighborhood. We are excited about the new ministry opportunities that an expanded NHA campus might create for our church. Northwest Housing Alternatives has Milwaukie Presbyterian Church's full support to rezone and expand the vital services they provide to our growing community.

Sincerely,

The Session of Milwaukie Presbyterian Church

Kevin Bixby

Ross Cottrell

David DeVore

Kelley Gutman

Marci Hartson

Claire Hobson

Christopher Jenkins

Cherie Kennedy

Linda Marquam

Mark Neher

Melissa Thomsen

Katie Pate, Moderator

Rusty Garrison, Clerk

March 10, 2014

City of Milwaukie
6101 Johnson Creek Blvd.
Milwaukie, OR 97206

Dear City of Milwaukie:

It is my pleasure to write a letter in support of the zone change required of Northwest Housing Alternatives in regards to their proposed campus redevelopment plan. I am aware of the invaluable work the organization has accomplished over the years in providing safe, high quality and affordable housing to our community's vulnerable residents.

As a Milwaukie business owner, I appreciate NHA's contribution to the downtown business community. As a local law practitioner who has seen many clients affected by homelessness, I believe NHA's work in the community is vital. For these reasons, I support NHA's zone change application.

Sincerely,

ROBINSON LAW FIRM, LLC



David L. Robinson
Attorney at Law, Managing Member

March 7, 2014

Bethany Robinson
3236 SE Harvey St., #14
Milwaukie, OR 97222
Bethrob2012@gmail.com

City of Milwaukie
6101 Johnson Creek Blvd.
Milwaukie, OR 97206

To Whom It May Concern:

I would like to offer my support of Northwest Housing Alternatives' campus redevelopment plan. As a professional who has worked in social services realms for close to ten years and a former NHA employee, I have seen firsthand the impact of homelessness on families and communities. And, as a resident of Milwaukie since 2011, I have been faced with the reality that this community is home to children and families who unfortunately do not have a stable *place* to call home. I believe that individuals and families struggling with homelessness as well as the greater community are negatively impacted by the lack of safe, affordable housing. The basic, human need for shelter and the lack thereof causes immediate and trickle down effects that are quantifiable and tragic, particularly for children involved. As a former employee of NHA I was witness to the empowerment that occurs in the lives of those who finally have a place to call home. With stable housing, families can reintegrate into their community in positive, contributive and meaningful ways.

A community of health and vitality is one in which safety and quality of life is pursued for our youngest members to our oldest citizens. In that way, NHA has filled a vital role, providing affordable shelter (transitional as well as permanent homes) to many Milwaukie residents. I support NHA's redevelopment vision which will allow the organization to better serve Milwaukie through increased provision of affordable housing and services to our most vulnerable community members.

Sincerely,

Bethany Robinson, MSW



1928 SE Washington St.

Milwaukie, OR 97222

503-841-0049

www.warriorroom.org

To Whom It May Concern,

My name is Ashley Jensen and I own and operate the Warrior Room in Downtown Milwaukie. As a local business owner I would like to offer my full support for Northwest Housing Alternatives' zone change application.

As a former social worker I understand the value that Northwest Housing Alternatives, the homes they build, and the services they deliver to Clackamas County. Some NHA clients have become patrons of the Warrior Room and I know that their programming has created real change for Milwaukie families living in poverty.

As a small business owner who enjoys NHA residents and staff as clients, I look forward to them expanding their campus and offering affordable apartments in our community.

If you have any questions, please feel free to contact me anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashley Jensen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ashley Jensen

Warrior Room, Owner

P: (503) 841-0049

Email: warriorroom@gmail.com Website: www.warriorroom.org

Received at PC / CC
 Public Hearing
 Date: 3/11/14
 By: L. Althoff

Testimony on behalf of the Historic Milwaukie Neighborhood Association

By Jean Baker, Chair

RE: ZA -13-02 Northwest Housing Alternatives, Applicant

The Historic Milwaukie Neighborhood Association opposes this application for the following reasons.

1. It is out of conformity with the Comprehensive Plan which states a density of 21.0 to 24.0 dwelling units per net acre while the applicant requests 51 for 1.83 acres.
2. It is out of conformity with city planning documents: Town Center Regional Master Plan adopted 12-2-97, its map, land use designation, density, characterization of the area and immediate neighborhood. The density specified in the Town Center map, sub area 5.5 is 12 units per acre with the total development of that section to be no more than 34 units. It describes the R 1 B use, while NOT IDENTIFYING THE SUBJECT PROPERTY AS R 1 B, as having a wide variety of housing units – single family, duplexes, triplexes and row homes and SMALL SCALE business administrative offices.

The applicant has used parts of that plan and discarded others, with no explanation.

3. The Zoning Ordinance has a density range of 25 to 32 dwelling units per acre and is in conflict with the Comprehensive Plan and the Town Center Plan. The applicant seeks 51 units on 1.83 acres
4. We have found city maps, documents, text and density legends to be in conflict. We are unable to understand the mistakes, excuses, and overly complicated plans that have led to the many difficulties in sorting out the plans.
5. We find that the applicant has mischaracterized the neighborhood, the appropriateness of their plan and has sought special exemptions to the city plans without applying for an exemption.
6. The city has recommended that the Planning Commission approve this application even though it acknowledges that the Comp Plan and Zoning are not in agreement. They assert that the Comp Plan is NOT regulatory, but only policy. Their recommendation would seem to say the same thing about the Zoning density numbers.

We believe that if the city is now claiming that the Comp Plan is only policy, they should have Ordered a Type V hearing for a policy change, not a zone change.

Our question for the city is who or what is in charge? How can we work for years on good and supposedly valid, well considered plans, only to get to this point and have the planners tell you and the public that those hundreds of thousands of planning dollars were only 'advisory'.

Forty years ago I heard a Supreme Court Justice ask the Milwaukee City Attorney this :
"Do you expect me to believe that the tail is supposed to wag the dog?" I have to wonder now, what do we have to rely upon if all this is just a recommendation?

- 6: The opposition to this development is based upon our understanding of, and reliance upon adopted city planning documents and what facts we have found that disclose that this applicant is not what you would be made to believe.
- a. The city Police Department finds they have had many police calls to the NWA property
 - b. They have had many fire department calls (both in the last year) The numbers of the Police calls are attachment 1.
 - c. After the shelter was open for 3 years, the city finally required them to have a staff member on sight 24/7. In the shelter business, that is completely irresponsible. As a former shelter manager, I am qualified to say that.
 - d. After 25 years of operation they applied for a permit to build a child's playground on the site. We, as parents, fail to understand that!
7. PARKING

We believe that they project is being permitted without the required numbers of parking spaces, which are one per unit under 800 sq. ft. and 1.25 for units over 800 sq ft. We were unable to get a straight answer from the applicant about who would get to Use the parking lot – tenants or the 40+ tenants. Clearly they are not planning on providing enough spaces for both tenants and employees, even with the coming of the light rail. The spill-over parking will impact our neighborhood. Applicant seems not to know that the parking at the nearby church is already in use for park and ride and when the light rail starts running, any spaces anywhere in the neighborhood will be in short supply, if at all available.

Our request for a Neighborhood Parking Plan has been stalled by the city and will Help, if it is ever began. We wonder if the city is waiting for all the development to occur. While it is in the TSP, we are ignored. Can we assume that this is another discretionary rather than prescriptive planning item.

8. The greatest objection it seems, is to the unnecessary placement of the corporate headquarters within a predominantly residential neighborhood. It would be more appropriate in an area such as Industrial Way, or the Clackamas Town Center. The management of their 1800 units statewide do not fit the character of the neighborhood. It is in keeping with the large new brick office building on Main Street at the north end of town.

Conclusion: This has been a chasing game of Three Card Monty or Wack a mole. The mistakes, errors, misleading, half-truths that have characterized the city and applicant's positions and facts has increased the mistrust and confidence we have in this process. We, as a neighborhood association, have shown our dedication to, and willingness to work for, a city in which we can be proud, feel safe, secure, and enjoy a livable environment - guided by reliable and competent management.

This proposal has hurt that relationship and begs that the city undertake serious work with neighborhoods to have a meaningful part in the planning of our city.

One such idea would be to have a pre-application hearing with applicants, the city and

neighborhood association land use committee members. In this way, there can be more cooperation from all parties with a common understanding of which documents and to what extent, they will be used in evaluating and controlling proposals.

We also have concern that the applicant was allowed to submit only a concept plan and not provide solid information about the proposal. That the only thing about it that qualifies for a Conditional Use review is problematic for us as well. This is blind trust. We have seen from this applicant that that is unwise. It is our experience that when a property owner has wanted a small relief from a planning rule, there was the need for every kind of rendering, including, in one case, nailing and board sizes. In this case, it is a complete mystery what they intend to do with the property, or if they are seeking the zone change to sell the property.

The final problem is that you do not want to accept testimony on anything but the zone change, while there is much about the proposal, applicant's history there, and effect on neighbors that should be included in the record and considered in the decision.

The rules of planning state that social, economic, and environmental issues are to be considered. We are puzzled as to why that is not allowed in this hearing.

We as a neighborhood deserve better than this.

Jean Baker, chair, for the Historic Milwaukie Neighborhood

Voted and approved Monday, March 10, 2014

To Mary Dorman
 From Leona M Yorkston
 24558 E. Lake Rd.

Received at PC / CC
 Public Hearing
 Date: 3/11/14
 By: L. A. Good

Milwaukie, OR 9722-7747

Robert Yorkston and I moved to Oregon
 in September 1949 from Wisconsin, where
 we both were born. Lived in Milwaukie, OR
 ever since.

I now live in one of the 25 Townlike Estate
 Condominiums.

I have three reasons for no zone change
 in this small area.

On Sundays we have 4 large established
 churches that were there when we came 1949.

1 - Milwaukie Presbyterian Church
 24116 E Lake Rd.

2 - Milwaukie Lutheran Church

which was on 23rd until they outgrew
 location, now at 3610 E Lake Rd.

"Annie Ross House" was former Minister's
 home

3- St. for the Baptist Catholic Church
10955 SE 25th Ave.

Archdiocese has now declared this the
Spanish church of area.

4- St John Episcopal Church
2036 SE Jefferson.

5- The Shepar Church - large attendance
Corner of 27th and Willard

Schools

1- Milwaukee High - 23rd
1,400 Students - 75 Teachers and
employee

2- St John Catholic School
190 Students in Kindergarten thru 8th
grade

3- Milwaukee Elementary
27 Street

4- Rome Junior High - Lake Rd

5- Pre Schools at Presbyterian Church

6- Milwaukee Lutheran Church
School buses run 7 AM until 6:30 PM
over

The 3rd problem is Ritz
Rail Station is small
area between McDougall and
Lake Rd.

The Lord Bless us all you too
Thank You

P.S.

Robert Yorkston taught at
Milwaukee High 35 years
1949 to ~~208~~
1984

3 daughters graduated
from Milwaukee High

Alligood, Li

From: jean baker <jeanbaker.milw@gmail.com>
Sent: Friday, March 14, 2014 4:47 PM
To: Alligood, Li
Subject: Additional testimony on ZA-02-13

To Members of the Planning Commission:

Thank you for the opportunity to complete our testimony. The following are points we feel are important to this issue and which we want included in the hearing record for this zone change request.

From Jean Baker, Chair of the Historic Milwaukie Neighborhood Association
 2607 SE Monroe Street, Milwaukie

1. We find the applicant was not truthful in responding to questions by our groups leaders who attended an open house held by NWhA and asked them specifically about 10 police department visits to their property during the last year. We had a list of those calls provided by the Chief of the Milwaukie Police Department provided in February. On March 10, Chief Bartol provided us with an updated list of 21 response calls to addresses of buildings owned and operated by Northwest Housing Alternatives.

When confronted with this list, the manager of the project was able to translate the police code for the type of calls the police made to the properties, meaning reasons for the calls. She did not deny the police presence to the properties at that time, but did not acknowledge them either.

There is a question of management's judgment and discretion regarding residents who have police records. Their response about the issue was vague and non-committal. That could explain why there were 10 calls there regarding warrants using last known address. Criminal activity in the neighborhood is a top priority.

2. Again, at the open house held for the neighborhood, the NWhA staff were asked this question: "We understand you will have over 40 employees and 41 residential units if this proposal is approved, yet only 54 parking places. Today your approximately 25 employees and 14 residential units have a small parking lot. Who will have priority parking in the new facility? The answer was vague. They would not answer if it would be employees or residents. We later learned that they have directed residents to move their cars to the street to provide parking space for employees. This is done on a regular basis.

Over the past many years, there has been bus service to the immediate area with a total of 11 routes which originate in all points of the region in a timely manner both morning, mid-day, late day and at night. While the applicant makes much of the availability of

light rail to serve employees, the shelter and affordable housing we wonder why employees 'bump' residents from the parking lot.

We have difficulty believing that the employees will be any more willing to use light rail than they have been to avail themselves of excellent bus service.

We consider this level of avoidance of facts to be dishonest and unreliable as a basis for accepting their statements as facts.

3. The Town Center Master Plan, adopted by ordinance December 2, 1997 contains maps, charts and text to describe precisely

what was intended for the subject property known as a significant part of subsection 5.5 of that plan. The search we made of the

city records found no identified cancellation, voiding, or replacement for this ordinance, number #1826.

It contains maps beyond the rudimentary hand drawn map shown in the hearing. A complete look at that ordinance will show

EXACTLY what was intended.

We believe this ordinance is still in effect in and of itself and as a component in subsequent plans as it is easily identified

by it's unique shape, location, and map coordinates. We as an official community involvement and land use participant by the

city comprehensive plan regard this plan to be a legitimate and legally adopted ordinance which over the years has been relied

upon in siting future development needs and locations. Both the zoning ordinance and Comprehensive Plan state that the TC

(Town Center Plan) is the base for them.

4. We cannot understand how an adopted ordinance which is still listed as an ancillary plan along with 25 other such plans adopted

to direct the development of the community and considered the roadmap which will be used because they are THE plan.

We are surprised that it was removed from the list of other such documents and placed in another location on the city's website

without explanation. It was only recently removed.

5. While the neighborhood residents and the Historic Milwaukie Neighborhood Association object to the density which exceeds

that allowed by both the TC Master Plan designation for that property, AND that which is permitted by the Comprehensive Plan,

we find even more objectionable and out of character and intrusive into the livability of senior citizens and the neighborhood.

We feel the needless placement of the three story corporate headquarters set down in this location to be a cold, indifferent, and harmful attitude toward our most frail citizens. It is here that we see the difference between corporations and social service agencies which are concerned not only with their clients, but with elderly people for whom the project's intensity poses a threat to their

well being. This corporation owns approximately 1,800 residential units state-wide. We feel that we are taken advantage of by

their desire to place the corporate headquarters in a neighborhood when this corporation which holds many tens of millions of

dollars in property.

It is a very large corporation which intends to continue and increase its pace of growth and development, all from this office in single family home neighborhoods. Their business choice to ruin livability for one group to give low rent or temporary shelter for a few is a contradiction in terms if one were looking for altruistic, charitable, compassionate, responsible or compassionate care. What we see is shrewd manipulation in their corporate motives, and a willingness to be ruthless in reaching their goals.

6. By rules of LCDC, Housing element, we are allowed to consider the social, environmental and economic impacts of development.

In this case, we have identified a social damage to the seniors who would live a mere few feet from their buildings or parking lot. Resale of their condominiums would seem unlikely, with developers the only alternative, furthering the loss of and intrusion into, a single family neighborhood.

Residents have testified as to the noise generated by residents of NWHHA which has caused them stress. Medical research has shown that light, noise, violence, (even observed or heard) causes stress and leads to loss of restorative sleep and consequently, health failures such as heart attacks, and difficulty concentrating and a loss of a sense of well being. This, we believe, is too high a price for developing this property to levels over whose which are stipulated to be lower in the Comprehensive plans and the confused density in the zoning ordinance which has no direct comparison in either Comprehensive Plan.

There would be light from cars in the parking lot, just a few feet from the condominiums along with noise. These two things have a profound effect on the health of seniors, even more than younger people.

7. We believe a moratorium should be called on issuance of approvals for zone changes or comprehensive plan changes until the documents can be coordinated in a legal and beneficial manner for the citizens of Milwaukie. This cannot be a serious problem for the applicant in that they have stated that they do not intend to develop for a year or two. They are in no hurry!

8. The applicant has agreed to a Good Neighbor Agreement which would address neighborhood concerns but failed to provide that assurance to the Planning Commission at the March 11 hearing. Part of the concern is about the type of background screening which would provide better assurance to neighbors that felons are not admitted to residency. We are informed by a federal housing program of the same type as NWHHA that federal standards are tighter, that felons are NOT permitted to stay.

This may be illustrated by a NWHHA resident telling a neighbor that its tenants could be 'written up' for a parent leaving the community room with a small child to be put to bed, leaving a 14 yr old youth for a few minutes. The NWHHA staffer explained the write-up was

because "you never know if a pedophile will be in here to harm your older child"

9. We consider the Town Center Plan and parent Comprehensive plan to be controlling documents, with the most restrictive the final word. This was the message to Milwaukie in 1973 when the Supreme Court found that our documents, duly adopted DO control, and the zoning ordinance IS NOT THE CONTROLLING DOCUMENT.

10, The numbers used for density range in Comprehensive plans and the TC Plan, are indeed prescriptive and not discretionary.

.
11. The city needs to do a re-do with density numbers so that there is a comparison possible in designations. As it is, it is chaotic, confusing, and unworkable.

12 We cannot stand land use planning law on it's head. The rules are long established, and the city has no legal right to reverse the process just because they feel pressured. - or for any other reason.

Alligood, Li

From: Connie <kilbys@eoni.com>
Sent: Saturday, March 15, 2014 7:27 PM
To: Alligood, Li
Subject: NW Housing Alternatives Public Testimony

Importance: High

Hello again Li,

I am sending this additional testimony after yet another night of poor sleep thinking about this whole thing. I plan to visit some of their other sites soon and get some pictures of how they have "fit in" to the local neighborhoods in other areas. Also, no one has bothered to take any accurate pictures of Townlake Estates which is located directly behind this proposed zone change. All you saw at the hearing was a partial picture of our parking garages. This is hardly an accurate portrayal of the "neighborhood" in which they plan to develop with a 3-story complex to include office space for their entire statewide organization with a parking lot to apparently accommodate all of these additional staff and residents.

If you recall, at the very end of the public hearing, one of the planning commissioners asked them if the increased staff was due to expansion of the agency or were they moving existing staff to the Milwaukie location. I believe the answer was "we plan to make Milwaukie our central operating location" for entire statewide agency. Why do they need to make Milwaukie their central staffing location? Is it because there are no other neighborhoods who will allow this type of development just to accommodate their convenience? I can see how the staff would love to have access to a nice quiet community location in which to work...and to have the convenience of hopping on the new light rail to and from their places of residences. I am also certain that none of these staff members live anywhere close to a 3 story low income housing complex. Just a thought.

I am feeling like the planning commission will simply rubber-stamp this request and the loyal and long-time homeowners of the neighborhood will just be ignored. No one has asked to come and walk through our 15 residence complex to see how NW Housing Alternatives would "fit in". We are happy to provide a tour of our very quaint and quiet homes. We have a lovely courtyard with shrubs, flowers, a gazebo and walking paths. We garden and share in the upkeep of the well-kept complex. The other lovely homes in the area are equally well-kept and landscaped. There are families and retired people; craftsman style homes and some ranch-style homes. The many large apartment complexes along Lake Road are (as I stated in my public testimony) situated so that they do not appear from the road to be multiple-story because of the slope of the property. What appears from the road is a nice low-profile complex with mature landscaping. All of them fit well into the feel of this neighborhood.

The apartment complexes located above the high school are also built on a sloping area so that when walking or driving along that road you do not see a high-rise apartment complex. Has anyone gone out and surveyed the look of the neighborhood in question? This applies directly to one of the main qualifying criteria for the zone change: 1A: Compatibility with current neighborhood.

I heard one of the applicants state (rather rudely) that the zoning as it stands now would still allow them to build a 3 story complex if they so chose. I realize that; however, if the density allowance is not granted, it would be unlikely they would do so. The only reason to build a higher rise building would be to accommodate the increased density they are seeking. If they do not obtain the zoning change, the most they might do is tear down the existing (and lovely) homes already there and build perhaps a two-story structure or a group of cottage-style units both of which would be a much better fit for this area of Milwaukie. But a 3+ story structure on a lot with no slope? It would stick out and be an eyesore no matter what kind of facade they came up with.

My feeling is that they are simply wanting to increase their ability to rent to low income people regardless of where they currently live. The population would be transient. Even the 2 women who testified at the hearing said they no longer live in Milwaukie. They utilized the Milwaukie housing, but chose to locate elsewhere after they were able to support themselves independently. Is this what we will have to look forward to?

I have looked at their website and seen that they provide a lot of nice low income senior housing complexes in nicer neighborhoods in the Hawthorne and Lake Oswego areas. The slides that were shown at the hearing may have been pictures of those complexes rather than the low income and homeless shelter housing that they are proposing in this proposal.

Again, I realize this is a zoning change request, but everyone on both sides have been discussing the planned usage interchangeably throughout this process. So I feel I am justified in doing the same. Even sticking strictly to the zoning change criteria, it is obvious they do not adequately meet them. The traffic situation has not been addressed. The conflicting zoning vs Comprehensive Plan regulations have not been clarified. And most important, they have not shown that this zoning change would fit into the existing neighborhood.

I will submit additional testimony up until the cut-off date, but I wanted to get this written to the commission so that maybe I can get a little sleep tonight! I don't believe people realize how much these kinds of things can create increased stress on people. Again, one of the petitioners made a condescending comment about how "change is always difficult for people" But that is a rather simplistic, dismissive and insulting way of trying to explain the outpouring of opposition to this zoning change. We are intelligent, well-educated and involved residents of this community. A young up-and-coming planning associate is in no position to speak for us. I do hope the commission will give some serious consideration to the valid points that were raised at the hearing as well as any additional testimony that is submitted this week.

Again, I apologize for the formatting of this testimony. I do not have a compatible word processor on my laptop and must submit my testimony in the body of this email. Please feel free to reformat if needed. And I welcome any questions from the Planning Commission as well as a visit to Townlake Estates.

Sincerely,

Connie Kilby, BSN RN
2451 SE Lake Road
Milwaukie, OR 97222
503-305-8863

Alligood, Li

From: jean baker <jeanbaker.milw@gmail.com>
Sent: Monday, March 17, 2014 3:33 AM
To: Alligood, Li
Subject: Zone Change for NWHHA

Additional point brought up:

please add this to the record.

It has been discovered by our land use committee that the city attorney based his opinion on the appropriateness of the Type III hearing on the requirement for a Comprehensive Plan Change rather than that which should be required for a zone change.

Jean Baker
chair, Historic Milwaukie Neighborhood District Association

Alligood, Li

From: jean baker <jeanbaker.milw@gmail.com>
Sent: Monday, March 17, 2014 3:58 PM
To: Zumwalt, Ed (PemCZum@comcast.net); Ray Bryan; k1ein23@comcast.net; Alligood, Li
Subject: Fwd: Additional testimony on ZA-02-13

----- Forwarded message -----

From: **jean baker** <jeanbaker.milw@gmail.com>
 Date: Mon, Mar 17, 2014 at 3:48 PM
 Subject: Re: Additional testimony on ZA-02-13
 To: maria shepard <sheparddioni@hotmail.com>, jean baker <jeanbaker.milw@gmail.com>

All of my comments to the Planning Commission are on behave of the Historic Milwaukie NDA.

.

From Baker v. Milwaukie, Oregon Supreme Court, 1972
 referenced on line at: www.leagle.com/decision/19751305533P2d772_11276

While the Justice's explanation of the ruling is long and legally sophisticated, it gets to the heart of the matter with this:

"The position of the city planner evidences a fundamental misunderstanding of the relationship between planning and zoning" and goes on to about half a dozen examples in Oregon history from 1919 to the then recent Fascano case in Washington County settled just ahead of mine, which illustrated the courts solid support of zoning used to implement comprehensive plan

We realize that many things have occurred in land use planning over the years, but we cannot believe that our Oregon and the passionate care devoted to preserving it as a safe, livable, healthy and socially supportive place would be allowed to wither by turning our planning into a cart pulling a horse relationship.

If the City were to prevail in this effort we can count on the continued dependence upon zoning to determine what ever the city would like to do without regard to it implementing a 'well considered plan'. The proof of that belief is shown by the fact that now, in this zone change recommendation, the City has ironically, for the second time, arrived at the same opinion that lead to the Baker v. Milwaukie case in the Oregon Supreme Court (sited above). The facts are materially the same. The city had then, as now, a conflict between the zoning ordinance and the comprehensive plan. and determined that the zoning ordinance would control density of the subject property.

The circumstance today is slightly different in that the applicant, through their professional planning consultant, has long discussed their project with city officials. They have had time to recognize the conflict and move to correct it, but they have chosen not to do that, but instead, to recommend approval of the zone change

while at the same time acknowledging that there is a conflict the original on has not had a comprehensive amendment for 26 years and the ancillary document (the Town Center Regional Master Plan) adopted in 1997. The zoning ordinance exceeds the allowable density and use of both Comprehensive Plans. We do appreciate that the assigned planner openly acknowledged the conflict on the same page as the recommendation to follow the density of the zoning ordinance.

We believe that as an official neighborhood citizen participation organization, sanctioned by the City of Milwaukie, and who's job is identified in our city-authored by-laws as official participants in land use issues for the city, we must be able to rely upon the city to provide accurate documents for us to evaluate and comment upon and that the city honor the laws of Oregon and the decision of the Oregon Supreme Court in putting forth land use proposals and recommendations for approval by our Planning Commission and City Council.

We are prepared to challenge any decision which places zoning as the controlling document while we are also astonished that it needs to be done a second time.

Jeannette I. Baker (Jean Baker)
Chair, Historic Milwaukie Neighborhood Association
2607 SE Monroe Street
Milwaukie, Oregon 97222

On Mon, Mar 17, 2014 at 8:34 AM, Alligood, Li <AlligoodL@milwaukieoregon.gov> wrote:

Thank you Jean, I have received your comment. It will be included in the Planning Commission packet for the 3/25 hearing.

A clarification – is this your personal testimony, or are you submitting it on behalf of the land use committee or NDA?

Thanks,

Li Alligood, AICP
Associate Planner

City of Milwaukie
6101 SE Johnson Creek Blvd | Milwaukie, OR 97206
T [503.786.7627](tel:503.786.7627) | F [503.774.8236](tel:503.774.8236)
Community Development [503.786.7600](tel:503.786.7600)

Join us on the [web](#), [facebook](#) and [twitter](#)!

From: jean baker [mailto:jeanbaker.milw@gmail.com]

Sent: Friday, March 14, 2014 4:47 PM

To: Alligood, Li

Subject: Additional testimony on ZA-02-13

To Members of the Planning Commission:

Thank you for the opportunity to complete our testimony. The following are points we feel are important to this issue and which we

want included in the hearing record for this zone change request.

From Jean Baker, Chair of the Historic Milwaukie Neighborhood Association

2607 SE Monroe Street, Milwaukie

1. We find the applicant was not truthful in responding to questions by our groups' leaders who attended an open house held by NWHHA and asked them specifically about 10 police department visits to their property during the last year. We had a list of those calls provided by the Chief of the Milwaukie Police Department provided in February. On March 10, Chief Bartol provided us with an updated list of 21 response calls to addresses of buildings owned and operated by Northwest Housing Alternatives.

When confronted with this list, the manager of the project was able to translate the police code for the type of calls the police made

to the properties, meaning reasons for the calls. She did not deny the police presence to the properties at that time, but did not

acknowledge them either.

There is a question of management's judgment and discretion regarding residents who have police records. Their response about

the issue was vague and non-committal. That could explain why there were 10 calls there regarding warrants using last known

address. Criminal activity in the neighborhood is a top priority.

2. Again, at the open house held for the neighborhood, the NWHHA staff were asked this question: "We understand you will have

over 40 employees and 41 residential units if this proposal is approved, yet only 54 parking places. Today your approximately 25

employees and 14 residential units have a small parking lot. Who will have priority parking in the new facility? The answer was

vague. They would not answer if it would be employees or residents. We later learned that they have directed residents to move

their cars to the street to provide parking space for employees. This is done on a regular basis.

Over the past many years, there has been bus service to the immediate area with a total of 11 routes which originate in all points of

the region in a timely manner both morning, mid-day, late day and at night. While the applicant makes much of the availability of

light rail to serve employees, the shelter and affordable housing we wonder why employees 'bump' residents from the parking lot.

We have difficulty believing that the employees will be any more willing to use light rail than they have been to avail themselves of

excellent bus service.

We consider this level of avoidance of facts to be dishonest and unreliable as a basis for accepting their statements as facts.

3. The Town Center Master Plan, adopted by ordinance December 2, 1997 contains maps, charts and text to describe precisely

what was intended for the subject property known as a significant part of subsection 5.5 of that plan. The search we made of the

city records found no identified cancellation, voiding, or replacement for this ordinance, number #1826.

It contains maps beyond the rudimentary hand drawn map shown in the hearing. A complete look at that ordinance will show

EXACTLY what was intended.

We believe this ordinance is still in effect in and of itself and as a component in subsequent plans as it is easily identified

by its unique shape, location, and map coordinates. We as an official community involvement and land use participant by the

city comprehensive plan regard this plan to be a legitimate and legally adopted ordinance which over the years has been relied

upon in siting future development needs and locations. Both the zoning ordinance and Comprehensive Plan state that the TC

(Town Center Plan) is the base for them.

4. We cannot understand how an adopted ordinance which is still listed as an ancillary plan along with 25 other such plans adopted

to direct the development of the community and considered the roadmap which will be used because they are THE plan.

We are surprised that it was removed from the list of other such documents and placed in another location on the city's website

without explanation. It was only recently removed.

5. While the neighborhood residents and the Historic Milwaukie Neighborhood Association object to the density which exceeds

that allowed by both the TC Master Plan designation for that property, AND that which is permitted by the Comprehensive Plan,

we find even more objectionable and out of character and intrusive into the livability of senior citizens and the neighborhood.

We feel the needless placement of the three story corporate headquarters set down in this location to be a cold, indifferent, and harmful attitude toward our most frail citizens. It is here that we see the difference between corporations and social service agencies which are concerned not only with their clients, but with elderly people for whom the project's intensity poses a threat to their

well being. This corporation owns approximately 1,800 residential units state-wide. We feel that we are taken advantage of by

their desire to place the corporate headquarters in a neighborhood when this corporation which holds many tens of millions of dollars in property.

It is a very large corporation which intends to continue and increase its pace of growth and development, all from this office in

single family home neighborhoods. Their business choice to ruin livability for one group to give low rent or temporary shelter for

a few is a contradiction in terms if one were looking for altruistic, charitable, compassionate, responsible or compassionate care.

What we see is shrewd manipulation in their corporate motives, and a willingness to be ruthless in reaching their goals.

6. By rules of LCDC, Housing element, we are allowed to consider the social, environmental and economic impacts of development.

In this case, we have identified a social damage to the seniors who would live a mere few feet from their buildings or

parking lot. Resale of their condominiums would seem unlikely, with developers the only alternative, furthering the loss of and

intrusion into, a single family neighborhood.

Residents have testified as to the noise generated by residents of NWA which has caused them stress. Medical research has

shown that light, noise, violence, (even observed or heard) causes stress and leads to loss of restorative sleep and consequently,

health failures such as heart attacks, and difficulty concentrating and a loss of a sense of well being. This, we believe, is too

high a price for developing this property to levels over whose which are stipulated to be lower in the Comprehensive plans and

the confused density in the zoning ordinance which has no direct comparison in either Comprehensive Plan.

There would be light from cars in the parking lot, just a few feed from the condominiums along with noise. These two things have

a profound effect on the health of seniors, even more than younger people.

7. We believe a moratorium should be called on issuance of approvals for zone changes or comprehensive plan changes

until the documents can be coordinated in a legal and beneficial manner for the citizens of Milwaukie. This cannot be a serious

problem for the applicant in that they have stated that they do not intend to develop for a year or two. They are in no hurry!

8. The applicant has agreed to a Good Neighbor Agreement which would address neighborhood concerns but failed to provide

that assurance to the Planning Commission at the March 11 hearing. Part of the concern is about the type of background screening which would provide better assurance to neighbors that felons are not admitted to residency. We are informed by a federal housing

program of the same type as NWA that federal standards are tighter, that felons are NOT permitted to stay.

This may be illustrated by a NWA resident telling a neighbor that it tenants could be 'written up' for a parent leaving the community

room with a small child to be put to bed, leaving a 14 yr old youth for a few minutes. The NWA staffer explained the write-up was

because "you never know if a pedophile will be in here to harm your older child"

9. We consider the Town Center Plan and parent Comprehensive plan to be controlling documents, with the most restrictive

the final word. This was the message to Milwaukie in 1973 when the Supreme Court found that our documents, duly adopted

DO control, and the zoning ordinance IS NOT THE CONTROLLING DOCUMENT.

10, The numbers used for density range in Comprehensive plans and the TC Plan, are indeed prescriptive and not discretionary.

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11. The city needs to do a re-do with density numbers so that there is a comparison possible in designations. As it is, it is

chaotic, confusing, and unworkable.

12 We cannot stand land use planning law on it's head. The rules are long established, and the city has no legal right to

revers the process just because they feel pressured. - or for any other reason.

PUBLIC RECORDS LAW DISCLOSURE: This email is a public record of the City of Milwaukie and is subject to public disclosure unless exempt from disclosure under Oregon Public Records law. This email is subject to the State Retention Schedule.

MILWAUKIE SUSTAINABILITY: Please consider the impact on the environment before printing a paper copy of this message.

Alligood, Li

From: Connie <kilbys@eoni.com>
Sent: Monday, March 17, 2014 5:38 PM
To: Alligood, Li
Subject: Photos of Townlake Estates for Public Testimony

Importance: High

To Members of Planning Commission of Milwaukie in opposition to zoning change proposed by NWA:

Please add these pictures and comments to the public testimony in opposition to zoning change proposal based on Criteria 1a and perhaps 1b and 1c.

Criteria #4 may also be an issue in light of the traffic situation. The only outlet for traffic from the proposed Willard Street site is SE 23rd onto SE Lake Road which is also where the High School buses come and go at peak times of the day. In addition, there will be anticipated increased traffic on Lake Road (foot, bicycle, auto) with light rail coming soon. Lake road has a rather blind corner as it exits downtown and heads out of town. The corner is less than one block from the outlet of SE 23rd and would appear to be a dangerous place for increased traffic attempting to enter or exit Lake Road which is a major arterial.

I am attaching some photos of our 15 unit condominium complex at Lake Road. There may be some confusion about the entrances. We have access from both Lake and Willard Roads as there are parking garages for each unit located on each side of the complex. The Willard Road access is for residents only and has a locked gate into the common courtyard to prevent people from using it as a short-cut through our courtyard.

Pictures are described below:

016.jpg: Lake Road Entrance to Townlake Estates. Initially you enter the parking/garage areas then walk into the courtyard area.

017.jpg: View from Lake Road Entrance toward courtyard entrance area

018.jpg: Entrance into courtyard area

020.jpg: Partial view of central courtyard area

010.jpg: Additional view of central courtyard with view of one section of condominiums (3 units)

021.jpg: View of 4-unit section of complex

007.jpg: View of courtyard and 3-unit section of complex

002.jpg: VIEW OF 3-UNIT SECTION OF COMPLEX LOCATED DIRECTLY BEHIND NWA PROPERTIES

001.jpg: BROADER VIEW OF 3-UNIT SECTION OF COMPLEX LOCATED DIRECTLY BEHIND NWA PROPERTIES

009.jpg: View from courtyard to Willard Street bank of garage/parking areas (this is similar to photo shown at public hearing of "Townlake Estates" except no units or courtyard areas were shown in that photo.) This bank of parking garages is located next to the NWA properties.

004.jpg: View from condominium units directly behind NWHHA properties towards central courtyard and adjoining condominium sections.

011.jpg: View of central courtyard with gazebo used for relaxing, reading, guests, gatherings.

013.jpg: Additional view of central courtyard/gazebo from Lake Road entrance into Townlake Estates walking paths.

The 15 unit complex is configured in a triangular shape around the central courtyard. There are 5 sections of 3-4 units each. It is an area that is not spacious, but very cozy, quiet and well-kept/maintained. The sections are situated so that most residents are not looking directly into another unit across the courtyard, but placed at different angles to offer views of trees or garden areas. It was well designed to optimize communal living while minimizing the feeling of living in close proximity to others. Senior residents use the walking paths for exercise and communal gardening. The benches and gazebo are well used for resting, relaxing, reading and socializing with friends, family and other residents.

One of our residents is blind and has been able to walk independently (with white cane) from her unit directly across Lake Road to the Presbyterian Church. Increased traffic will make this quite dangerous for her in the future.

We welcome visits to our complex by any members of the Planning Commission or staff of NWHHA to see the lovely living situation we have here at Townlake Estates.

I feel that the livability of this long-standing living complex will be greatly impacted by the increased density and office use capabilities proposed by the zoning change request. I would like to add this to my previous testimony to support those comments as well.

Sincerely,
Connie Kilby
Townlake Estates
2415 SE Lake Road
Milwaukie, OR 97222
503-305-8863









March 17, 2014

To the Planning Commission:

Below is copy of my testimony from March 11th meeting. I regret that the topic of discussion seemed to get lost on “below market rate” housing. If that is still an issue for any of you, a visit to this web page will show both the documentation for the high school’s fund raising letter I mentioned, and the disproportion of students in poverty or at risk of poverty in the Milwaukie High boundary.

http://www.ortop.org/Documents/SCH_2012_FreeReducedLunchReferenceTable.pdf

I still maintain that because there are no development plans attached to this application their concept plan is irrelevant. I don’t know why the staff presentation included the density and other statistics based on the concept plan. What is appropriate is what the zoning change will allow.

I thank you for leaving the testimony open. You have now idea how frustrating it is to be given 5 minutes to respond to so many ordinances and then have to sit down and listen to someone say you are not telling the truth with no recourse. Thanks Lisa for being flexible with the time.

Ray Bryan

Below is roughly what I said on Tuesday

I would like to express my appreciation to the staff at the City of Milwaukie, Li in particular. She is always quick to respond and has followed up on every question.

You the Planning Commission for spending your time reading and researching, this and many other applications and projects, including the residential design standards.

Finally I would like to express my appreciation to NHA for their work supporting the homeless and soon to be homeless families.

I am asking you to say no to this application. I do believe it meets the criteria in the zoning code.

My Four Top Issues

1 Clearance or deconstruction of single family homes and duplexes replaced by three story buildings that will not fit in with the surrounding area. Now understanding the zoning change criteria this clearance and new development will give evidence and support to the next zoning change. I personally would not want to live in the shadow of a 3story apartment building or next to a busy parking lot, especially one in the back of my house.

2 Giving a zone change that will basically double the density currently allowed, and permit up to 50% of the area to be office/business use with no development plans attached to the application.

3 Changing the zoning with out addressing the impacts zone change will have on the volume and safety of vehicle, bicycle and pedestrian travel in the area.

4 The absence of zoning criteria that asks how the zone change and development will impact the livability and quality of life for those already living in the area.

[The applicant is not submitting any development plans with this application. I believe the planning commission should consider all potential R1-B uses and development when determining if this meets the criteria for a zoning change. The](#)

R-1-B zoning will allow up to 50% of the development to be office/business use. I use the term office/business because of the definition of office in Milwaukee city code

Office:

“Professional and administrative office” means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

This “other” leaves open a wide, variety of uses possibly tanning, nails, tattoo, fitness, yoga, martial arts etc. Some of the allowed uses could active during early and late hours; some could generate a significant number of trips.

Before I get started on the criteria there are some errors that should be corrected. I am writing this before the hearing so please forgive if this was done in the staff presentation.

In several places the application reads “Both the current R-2 zoning and the R-1-B zone implement the Mixed Use/High Density Comprehensive Plan Designation therefore a Plan amendment is not needed for this zone change request”

I agree that the applicant does not need to make a Comp Plan map amendment for this application because map 7 designates this area to be mixed use.

However, the current R-2 zoning is described in the Comprehensive Plan text as medium density. The current R-2 does not implement the Mixed Use/High Density Comprehensive Plan Designation. This error is repeated several times in this application, even by the transportation experts.

Page 76 of the packet for tonight’s hearing includes an email dated February 18th, stating the city attorney’s confirmation that this should be a type III review. NDA comments were due 6 days earlier on the 12th of February. I understand why the type III review was chosen. In the future I think it would be good to send them the reasoning out at the same time the application is sent to the NDA’s for review. Same for supporting documentation on the engineering director’s decision not to require a traffic study.

Finally I would like to briefly address the low income comment in the staff report. It is true that there have been voices of concern over it. My take on the conversation is not whether we like or want low income, many of us are, have been, or will be low income. The discussion is how much in any one are, or school attendance boundary is appropriate.

Now for my comments on the criteria

Section 2: Zoning Map Amendment Approval Criteria

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met. A legislative map amendment may be approved if the following criteria are met:

1. The proposed amendment is compatible with the surrounding area based on the following factors:

- a. **Site location and character of the area.**
- b. **Predominant land use pattern and density of the area.**
- c. **Expected changes in the development pattern for the area.**

The proposed amendment is not compatible with the surrounding area. The applicant is not submitting any development plans. It would allow up to 50% of the development to be office and business use. It would require that the density be increased and would allow the density to nearly double.

The character of the area including the R-1-B zoning across Lake Rd is residential, one and two story buildings, single family, duplexes, condos, and apartments. There is one house that I am aware of at 27th & Lake Rd being used as an office, and a commercial building on Lake Rd.

The map that the city of Milwaukie included in the staff report showing additional commercial uses on the south side of Lake Rd is in error.

As stated by the applicant the site is located on the south side of Willard Street from Milwaukie High, Willard as well all the streets adjacent to the NHA property are classified as local streets, the lowest designation in the code. Just a few blocks to the northeast is Milwaukie Elementary/El Puente School. Traffic and parking are already issues in the area with the current uses of the sight.

At this point it would be good to think about what is the area. Is the area the entire Historic Milwaukie NDA? Everything within ¼ mile? Is the area a block or two in each direction? Or is the area the neighborhood that unfolds as one leaves the downtown on 21st and travels east on Lake Rd. I suggest that the medium density character of our neighborhood begins as one travels east on Lake Rd.

Expected changes..... There are several properties throughout the City of Milwaukie that are looking for development. These sites have sat vacant or underdeveloped for years. The staff report indicates that several properties in the downtown area are looking to redevelop. Getting to know many of the residents near the NHA sight, none that I know plan on redeveloping their property. In fact one property was offered to join this zoning change application but declined.

2. The need is demonstrated for uses allowed by the proposed amendment:

The applicant has shown that they need a better shelter environment, more office space for their 28 employees, and the applicant has stated that there is a need for more affordable housing based on Clackamas County vacancy rates. The proposed amendment will not allow the shelter outright so that need is not met.

Additional office space could be built with the current zoning under a conditional use. 12,000 is a lot of space for 28 employees, they may be planning to lease some out.

NHA all ready owns and manages affordable housing through out the county and state. I do not think they have demonstrated that their office space needs to be in this location.

I am thinking that they could be a key component in revitalizing one of the many opportunity sites around Milwaukie.

To their defense they will say that shelter staff, need to be in the same location as fund raising, accounting, and management of the 1700 off site units. This may be an ideal situation for them but it does not trump the impacts this zone change will have on the nature of the surrounding area and the livability of those who live nearby.

.3. The availability is shown of suitable alternative areas with the same or similar zoning designation:

After consulting with Milwaukie planning staff the best interpretation of this poorly worded code is that the applicant needs to show that there are no other suitable alternatives to this application.

There are several opportunity sites in Milwaukie begging for development. The shelter component will need a community service use regardless of where it is built. I do not accept that all these functions need to be in one location, and that there are not suitable other locations.

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for proposed amendment.

The zoning change they are requesting intensifies the use of the property.

According 19.302.4 of the Milwaukie Municipal Code zoning R1-B has a minimum density of 25 units per acre, a requirement higher than the maximum density of 17.4 units per acre allowed under the current R2 zoning. In addition there is a provision for a 15% density bonus if certain requirements are met.

We know at current use of the area, (not the R-2 build out) at times the local and neighborhood streets are crowded and precarious. They are filled with people driving to work, parents dropping off their kids, student drivers and school buses. Walking to school is a challenge for all ages.

The staff report indicates that transportation will be addressed at the development phase. I believe that once this zoning change is approved that transportation experts will tell us that the additional trips do not need to be mitigated because they are allowed under the new zoning.

I ask you to note the trip generation memo Exhibit B in the application. They do not compare the existing trips to the future trips possible with the concept plan. They compare the trips of a maximum build out of the current R-2 zoning to the concept plan.

I think a better trip assessment would be to compare the existing trips today to those allowed under the R1-B zoning.

I still maintain that changing the zoning intensifies use and traffic impacts should be gathered now rather than later.

5. The proposed amendment is consistent with the functional classification, capacity and level of service of the transportation system. A transportation impact study may be required subject to the provisions of chapter 19.7000

The applicant states “city staff has confirmed that the adopted TSP accounted for the land uses associated with this Comprehensive Plan designation”

The property in this zoning application is only accessible by local streets. The Comprehensive Plan land use map shows R1-B zoning extending to Lake Rd. That would allow access directly from the arterial street and not adding hundreds of additional trips to the local streets. The number of additional trips this zoning change will generate is not entirely known because there are no development plans attached to this application. We do know that however many additional trips there will be they all will be traveling through at least one school zone.

Chapter 19.704 requires the engineering director to evaluate specific criteria to see if a Transportation Impact Study is required.

After my comments were submitted I was given an email chain that is now included in you packet. That email states that there is a state law that says a zoning change can be approved with out consideration on the effect of the transportation system if it is consistent with the comprehensive plan and consistent with the TSP. The email continues and includes information from metro's regional model that was used in Milwaukie's TSP

I maintain that the TSP did not account for the increased number of households that this zoning change will allow. The transportation analysis zone or TAZ that includes the NHA property is number 6271. The city's TSP was based the assumptions of this forecast. In 2005 there were 76 households in TAZ 6271. The forecast for 2030 was 86 households, an increase of only 10. Since 2005 4 households have been added on 27th Ave., leaving only 6 more before exceeding the forecast.

Several times the light rail has been mentioned as a force for less vehicle trips in the area. For this local area we could have more trips. Dropping off and picking up, cutting through to avoid backups on the major streets, looking for a place to park. I believe that at peak times major arterials and collectors are predicted to close every 3.5 minutes, for up to one minute at a time.

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Pan, including the Land Use Map.

The amendment is consistent with the Land Use Map.

Again according to the comprehensive plan text R2 zoning is medium density, the applicant is asking for a zoning change to R1-B mixed use/high density, not a change in the text of the comprehensive plan.

The goals and policies printed in the Comprehensive Plan for medium density are very different from the goals and policies of high density/mixed use. To be more precise in medium density areas the existing housing is to be preserved when possible. Therefore the proposed zoning change is not consistent with the goals and policies of the Comprehensive Plan.

The applicant has chosen to include language from Chapter 4 planning concept, objective 2 from the Comprehensive Plan.

"Housing types resulting in higher densities are to be concentrated in order to support public transportation services and major commercial centers, have close proximity to major streets, and to lessen the impact of through traffic on single family areas. A range of housing types is encouraged in all areas of the City, as long as the character of existing neighborhoods is not dramatically altered by new development."

This language actually supports the current R-2 medium zoning of the site. Approving this zoning application would allow up to 50% of this area to be used for business and office. It would almost double the residential density with a possible 15% bonus. We do not know how the property would be developed but any scenario would result in a dramatic change in the character of our neighborhood.

Keeping a range of all housing types in our neighborhood including single family and duplex is consistent with chapter 4 objective 2 of the Comprehensive plan. Approving the zone change will lessen the availability of single family and duplex options in our neighborhood.

Also in the comprehensive plan is Objective #4: Policy #2 reads

OBJECTIVE #4 — NEIGHBORHOOD CONSERVATION

To maximize the opportunities to preserve, enhance and reinforce the identity and pride of existing well-defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.

Planning Concept

Milwaukie is predominantly a built-up city. It contains several districts, however, where neighborhood character, available buildable areas, and existing lotting patterns suggest different approaches to new residential development are appropriate. Within High Density areas reconstruction of older neighborhoods is encouraged; within Moderate and Medium Density areas infilling consistent with local scale is emphasized, and in Low Density areas conservation of single family character will be maintained.

Policies

1. Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands. Identified historic resources will be protected as outlined in the Historic Resources Chapter. The predominant housing type will be multifamily.
2. Within Moderate and Medium Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. When projects involve destruction of older housing, it must be shown that rehabilitation is not justified because of structural, health or other important considerations.
3. Within Moderate and Medium Density areas, residential infill which maintains existing building heights, setbacks, yard areas and building mass will be encouraged. Of particular importance is the maintenance of existing residential scale when viewed from the street. The predominant type of new housing in Moderate Density areas will be single family detached on moderate to small lots and duplexes. The predominant type of new housing in Medium Density areas will be duplex units. Multifamily housing may be allowed in Medium Density areas.

If you go with the alternative interpretation that the comp plan only encourages housing preservation in areas shown as medium or moderate density on the Map 7 then pretty much the entire Historic Milwaukie NDA and a good chunk of Lake Rd NDA west of 32nd and 33rd are all fair game for clearance, deconstruction or demolition

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies:

Housing capacity will not be reduced if this application is denied, in fact if you consider 50% of the property as being office, needing more parking than residential, we could actually be reducing housing capacity.

Interesting at this point the applicant states that the rezone “will increase the zoned housing capacity of the NHA properties which are within the designated Milwaukie Town Center.”

Since the applicant has brought up the Town Center Master Plan, it would be worth noting that this area is located in Subarea 5 of the Master Plan. The Town Center Master Plan is an ancillary document to the comprehensive plan. It was completed in 1997. The concept map of Subarea 5 identifies the NHA properties as Attached Infill Residential. The Commercial High Density designation is reserved for properties bordering on Lake Road.

Like most of you I vision Milwaukie as a vibrant city with, diverse housing for, all income ranges. We have a special place here with the river, bike trails, access to transportation, and the incredible Milwaukie spirit. Please join me in supporting development of the vacant areas and preserve our neighborhoods.

Thank you,
Ray Bryan
11416 SE 27th Ave
Milwaukie, OR, 97222
503-593-3336

Alligood, Li

From: Mike Park <mlpark2001@gmail.com>
Sent: Tuesday, March 18, 2014 6:26 AM
To: Alligood, Li
Subject: File: ZA-13-02 NW Housing Alternatives Zone Change (OPPOSITION)

To the Milwaukie Planning Commission and Staff,

I am Michael Park, I live at 2460 SE Willard St and have since 1980. I'm in opposition of the zone change that NW Housing is requesting.

I feel that rezoning at this time is not good for the neighborhood. The hand drawn map that wasn't part of the hand out at the meeting on the 11th shows the Residential Fill in on Willard from 23rd to 27th works very well with Milwaukie High School and the neighborhood.

NW Housing Alternatives Lego plan I believe is what they called it, has a driveway using Willard st and the other is on 25th that empties onto Willard. Willard is a local street with an active Milwaukie high school on it with all the traffic associated with the activity's of a high school.

Milwaukie High School closed 23th in front of the school for safety and in doing so all the school bus traffic uses Willard st. All the buses are lined up bumper to bumper between 8:00-9 and again 3-3:30 but Buses are present at school most of the day til the after school sports events are done.

25th street by the tennis courts it is now getting into tennis season. Future tennis stars will be there well after school is out practicing. When the games start 25th street is the warmup area and grandstands. 25th street doesn't function well as a street during this time.

Girls Softball is also starting up it is at Willard and 25th. Out of town school buses and parents will be jamming the street.

Part of the land use permit for the shelter was their tenants were to use the parking lot not the street. This has been a problem from the beginning. It started with boyfriends living in their cars in front of my house and urinating in my yard or down at the end 25th on the white fence of the condos. I would complain to the shelter and they would chase them away by telling them if they didn't leave their girlfriend and kids would be asked to leave. Then a few weeks later there would be a new group moving in and it would be beer cans left in the parking strip in front of my house. Or cars full of their stuff left for days parked in front of my house. The last few years the tenants of the shelter would tell me that they were told not to park in the parking lot so the office personnel would have a place to park.

The main shelter house has strict rules, example parents can't leave their 14 yr old child watching tv while they put their two yr old to bed. but the long term units behind my house don't follow this or it's not enforced.

One family had a real nice 8-10 yr boy but the mom kept leaving him alone. He would come over to use the phone to try to get a hold of his mom. I often saw her and her girlfriend cleaned up heading downtown for the evening. A little while later her son would come home and want to use my cell. I finally told him to go to the shelters office and ask to use their phone to call his mom.

It was hard for me to tell how many lived with that family. for awhile there were 6-7 adults 2 high school aged

the 8-10 yr old boy and possibly a younger sister oh and a little puppy.

I talked to the tenants numerous times about different issues and when I couldn't take it anymore I'd complained to the office. Late night party noise , bad language, and before they installed a gate in their wood fence I had people climbing over my wire fence over the south fence to get to the two shelter houses on the flag lot on the west side of my fence. Before mowing my back yard I would have to look for Trash like broken toys thrown in my yard, rocks being thrown into my grass, Apples from the shelter's tree being thrown through my wire fence.

I've picked up over two Five gal buckets of rocks that were thrown into my grass during one family's stay. I carried them over to show them to the shelter and asked if they would talk to the tenants, I also talked to the office about having the landscaper pick up the apples from their tree to reduce the number of apples the boys could throw into my yard. I talked to the boys too but it didn't do any good.

Some of the tenants living in the NW Housing Alternatives Units behind me were good neighbors but a lot were not.

In Nov 2013 Johnathan Trutt from NW Housing Alternatives came and talked to me about buying our home and the McAllister's cause they want to put up a 3 story 35 unit apt bldg. He said if we didn't sell they could work around us. We also talked about rezoning and how they would just add my property to their request. Johnathan said they want zoning changed because every time they want to change something the have to go through the city to do it.

I like the the idea of NW Housing Alternatives continuing to go through the land use process. In my opinion some corners have been getting cut. ie parking lot and the way the long term units are supervised.

In 1985 the city was asked to let an Emergency shelter move into the middle of my neighborhood. Now they own everything on Willard but my house.

On 2/06/14 I was talking to my neighbor Patty McAllister and she told me that they sold their house to NW Housing Alternatives. But at the 3/11/14 meeting when I think it was the Planning Commission Chair asked about plans for the 10th property NW Housing Alternatives said ?

I feel that rezoning at this time is not good for the neighborhood. The light rail when completed will have an effect on the traffic flow and parking. Lets see how that really effects the neighborhood

I feel that the Traffic impact study to the neighborhood should be included NW Housing Alternatives Zone Change request.

Thank you letting me submit my Testimony in OPPOSITION
Michael Park

List of Record
File #ZA-13-02, Northwest Housing Alternatives/McAlister

The following documents are part of the official record for this application as of March 4, 2014.

1. Application
 - a. Preapplication conference report for meeting on July 25, 2013 (sent August 8, 2013)
 - b. Submittal forms: land use application form(s), proof of ownership, fee receipt (received December 23, 2013)
 - c. Submittal forms: property owner authorization, Submittal Requirements form (received January 22, 2014)
 - d. Narrative addressing code standards and criteria (received December 23, 2013)
 - e. Plans and drawings
 - (1) Conceptual Site plan (received December 23, 2013)
 - f. Technical reports (received December 23, 2013) (Trip Generation Memo prepared by Kittelson & Associates, Inc.)
2. Notification information
 - a. Notice to Metro for public hearing on March 11, 2014 (sent January 27, 2014; revised notice sent January 28, 2014.)
 - b. Notice to the Department of Land Conservation and Development for public hearing on March 11, 2014 (sent January 29, 2014.)
 - c. Application referral and mailing list. Sent to: Community Development, Engineering, Building, Planning, City Attorney, City Manager, Clackamas County Fire District #1, and Chair and Land Use Committee for Historic Milwaukie and Lake Road Neighborhood District Association(s). (Sent January 29, 2014.)
 - d. Sign notice for Planning Commission public hearing on March 11, 2014 (posted at the site on January 21, 2014)
 - e. Sign posting affidavit (dated January 21, 2014)
 - f. Mailed notice for Planning Commission public hearing on March 11, 2014 (sent to properties within 400' radius of site on February 19, 2014)
 - g. Certification of legal notice mailing, with attached mailing list (dated February 19, 2014)
 - h. Notice map
 - i. Measure 56 notice (sent to applicants on February 19, 2014)
 - j. Certification of Measure 56 notice mailing, with attached mailing list (dated February 19, 2014)
3. Materials from City Planning staff
 - a. Letter deeming application complete (sent January 22, 2014)
4. Agency and staff responses

- a. Brad Albert, Civil Engineer. Per the City's traffic engineer, DKS Associates, a Traffic Impact Study is not required. The future application for the redevelopment of the site will need a traffic impact study. (Received February 6, 2014.)
 - b. Miranda Bateschell, Metro. No comment. (Received February 12, 2014.)
 - c. Jennifer Donnelly, DLCD. No comment. (Received February 12, 2014, via voicemail.)
5. Public comments received
 - a. Paul Hawkins, 4350 SE Elsewhere Ln, Milwaukie. Lake Road NDA supports the application. (Received February 6, 2014.)
 - b. Jean Baker, 2607 SE Monroe St, Milwaukie. Historic Milwaukie NDA and Land Use Committee opposes the application. (Received February 11, 2014.)
 - c. Ray Bryan, 11416 SE 27th Ave, Milwaukie. Questions and concerns about the application. (Received February 12, 2014.)
 - d. Debby Patten, 11880 SE 34th Ave, Milwaukie. Supports Historic Milwaukie NDA's opinion on the application. (Received February 14, 2014.)
6. Staff Report(s)
 - a. Report for Planning Commission public hearing on March 11, 2014 (dated March 4, 2014)
 - (1) Recommended Findings in Support of Approval
 - (2) Application items #1.a-f
 - (3) Agency and staff response items #4.a
 - (4) Public comment items #5.a-d
 - (5) City Attorney determination of appropriate review type



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

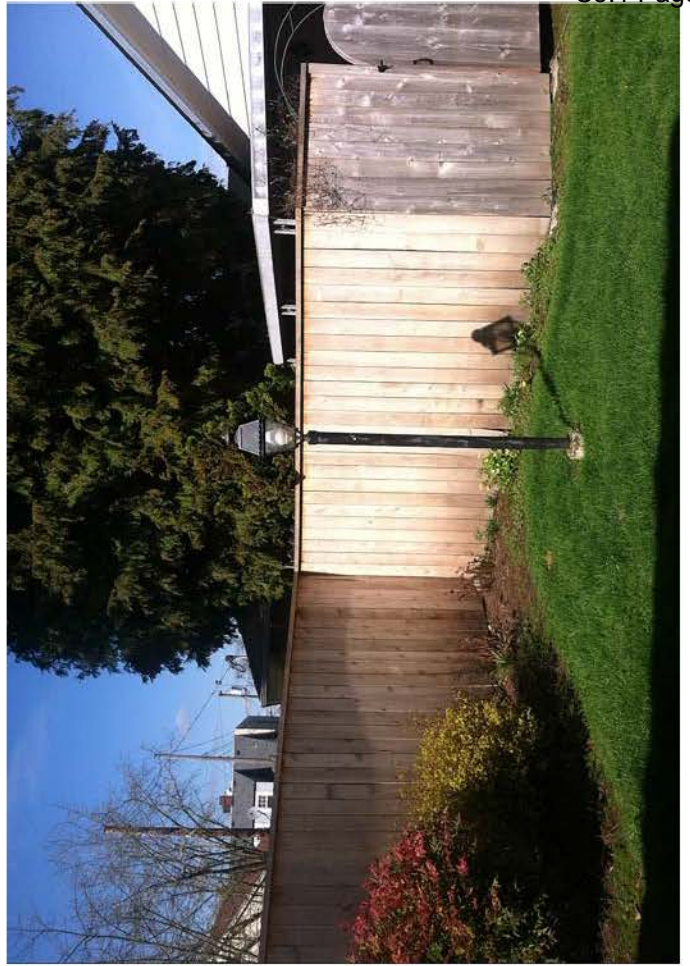
Thank you for taking time to view these photos and read the narrative. I appreciate your consideration. I overlooked one of our residents' home in my photo "gallery" showing the impact of a zone/density change on our adjoining properties. The first two pictures are of that condominium and show views 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 Myorkston 2455 SE Lake Rd. Leona Myorkston

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

SHARLENE BLADOCK 2445 SE Lake Rd Sharlene 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 rezone:

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

--

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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MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kelter, Associate Planner

Date: March 18, 2014, for March 25, 2014, Public Hearing

Subject: File(s): CSU-13-15, VR-14-01
 Applicant/Owner: North Clackamas School District
 Address: SE Lake Rd at SE 28th Ave
 Legal Description (Map & Taxlot): 1S1E36CA, Taxlot 1200
 NDA: Lake Road NDA (with proximity to Historic Milwaukie NDA)

ACTION REQUESTED

Approve applications CSU-13-15 and VR-14-01 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2, respectively. This action would allow for development of an indoor hitting facility at the Milwaukie High School sports field complex on Lake Rd at 28th Ave.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is an approximately 10-acre parcel located on the north side of SE Lake Road between SE 28th Avenue and SE 32nd Avenue (no street address). The property currently includes two baseball/softball fields, a practice field for soccer/football, and an existing batting cage. Access to the site is through a driveway at Lake Rd that leads to a parking lot with 39 spaces. An asphalt path connects the parking area to the existing sport fields. The driveway also serves three single-family residences adjacent to the site; the driveway is identified as 28th Ave but is not actually public right-of-way.

The surrounding area physically adjacent to the site consists primarily of single-family residences, with three multifamily developments (apartments and condominiums) across Lake Rd from the site. The playing field on the Milwaukie Elementary School campus is

adjacent at the northwest corner of the site, and there is a pedestrian connection between the two properties.

Photo 1. Subject property

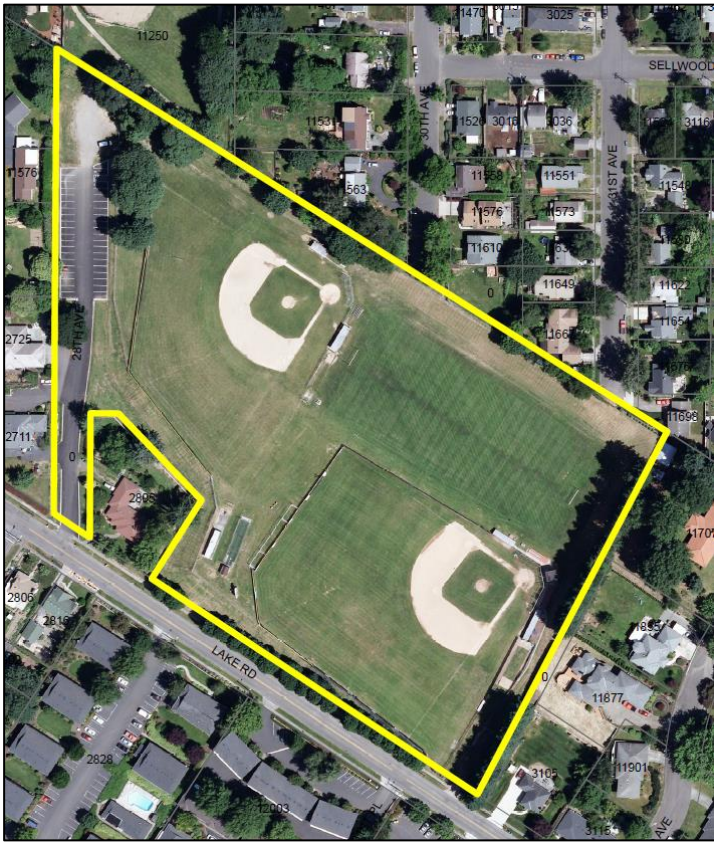


Photo 2. Existing batting cage (to be replaced)



Photo 3. Vicinity map (subject property highlighted)



B. Zoning Designation

The site is zoned Residential (R-7) and does not carry any special zoning overlays or designations.

C. Comprehensive Plan Designation

The site is designated for Public (P) use in the comprehensive plan.

D. Land Use History

- **2011:** CSU-11-11 (Approved) – Minor modification to the community service use to replace the existing scoreboard at the varsity baseball field with a larger scoreboard in the same location. Conditions of approval included a requirement to plant 1-2 trees in the right-of-way along Lake Rd to fill an existing gap in visual screening.
- **2011:** CSU-11-07 (Approved) – Minor modification request to install a paved pathway from the parking area in the northwest corner of the site to the varsity baseball field in the southeast corner. No relevant conditions of approval.

- **2009:** VR-09-01 (Approved) – Variance request to allow the 39 spaces at the sports field complex to be counted as shared parking for the main high school campus. The site is 1300 to 1500 feet from the nearest border of the high school campus, which exceeds the maximum distance (300 feet) allowed for shared parking spaces by MMC Section 19.605.4. The Planning Commission determined that the variance was allowable due to the fragmented nature of the high school campus and the lack of options for other shared parking facilities. Conditions of approval related to paint and signage in the maintaining the driveway clear
- **2008:** no file number (Approved) – Minor modification request to allow paving of the existing parking area and installation of a stormwater drainage system under the athletic fields. No conditions of approval were included.
- **1992:** CSO-91-02 (Approved) – Major modification request to install dugouts at one of the baseball fields and a concession stand and press box at the other. No relevant conditions of approval.
- **1971:** C-71-09 (Approved) – Establishment of the Lake Rd fields as a conditional use. Conditions of approval included requirements to provide fencing along property lines and to separate the parking area from playgrounds; parking for no more than 50 cars; a 20-foot-wide driveway with sidewalk entering the property; no permanent structures or lighting without Planning Commission approval; barriers at the ends of 30th Ave and 31st Ave; parking to start north of the existing easement; and plans for the parking lot to be submitted and approved by the City.

E. Proposal

The applicant is seeking land use approval for a major modification to the existing community service use, with a variance request from the requirements related to off-street parking. The project requires approval of the following applications:

1. CSU-13-15 (Community Service Use)
2. VR-14-01 (Variance Request)

The applicant proposes to remove an existing outdoor batting cage on the site and replace it with a 4,800-square-foot building to be used as an indoor hitting facility in the same location. The proposal includes a variance request for an exemption from the requirement to bring the existing parking area into full compliance with the off-street parking standards of Milwaukie Municipal Code (MMC) Chapter 19.600. The applicant asserts that this requirement creates an undue economic hardship and requests that no parking upgrades be required. If required, the applicant requests that such upgrades be limited to no more than 10% of the development permit value, as allowed by MMC Subsection 19.602.3.B. (See the applicant's narrative in Attachment 3-a.)

The proposed work includes removal of the existing outdoor batting cage, storage shed, storage container, and the associated concrete pads. A new single-story building, 40 feet by 120 feet in size, will be constructed adjacent to the existing batting cage and will be used as an indoor hitting facility. A new asphalt path will connect the north side of the new building with the existing asphalt path that extends across the site between the parking area and the athletic fields. The new building includes no indoor plumbing, and the only exterior illumination will be over the north-side door facing the interior of the larger site. Existing chain link fencing between the new building and the adjacent residential property

at 2805 SE Lake Rd will be improved with sight-obscuring slats. (See the plan set, including site plan and other details, in Attachment 3-b.)

The applicant has prepared a preliminary stormwater management report to demonstrate that the new structure will adequately treat associated runoff (see Attachment 3-c).

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the recommended Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Is it reasonable and appropriate to approve the requested variance?
- B. What, if any, improvements to the existing off-street parking area should be required?

Analysis

A. Is it reasonable and appropriate to approve the requested variance?

The applicant has requested a variance to exempt the proposed development from the requirement to bring the existing off-street parking area fully into conformance with the applicable standards of MMC Chapter 19.600 Off-Street Parking and Loading. More specifically, the applicant has requested that (1) there be no improvements required to the existing parking area, and (2) if any improvements are required, that they be limited to no more than 10% of the project's development permit value.

The applicant chose to address the variance criteria in MMC Subsection 19.911.4.B.2, related to economic hardship. However, staff believes that the requested variance is more accurately and appropriately evaluated through the standard discretionary relief criteria established in MMC Subsection 19.911.4.B.1. These involve an alternatives analysis of the impacts and benefits of the variance proposal, as well as a demonstration that the approved variance does at least one of the three following things:

- Avoids or minimizes impacts to surrounding properties
- Has desirable public benefits
- Responds to the existing built or natural environment in a creative and sensitive manner

The subject property is a sports field complex developed in the early 1970s to serve Milwaukie High School. Although it is physically separated from the main campus, it is in fact a functional part of the campus. The main campus does not provide enough space to establish a similar facility to the one proposed without removing existing facilities or parking, and there are no other available vacant properties nearby that are large enough to accommodate the proposed new building.

The subject property is primarily open space in the form of athletic fields. The only existing structures there are baseball dugouts, bleachers, storage sheds, and a concession stand building, all of which add up to less than 3,000 square feet. Because the applicability

threshold in MMC 19.602.3 involves structural footprint, the code effectively ignores the thousands of square feet of open space that are actively used for athletic activities on the site.

In actuality, the proposed new building represents an increase of far less than 100% of the square footage of actively used space on the site. If the subject property was physically connected to the main campus of Milwaukie High School, then the proposal to add 4,800 square feet of new structural footprint would not present an increase of more than 100% of the existing structural footprint for the whole site (which includes thousands of square feet of other school buildings and structures). In that case, the project would clearly trigger the applicability standard in MMC 19.602.3.B, which requires only limited improvements to the existing parking area, instead of triggering the standard in MMC 19.602.3.A, which requires full conformance.

Conversely, the requirement to bring the existing parking area fully into conformance with the standards of MMC 19.600 would require a parking determination to establish the minimum and maximum number of spaces required for the use on the site (athletic fields), which is not listed in MMC Table 19.605.1). It would also require extensive landscaping modifications, including installation of new interior landscaping that would in turn reduce the number of spaces. Because the main high school campus is dependent on the 39 spaces currently provided at the subject property in order to provide the minimum 341 spaces required for the school, removing any spaces at the subject property means they must be replaced—unless the main campus finds more spaces elsewhere or unless the applicant analyzes the parking demand and demonstrates that fewer spaces are needed for the subject property.

With the proposed development, the overall pattern and intensity of use of the site will change from the current situation. The proposed development will replace an existing outdoor batting facility on the site. The new facility will be usable at times when the existing facility is not, and it is much larger in size than the existing facility. However, the nature of the baseball and softball seasons is such that the new facility will rarely be used at the same time the rest of the athletic fields are in use. And those changes in intensity and pattern of use of the site do not represent an increase in overall parking demand or a significant enough change to the overall use of the site to warrant requiring full compliance with the off-street parking standards of MMC 19.600.

The benefits of approving a more limited version of the requested variance include the retention of a requirement for some improvements to the existing parking area that are more in proportion to the anticipated impacts than those that would otherwise be necessary to achieve full conformance with the standards of MMC 19.600. Given that the proposed development does not represent an increase in overall parking demand, staff believes that approving the requested variance does not necessarily result in any new negative impacts for adjacent properties beyond those that may currently result from use of the site. Furthermore, it is arguable that there is a public benefit to approving a variance from the requirement for the existing parking area to be made fully compliant with the standards of MMC 19.600, in that the public school district is spared the expense of providing improvements that are not proportional to the impact of the proposed development.

B. What, if any, improvements to the existing off-street parking area should be required?

The applicant has argued that no improvements should be required, asserting that the existing parking area functions adequately and that the proposed development will not increase the intensity of use of the site. However, although the proposed development will replace a similar facility on the subject property (an existing outdoor batting cage), the new building will allow activity at the site at times (after dark) and under conditions (in rain) that are not practical for the existing facility. While the proposed development may not increase the overall parking demand, it is reasonable to expect that the existing off-street parking area will be used on more days and at different times than it is now.

The parking area has several nonconformities with respect to the landscaping and design standards of MMC 19.606. The perimeter buffer areas do not include any trees as required (1 tree per 40 lineal feet). There are no interior landscaping areas and no lighting. Although a pedestrian walkway is striped within the accessway from Lake Rd, there is no marked pedestrian walkway within the parking area itself, to connect it with the on-site walkway leading to the fields.

Given that the new building will have some impact on use of the site, staff believes it is reasonable to require the proposed development to provide some improvements that will bring the existing parking area closer into conformance with MMC 19.600. As noted in the discussion in Finding 10-c-(1) related to the unusual conditions of the site (i.e., the athletic fields represent a very large area of active use but do not involve a large structural footprint), it is reasonable to consider the proposed development as one that effectively increases the structural footprint by less than 100%. Therefore, the applicant should be required to make only limited improvements to the parking area, in accordance with MMC 19.602.3.B.

Staff believes the cost of required improvements to the existing parking area should not exceed 10% of the development permit value for the project, as per MMC 19.602.5.B. The provision of interior landscaping would result in the loss of one or more spaces, which would have to be replaced in order to maintain the minimum required parking for the main high school campus—that would require an expansion of the existing parking area. The scale of such an expansion is out of proportion with the scale of the proposed development.

Following discussions with the applicant, a condition has been recommended to require limited improvements to the parking area, including striping, perimeter landscaping, bicycle parking, and lighting. Staff believes these limited improvements are reasonable and represent the minimum necessary to mitigate any new impacts from the proposed development.

CONCLUSIONS**A. Staff recommendation to the Planning Commission is as follows:**

1. Approve the community service use and variance request applications for the Milwaukie High School indoor practice facility. This will result in construction of a 4,800-square-foot building that will replace the existing outdoor batting cage. The approved variance request will result in minor upgrades to the existing off-street parking area at the northwest corner of the site.

2. Approve CSU-13-15 and VR-14-01, with conditions requiring limited improvements to the existing off-street parking area.
3. Adopt the attached recommended Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Provide lighting for the on-site walkway to a 0.5-footcandle level, between the new building and the existing off-street parking area.
- Provide lighting for a portion of the existing off-street parking area (the easternmost spaces abutting the athletic fields) to a 0.5-footcandle level.
- Establish allowable hours of use of the new building from 7:00 a.m. to 10:00 p.m. daily.
- Dedicate 6.5 feet of right-of-way on Lake Road fronting the proposed development property.

The applicant has proposed to restripe the existing parking area, install bicycle parking at the new building, and provide landscaping along the east and west sides of the parking area. Conditions have been established to ensure that these improvements will be made in accordance with the applicable standards of MMC 19.600.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Subsection 19.904 Community Service Use
- MMC Section 19.301 Low Density Residential Zones
- MMC Chapter 19.500 Supplementary Development Regulations
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has four decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by May 31, 2014, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering and Building departments, Clackamas Fire District, Lake Road Neighborhood District Association (NDA), Historic Milwaukie NDA, Clackamas County, Metro, and TriMet. The following is a summary of the comments received by the City. See Attachment 4 for further details on the public (non-agency or staff) comments received.

- **Brad Albert, Milwaukie Engineering Department:** Various comments related to MMC Chapter 19.700 Public Facility Improvements.

Staff Response: Comments have been incorporated into the recommended Findings (see Attachment 1).

- **Paul Hawkins, Lake Road NDA (Land Use Committee Chair):** The Lake Road NDA supports the project.
- **Mike Boumann, Clackamas Fire District:** Various comments related to requirements for the proposed new building's proximity to fire department access and hydrants.

Staff Response: Comments have been forwarded to the applicant and will be addressed further at the time of development permit review.

- **Yvonne and Tory McVay, 12951 SE Vernie Ave:** Involved with youth baseball; supportive of the project, particularly the applicant's request for a variance from the requirement to improve the off-street parking area; do not believe the proposed facility will increase parking demand at the site.
- **Pepi Anderson, 10080 SE 54th Ct:** Echoes the McVay's letter of support.
- **Charles Dean, 11222 SE Wood Ave:** President of Milwaukie Junior Baseball Association; supportive of the project and the variance request regarding parking improvements; believes the existing parking lot is sufficient for the needs of the proposed facility.
- **Bob Calwhite, 5177 Casa Del Rey Dr:** Supportive of the project and the variance request; does not believe the new facility will generate an increase in traffic or parking demand.
- **Kenneth Kent, Clackamas County Engineering Division:** No comments on this application.
- **Miranda Bateschell, Metro:** No comments on this application.
- **John Stelzenmueller, Milwaukie Building Department:** Various comments related to requirements of the building code, including emergency exits, ADA parking, plumbing, and energy efficiency.

Staff Response: Comments have been forwarded to the applicant and will be addressed further at the time of development permit review.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation dated January 31, 2014, unless otherwise noted.				
a. Narrative	☒	☐	☒	☒
b. Plan Set (11"x17")	☒	☐	☒	☒
• Sheets 3.0 and 5.0 received March 12, 2014				
4. Public Comments Received	☐	☒	☒	☒
5. List of Record	☐	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-100>.

Recommended Findings in Support of Approval
File #s CSU-13-15 and VR-14-01, Milwaukie High School Indoor Hitting Facility

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, North Clackamas School District, has applied for approval to construct an indoor hitting facility at the Milwaukie High School sports field complex on SE Lake Road at SE 28th Avenue. The proposal involves a major modification to an existing community service use and includes a variance request to waive the requirement to bring the existing off-street parking area into full conformance with all applicable standards. This site is in the Residential R-7 Zone. The land use application file numbers are CSU-13-15 and VR-14-01.
2. The applicant proposes to remove an existing outdoor batting cage on the site and replace it with a 4,800-sq-ft building to be used as an indoor hitting facility in the same location. The proposal includes a variance request for an exemption from the requirement to bring the existing parking area into full compliance with the City's standards for off-street parking. The applicant asserts that this requirement creates an undue economic hardship and requests that no parking upgrades be required. If required, the applicant requests that such upgrades be limited to no more than 10% of the development permit value.

The proposed development includes removal of the existing outdoor batting cage, storage shed, storage container, and the associated concrete pads. A new single-story building, 40 ft by 120 ft in size, will be constructed adjacent to the existing batting cage and will be used as an indoor hitting facility. A new asphalt path will connect the north side of the new building with the existing asphalt path that extends across the site between the parking area and the athletic fields. The new building includes no indoor plumbing, and the only exterior illumination will be over the north-side door, which faces the interior of the larger site. Existing chain link fencing between the new building and the adjacent residential property at 2805 SE Lake Rd will be improved with sight-obscuring slats. The applicant has prepared a preliminary stormwater management report to demonstrate that the new structure will adequately treat associated runoff.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.904 Community Service Use
 - MMC Section 19.301 Low Density Residential Zones
 - MMC Chapter 19.500 Supplementary Development Regulations
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.911 Variances
 - MMC Section 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing with the Planning Commission was held on March 25, 2014, as required by law.
5. The Planning Commission reviewed the application for compliance with the code sections listed in Finding 3.

The Planning Commission finds that code sections not addressed in these findings are not applicable to the decision.

6. MMC Section 19.904 Community Service Use

MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, or communication facilities.

- a. MMC 19.904.2 establishes applicability of the Community Service Use (CSU) regulations.

The proposed development is a new indoor hitting facility at the Milwaukie High School sports field complex on Lake Rd at 28th Ave. The sports field complex is a public recreational facility as identified in MMC 19.904.2.C. The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

- b. MMC 19.904.3 establishes the review process for community service uses. Except for wireless communication facilities and minor modifications to existing community service uses, applications for community service uses are subject to Type III review (MMC 19.1006).

The proposed development is neither a wireless communication facility nor a minor modification to an existing community service use. As a major modification to an existing community service use, the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. MMC 19.904.4 establishes the following approval criteria for community service uses:

- (1) The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.

The subject property is zoned Residential R-7. Development standards for the R-7 zone are provided in MMC Table 19.301.4. The standards applicable to the proposed development are addressed in the following table:

Residential Zone R-7 Development Standards				
Standard	Requirement	Existing	Proposed	Staff Comment
Minimum Setbacks	20 ft (front, rear) 5 ft / 10 ft (side)	<i>Existing batting cage & shed:</i> 66 ft (front) >400 ft (rear) 80 ft (west side) >450 ft (east side)	<i>New building:</i> 150 ft (front) 260 ft (rear) 33 ft (west side) >460 ft (east side)	Complies with standard
Front Yard Minimum Vegetation	40% minimum	c.95%	>95%	Complies with standard
Off-Street Parking and Loading	Yes	39 spaces	39-40 spaces	No code standard for minimum parking quantity for athletic fields; existing parking area has some nonconformities

Residential Zone R-7 Development Standards				
Standard	Requirement	Existing	Proposed	Staff Comment
Height Restriction	2½ stories or 35 feet	c.10 ft	14 ft (to peak)	Complies with standard
Lot Coverage	30% maximum	0.95% coverage (4,284 sq ft)	1.7% coverage (7,692 sq ft)	Complies with standard
Minimum Vegetation	35% minimum	92.5% vegetation (415,240 sq ft)	91.4% vegetation (410,305 sq ft)	Complies with standard
Transportation Requirements	Yes	n/a	6.5 ft right-of-way dedication	As conditioned, proposal will comply

Based on the foregoing analysis and as conditioned, the Planning Commission finds that the proposed development meets the applicable development standards of the underlying R-7 zone.

- (2) Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.

As a public recreational facility, the proposed development is subject to the relevant standards for facilities not covered by other subsections of the community service use regulations, provided in MMC 19.904.9. The standards of MMC 19.904.9 applicable to the proposed development are addressed as follows:

- (a) MMC 19.904.9.A requires that utilities, streets, or other improvements necessary for the public facility shall be provided by the agency constructing the use.

As discussed in Finding 9 and as conditioned, all necessary utilities and street improvements warranted by the proposed development will be provided by the applicant. This standard is met.

- (b) MMC 19.904.9.B encourages access to be provided on a collector street if practicable.

Access to the subject property is provided from Lake Rd, which is classified as an arterial street in the City's Transportation System Plan. Arterials are higher classification streets than collectors and have greater capacity to accommodate new trips. This standard is met.

- (c) MMC 19.904.9.C requires community service uses in residential zones to provide setbacks equal to two-thirds the height of the principal structure.

As noted in Finding 6-c-(1), the new building is 14 ft in height and will provide front, side, and rear setbacks of well over 10 ft. This standard is met.

- (d) MMC 19.904.9.E requires noise-generating equipment to be sound-buffered when adjacent to residential areas.

The proposal does not include any noise-generating equipment. As proposed, a system of netting installed within the building will prevent balls and bats from making noise against the walls. The building's enclosure of

the existing outdoor batting practice activity will further reduce the sound level of the current activity on the site. This standard is met.

- (e) MMC 19.904.9.F requires lighting to be designed to avoid glare on adjacent residential uses and public streets.

As evidenced by the applicant's submittal materials, exterior lighting will be provided above the entrance at the north end of the new building, which faces the interior of the site. As proposed, the light fixture will direct light downward at the entrance itself and will not produce glare that will reach adjacent properties.

As addressed in Finding 7-c, a condition has been established to ensure that adequate lighting is provided for both the new walkway and the existing walkway that connects to the off-street parking area. As conditioned, walkway lighting will be directed onto the path to avoid casting glare onto adjacent residential properties.

As conditioned, this standard will be met.

- (f) MMC 19.904.9.G encourages hours and levels of operation to be adjusted to be compatible with adjacent uses where possible.

The subject property does not include any existing exterior lighting, so use of the existing facilities on the site is limited to daylight hours throughout the year. The new building will provide an indoor, contained space for the batting-practice activities that currently take place outside, which will reduce the sound level currently associated with the outdoor batting cage. The new building will also have electricity and could be used at any hour. The applicant has indicated that the new building will sometimes be used after dark.

MMC Subsection 8.08.030 defines "daytime period" as 7:00 a.m. to 10:00 p.m., and MMC Subsection 8.08.100.C establishes an exemption from enforcement of the City's noise ordinance for sounds caused by organized athletic or other group activities. With these provisions in mind, and considering that the new building will provide some sound dampening for the batting-practice activities within, the Planning Commission finds that it is reasonable to establish the allowable hours of use of the new building to be 7:00 a.m. to 10:00 p.m. daily.

As conditioned, the Planning Commission finds that the hours and levels of operation of the new building will be compatible with adjacent uses and that this standard will be met.

As conditioned, the Planning Commission finds that the proposed development will meet the applicable standards of MMC 19.904.9.

- (3) The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

As discussed in Finding 6-c-(2)-(f), a condition has been established to ensure that the hours and levels of operation of the proposed development are reasonably compatible with surrounding uses.

As conditioned, the Planning Commission finds that this standard will be met.

- (4) The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

As discussed in the applicant's submittal materials, recreational facilities such as the existing athletic fields and the indoor hitting facility proposed in this application provide a number of benefits for youth in particular and the larger community in general. The proposed development is not expected to generate significantly more traffic or overall parking demand than the current facility and will not otherwise interfere with the regular use of the athletic fields or negatively impact the neighborhood.

The Planning Commission finds that this standard is met.

- (5) The location is appropriate for the type of use proposed.

The subject property already includes an outdoor batting cage, which will be replaced by the proposed new indoor hitting facility in the same general location. The larger site includes two baseball fields and a practice field for soccer/football, so it is fully committed to athletic use. The new building will be located in a space between the various fields and will not physically interfere with the use of any of them.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development will meet the approval criteria of MMC 19.904.4.

- d. MMC 19.904.5 establishes the procedures for reviewing community service uses.
- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new community service uses or major modification of existing community service uses. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.
- The proposed development represents a major modification to a community service use, in the form of significant improvements to an existing public recreation facility. The Planning Commission held a public hearing on March 25, 2014, to evaluate the proposed community service use in the context of the approval criteria of MMC 19.904.4. This standard is met.*
- (2) MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on community service uses to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.
- The Planning Commission has evaluated the proposed new indoor hitting facility finds that, between the applicant's proposal and the conditions established by the Planning Commission, any negative impacts of the proposed development will be sufficiently addressed and mitigated. In particular, as addressed in Finding 6-c-(2)-(f), a condition has been established to limit the normal use of the facility to the hours between 7:00 a.m. and 10:00 p.m. daily.*
- Other conditions have been established to ensure the proposal's compliance with other applicable criteria (such as for walkways and off-street parking) and not specifically for limiting the potential impacts of the proposal or ensuring compatibility with other uses in the vicinity.*

As conditioned, the Planning Commission finds that the proposed development and the associated community service use will remain compatible with other uses in the vicinity.

- (3) MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved community service use through the Type I review process, subject to compliance with specific criteria.

The proposed development represents a major modification to the existing community service use.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.904.5 will be met.

- e. MMC 19.904.6 establishes the application requirements for community service uses, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include a narrative description of the proposed development, site plans, building elevations, and detailed plans for items such as landscaping and off-street parking improvements.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development will meet all applicable standards of MMC 19.904 and is approvable as a major modification to a community service use.

7. MMC Chapter 19.500 Supplementary Development Regulations

MMC 19.500 establishes a variety of supplemental provisions related to development, including exceptions to yard requirements, standards for accessory structures, and site design standards.

a. MMC Subsection 19.501.2 Yard Exceptions

MMC 19.501.2 establishes yard requirements along certain major streets that are in addition to those yard requirements in the underlying zone. Along Lake Rd, the minimum required yard setback to any building is 30 ft from centerline, plus the standard R-7 front yard requirement of 20 ft.

The centerline of Lake Rd is approximately 36 ft from the subject property boundary, which renders moot the additional yard requirement of MMC 19.501.2. The proposed new building will be located over 150 ft from the property boundary along Lake Rd.

The Planning Commission finds that this standard is met.

b. MMC Subsection 19.502.1 General Provisions

MMC 19.502.1 establishes general requirements for accessory structures. Accessory structures shall not encroach upon or interfere with the use of any adjoining property or public right-of-way. Additionally, accessory structures shall not be located within the required front yard but are otherwise allowed to be within 5 ft of side and rear property lines.

The proposed building is a structure that is accessory to the overall recreational use of the site. The new building will be located over 150 ft from the front property line

along Lake Rd and approximately 33 ft from the nearest side property boundary (adjacent to 2805 SE Lake Rd). The new building will not encroach on any adjoining property.

The Planning Commission finds that the applicable standards of MMC 19.502.1 are met.

c. MMC Subsection 19.504.9 On-Site Walkways and Circulation

MMC 19.504.9 establishes site design standards for on-site pedestrian walkways and pathways to promote safe and convenient circulation within and through the site. On-site walkways should connect building entrances to one another as well as to adjacent public streets. Walkways should be reasonably direct, constructed of a hard-surface but permeable material, at least 5 ft wide, and lighted to an average of 0.5 footcandles. When existing sites are redeveloped or modified, they should be brought closer to conformance with these standards as practicable.

The subject property includes an existing asphalt walkway that is at least 5 ft wide and that connects the existing off-street parking area in the northwest corner of the site to the varsity baseball field in the southeast corner of the site. The proposed development includes construction of a 5-ft-wide permeable asphalt walkway that will connect the new building directly to the existing walkway along the northern edge of the site that leads to the existing parking area.

A floodlight above the northern entrance to the new building will illuminate a portion of the walkway. The applicant has not proposed any additional lighting for the walkway. MMC Subsection 19.504.9.A provides that redevelopment projects shall bring the site closer into conformance with the walkway requirements, to the greatest extent practicable. The Planning Commission finds that, because the new building is proposed to be used after dark, it is reasonable and necessary that the walkway be lighted to an average level of 0.5 footcandles between the building's north entrance and the parking area. A condition has been established to ensure that this standard will be met.

As conditioned, the Planning Commission finds that the standards of MMC 19.504.9 will be met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.500 will be met.

8. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600.

(1) MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

The subject property includes an existing off-street parking area. The proposed development is an activity that meets the applicability standards of MMC 19.602.3 (see Finding 8-a-(3)).

The Planning Commission finds that the proposed development is subject to the provisions of MMC 19.600.

(2) MMC Subsection 19.602.2 Maintenance Applicability

MMC 19.602.2 provides that property owners shall ensure conformance with the standards of MMC 19.600 with regard to ongoing maintenance, operations, and use of off-street parking areas. Any change to an existing off-street parking area shall not bring the area out of conformance, or further out of conformance if already nonconforming.

The proposed development includes a variance request to waive the requirement to improve the existing off-street parking area. If any improvements are required, the applicant has proposed improvements that are in conformance with the applicable standards of MMC 19.606, including stall dimensions and landscaping.

The Planning Commission finds that this standard is met.

(3) MMC Subsection 19.602.3 Applicability for Development and Change in Use Activity

MMC 19.602.3 establishes the applicability of MMC 19.600 to the proposed development. According to the provisions of MMC 19.602.3.A, development of a site that results in an increase of 100% or more of the existing structural footprint (not including structures that will be demolished as part of the project) is required to fully conform to the requirements of MMC 19.600. As per MMC 19.602.3.B, development that results in an increase of less than 100% of the existing structural footprint is only required to bring the existing off-street parking area closer into conformance with the standards of MMC 19.600.

The subject property is largely open space for athletic fields, though it currently includes a few small structures such as baseball dugouts, bleachers, and a concession stand. The total existing structural footprint is approximately 2,892 sq ft, not including the 1,392 sq ft of the existing outdoor batting cage and storage sheds that will be removed as part of this project. The proposed new building is 4,800 sq ft, which is well over 100% of the existing structural footprint on the site.

The Planning Commission finds that the proposed development triggers the applicability standard provided in MMC 19.602.3.A, which requires that the existing off-street parking area must be made fully compliant with the standards of MMC 19.600. However, the applicant has requested a variance to waive the applicability standard of MMC 19.602.3. The variance request is addressed and evaluated in Finding 10.

As per the conclusions established in Finding 10, the Planning Commission has approved a more limited version of the variance request, waiving the requirement to make the existing parking area fully compliant but requiring the applicant to bring the parking area closer into conformance with the standards of MMC 19.600, with improvements limited to no more than 10% of the value of the associated development permit, as established in MMC Subsection 19.602.5.B.

(4) MMC Subsection 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

MMC 19.602.5 establishes standards for improving nonconforming off-street parking areas, including a limitation on required improvements and a prioritized list of improvements when required.

As discussed in Finding 10, the applicant has requested a variance from the requirement to improve the existing off-street parking area. In approving a more limited version of the variance request, the Planning Commission has found that some improvement of the parking area is warranted and that required improvements shall be limited to no more than 10% of the value of the associated development permit as per MMC 19.602.5.B.

With Sheets 3.0 and 5.0 stamped received by the City on March 12, 2014, the applicant has proposed some limited improvements that would meet the guidelines established in MMC 19.602.5.C: restriping the existing off-street parking area, providing bicycle parking at the new building, and landscaping the existing buffers. In addition, the Planning Commission finds that it is reasonable and necessary to require lighting in a portion of the parking area, since the new building will be used after dark. A condition has been established to ensure that these limited improvements are provided and that the standards of MMC 19.602.5 are met in conjunction with the approved variance request.

As conditioned, the Planning Commission finds that the standards of MMC 19.602.5 will be met.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards that are intended to ensure that development provides adequate vehicle parking based on estimated parking demand.

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. MMC Subsection 19.605.2 establishes a process for modifying parking requirements and determining the requirements for uses not similar to those listed in the table.

As noted in Finding 8-a-(3), the proposed development triggers the requirement of MMC 19.602.3.A that the existing off-street parking area be made to fully conform to the standards of MMC 19.600. Conformance would normally involve a verification that the quantity of parking spaces provided falls within the range allowed for the use in MMC Table 19.605.1. However, the applicant has requested a variance from the standard of MMC 19.602.3.A, and the Planning Commission has approved a limited version of the variance request to require only that the parking area be brought closer into conformance with the standards of MMC 19.600 (see Finding 10). As noted in Finding 8-a-(4), a condition has been established to require that certain prioritized improvements are made to bring the parking area closer into conformance; but verifying the required number of spaces and changing the existing number of spaces are not required by the condition.

As conditioned, the Planning Commission finds that the standards of MMC 19.605.1 are not applicable to this application.

(2) MMC Subsection 19.605.4 Shared Parking

MMC 19.605.4 establishes provisions for sharing required parking spaces between uses, including a maximum allowed distance of separation.

The subject property currently provides 39 off-street parking spaces. In 2009, the applicant requested a variance to allow those spaces to be counted toward the total number (341 spaces) needed by the Milwaukie High School main campus to meet its minimum off-street parking requirement. The variance was required because the parking area on the subject property is farther away from the main campus (1,300 ft to 1,500 ft) than the distance allowed by the code in place that time (300 ft). The Planning Commission approved the variance request and the spaces were allowed to count toward the total needed for the main campus. At that time, the zoning code did not require a formal, recorded shared parking agreement and both the main campus and the subject property were owned by the applicant (the school district).

The applicant has not proposed to reduce the number of off-street parking spaces provided on the subject property, so the number of spaces available to the main campus will not change as a result of the proposed development. Since 2009, the allowed separation distance between shared parking spaces and the shared use has increased to 1,000 ft, but the need for the 2009 variance request remains relevant, as does the main campus's need to count the 39 spaces on the subject property toward the total 341 needed for the main campus.

The Planning Commission finds that the proposed development remains consistent with the standards of MMC 19.605.4.

c. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and have efficient circulation.

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimensions

MMC Table 19.606.1 provides minimum dimensional standards for off-street parking spaces based on angle. For 90-degree (perpendicular) spaces, spaces must be at least 9 ft wide, 18 ft deep, and with a 22-ft drive aisle.

The existing striping of stalls in the off-street parking area is faded and in need of refreshing, the 39 spaces in the parking area all meet the minimum dimensional requirements of 9 ft by 18 ft, with a drive aisle more than 22 ft wide. As discussed in Finding 10-c, a condition has been established to require limited improvements to the parking area, including restriping in accordance with the standards of MMC 19.606.1.

As conditioned, the Planning Commission finds that this standard will be met.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 provides standards for off-street parking lot landscaping, including perimeter and interior landscaping. Within perimeter buffer areas, 1 tree is required to be planted every 40 lineal feet. In addition, for planting areas adjacent to residential areas, a continuous visual screen (fencing or plantings) is required from 1 to 4 ft above the ground to adequately screen vehicle lights. Interior landscaping is required at the rate of 25 sq ft for each parking space, with interior planting areas at least 120 sq ft in area and dispersed throughout the parking area.

The applicant has requested a variance from the requirement of MMC 19.602.3.A to bring the existing off-street parking area into conformance with the standards of MMC 19.600. As discussed in Finding 10-c, the Planning Commission approves a limited version of the variance request and has established a condition to require some improvements to the existing parking area. The required improvements include perimeter landscaping as per the standards of MMC Subsection 19.606.2.C; no new interior landscaping is required.

As conditioned, the Planning Commission finds that this standard will be met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 provides standards for paving, striping, wheel stops, drive aisles, pedestrian access and circulation, and lighting.

The existing off-street parking area is paved and striped, though the current striping pattern is faded and difficult to see. A condition has been established to ensure that the existing spaces will be restriped as proposed. There is an existing curb that serves the function of wheel stops without reducing the minimum required width of adjacent landscape areas. The drive aisle is over 25 ft wide, which exceeds the 22-ft minimum required for perpendicular spaces.

There is no clearly marked pedestrian access through the parking area, and to establish a separate pedestrian pathway would require a more significant reconfiguration of the parking area than the Planning Commission finds is warranted by the proposed development (as addressed in Finding 10-c-(2)).

The parking area currently has no lighting. The Planning Commission finds that, because the new building is proposed to be used after dark, it is reasonable and necessary to provide some lighting for the existing off-street parking area. A condition has been established to require lighting a portion of the parking area (the easternmost spaces abutting the athletic fields) to a 0.5-footcandle level as per the standards of MMC 19.606.3.F.

As conditioned, the Planning Commission finds that the standards of MMC 19.606.3 will either be met or are not triggered by the scale of the proposed development.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606 will be met.

d. MMC Section 19.609 Bicycle Parking

MMC 19.609 provides standards for bicycle parking, including a minimum of two required spaces that are at least 2 ft by 6 ft in dimension and associated with a rack that allows for securing the frame and one wheel.

The applicant has requested a variance from the requirement to make any parking improvements. However, the Planning Commission has approved only a limited version of the variance request and is requiring some improvements to the existing parking area (see Finding 10-c). In the event that improvements were required, the applicant had proposed to install a two-space bike rack at one of the entrances to the new building. The Planning Commission finds that the proposed new bicycle parking is a reasonable and appropriate requirement in proportion to the scale of the proposed development. A condition has been established to ensure that the proposed bicycle parking will be provided according to the standards of MMC 19.609.

As conditioned, the Planning Commission finds that the standards of MMC 19.609 are met.

9. MMC Chapter 19.700 Public Facility Improvements

The purpose of MMC 19.700 is to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including land divisions, new construction, expansions of existing structures, and changes or intensifications in use.

The proposed development consists of construction of a new structure that increases the vehicle trip generation to and from the site.

The Planning Commission finds that the proposed development is subject to the standards and requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review procedures for development that is subject to MMC 19.700.

(1) MMC Subsection 19.703.1 Preapplication Conference

MMC 19.703.1 requires a preapplication conference for all proposed development that is subject to MMC 19.700.

The Engineering Director has determined the proposed development is not complex and has waived the requirement for a preapplication conference. The proposed development complies with MMC 19.703.1.

(2) MMC Subsection 19.703.2 Application Submittal

MMC 19.703.2 establishes the requirements for submittal of either a development permit application or Transportation Facilities Review (TFR) application to demonstrate compliance with MMC 19.700. As per MMC Subsection 19.703.2.B, if a proposed development does not require a Transportation Impact Study (TIS) but does require another type of land use application(s), then a TFR application is not required and compliance with MMC 19.700 will be evaluated during the review of the other land use application(s).

The Engineering Director has determined that a TIS is not required as part of the proposed development in accordance with MMC Section 19.704. A TFR land use application is not required. The proposed development does require submission of other land use applications. Compliance with MMC 19.700 will be reviewed during the review of the other land use applications. The proposed development complies with MMC 19.703.2.

(3) MMC Subsection 19.703.3 Approval Criteria

MMC 19.703.3 establishes the approval criteria for all proposed development subject to MMC 19.700.

Any required public facility improvements shall comply with the standards and requirements of MMC 19.700 and the Public Works Standards. The proposed development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the

development. As discussed in Finding 9-g, a condition has been established to ensure that this standard is met. The proposed development currently meets the safety and functionality standards of MMC Subsection 19.703.3.C. As conditioned, the proposed development will comply with MMC 19.703.3.

As conditioned, the Planning Commission finds that the proposed development will comply with the applicable standards of MMC 19.703.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the procedures for determining whether a proposed development requires a formal Transportation Impact Study (TIS). If required, a TIS evaluates the adequacy of the transportation system to serve the proposed development and determines the proportionate mitigation of impacts.

The Engineering Director has determined that the projected impacts to the transportation system, specifically the projected increase in trip generation, are not significant enough to require a TIS.

The Planning Commission finds that the proposed development complies with MMC 19.704.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 establishes standards to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development.

The proposed development will add 4,800 sq ft of gross floor area. The impact to the adjacent transportation facility is calculated to increase by approximately 11%. As a result, the proposed development will be required to provide transportation facility improvements in proportion to this impact. Transportation facility requirements of MMC Section 19.708 do apply to the proposed development. As discussed in Finding 9-g, a condition has been established to ensure that the applicable standards will be met.

As conditioned, the Planning Commission finds that the proposed development will comply with MMC 19.705.

e. MMC Section 19.706 Fee In Lieu of Construction

MMC 19.706 establishes provisions to allow payment of a fee in lieu of constructing required transportation facility improvements.

As determined in MMC 19.705, the proposed development is subject to right-of-way dedication to mitigate the transportation impacts of the proposed development.

The Planning Commission finds that the requirements of MMC 19.706 do not apply to the proposed development.

f. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 outlines the procedures for providing notice of a proposed development to other agencies when MMC 19.700 is applicable.

The proposed development is within 200 ft of Lake Rd, a designated arterial and transit route. Notice of the land use application has been provided to Metro, Clackamas County, and TriMet for their review and comment.

The proposed development complies with MMC 19.707.

g. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. These include requirements for access management, clear vision, development in non-downtown zones, street layout and connectivity, and intersection design and spacing. Transportation facility improvements are subject to the requirements of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements.

As determined in Finding 9-d, the proposed development is required to mitigate the transportation impacts of the proposed development.

As noted in Finding 9-f, Lake Rd is an arterial roadway. According to MMC Table 19.708.2, an arterial roadway shall have right of way width between 59 ft and 89 ft. To accommodate an arterial cross section with two lanes of travel, center turn lane, bike lanes, planter strip, and setback sidewalk, this section of Lake Rd shall have a right-of-way width of 73 ft. The current right-of-way width on Lake Rd is 60 ft. The applicant is required to dedicate half the required right-of-way, 6.5 ft, along the proposed development property. A condition has been established to ensure that this standard is met.

As discussed in Finding 9-d, the proposed development increases trip generation by approximately 11%. The proposed development site has approximately 550 ft of frontage along Lake Rd. The right-of-way dedication along the entire frontage results in approximately 3,575 sq ft of dedication. The value of land dedicated is roughly proportional to the value of mitigation needed to offset the impact from the proposed development.

As conditioned, the Planning Commission finds that the proposed development will comply with MMC 19.708.

h. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes standards to determine whether existing public utilities are adequate to serve a proposed development, as well as to determine whether new or expanded public utilities are warranted to ensure compliance with the City's public utility requirements and standards.

The Engineering Director has determined that the existing public utilities are adequate to serve the proposed development.

The Planning Commission finds that the proposed development complies with MMC 19.709.

As conditioned, the Planning Commission finds that the proposed development will comply with all applicable standards of MMC 19.700.

10. MMC Section 19.911 Variances

MMC 19.911 establishes the process and criteria for variance requests, which provide an opportunity for relief from specific code provisions that may have the unintended effect of preventing reasonable development or imposing undue hardship.

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests. Variances may be requested to any standard of MMC Title 19 Zoning, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B.

The applicant has requested a variance to exempt the proposed development from the requirement to bring the existing off-street parking area fully into conformance with the applicable standards of MMC Chapter 19.600 Off-Street Parking and Loading. The applicant has requested that (1) there be no improvements required to the existing parking area, and (2) if any improvements are required, that they be limited to no more than 10% of the project's development permit value.

The request would not eliminate the restriction on a prohibited activity, change a required review type, change or omit the steps of a procedure, allow a use not allowed outright in the underlying R-7 zone, or otherwise produce any of the results listed in MMC 19.911.2.B. The request is eligible for a variance as per MMC 19.911.2.

b. MMC Subsection 19.911.3 Review Process

MMC Subsection 19.911.3 establishes review processes for different types of variances. There is a Type II review process for limited variations to numerical standards and a Type III review process for more complex variations to standards that require additional discretion.

The applicant has requested a variance to waive or otherwise adjust the off-street parking requirements established in MMC 19.600. The variance request does not fall into any of the nondiscretionary categories outlined in MMC 19.911.3.B that would allow it to be processed with Type II review. Therefore, as per MMC 19.911.3, the request must be processed with Type III review pursuant to MMC Section 19.1006.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. Specifically, MMC 19.911.4.B provides approval criteria for Type III variances, including criteria for standard discretionary relief as well as criteria for economic hardship.

The applicant has requested a variance based on economic hardship and has addressed the associated criteria established in MMC Subsection 19.911.4.B.2. However, the Planning Commission finds that the requested variance is more accurately and appropriately evaluated through the standard discretionary relief criteria established in MMC Subsection 19.911.4.B.1:

- (1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Although the applicant did not provide a formal alternatives analysis (because the applicant addressed the approval criteria provided in MMC 19.911.4.B.2), the Planning Commission has evaluated the impacts and benefits of the requested variance as compared to the baseline code requirements.

The sports field complex was originally approved in 1971 as a conditional use on the site, independent of the larger high school campus (land use file C-71-09). However, the subject property is in fact a functional part of the Milwaukie High School campus. The athletic fields are used regularly by the school's sports teams, and the parking spaces are designed for shared use with the main campus. The main campus does not provide enough space to establish a similar facility to the one proposed without removing existing facilities or parking, and there are no other available vacant properties nearby that are large enough to accommodate the proposed new building.

If the subject property was physically part of the larger campus of Milwaukie High School, then the proposal to add 4,800 sq ft of new structural footprint would present an increase of far less than 100% of the existing structural footprint for the whole site. In that case, the project would trigger the applicability standard in MMC 19.602.3.B, which requires only limited improvements to the existing parking area, instead of triggering the standard in MMC 19.602.3.A, which requires full conformance.

The subject property is primarily open space in the form of athletic fields. The only existing structures there are baseball dugouts, bleachers, storage sheds, and a concession stand building, which have a combined area of less than 3,000 sq ft. The applicability threshold in MMC 19.602.3 involves structural footprint, which effectively ignores the thousands of square feet of open space that are actively used for athletic activities on the site. In terms of site function, the proposed new building represents an increase of far less than 100% of the square footage of actively used space on the site. The Planning Commission finds that it is reasonable to consider the proposed development as one that effectively increases the footprint of activity on the site by less than 100%.

The requirement to bring the existing parking area fully into conformance with the standards of MMC 19.600 would require a parking determination to establish the minimum and maximum number of spaces required for the use on the site (athletic fields), which is not listed in MMC Table 19.605.1. It would also require extensive landscaping modifications, including installation of new interior landscaping that would in turn reduce the number of spaces. Because the main high school campus is dependent on the 39 spaces currently provided at the subject property in order to provide the minimum 341 spaces required for the school, removing any spaces at the subject property means they must be replaced—unless the main campus finds more spaces elsewhere or unless the applicant analyzes the parking demand and demonstrates that fewer spaces are needed for the subject property.

With the proposed development, the overall pattern and intensity of use of the site will change from the current situation. The proposed development will replace an existing outdoor batting facility on the site. The new facility will be usable at times when the existing facility is not, and it is much larger in size than the existing facility. However, the nature of the baseball and softball seasons is such that the new facility will rarely be used at the same time the rest of the athletic fields are in use. Those changes in intensity and pattern of use of the site do not represent an increase in overall parking demand or a significant enough change to the overall use of the site to warrant requiring full compliance with the off-street parking standards of MMC 19.600.

The benefits of approving a more limited version of the requested variance include the retention of a requirement for some improvements to the existing parking area that are more in proportion to the anticipated impacts than those that would otherwise be necessary to achieve full conformance with the standards of MMC 19.600.

The Planning Commission has conducted an analysis of impacts and benefits of approving the requested variance and finds that the benefits do outweigh the impacts. This standard is met.

- (2) The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:
- (a) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (b) The proposed variance has desirable public benefits.
 - (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The applicant has requested a variance to the requirement that the existing parking area be brought fully into conformance with the standards of MMC 19.600. More specifically, the applicant has argued that no improvements should be required, asserting that the existing parking area functions adequately and that the proposed development will not increase the intensity of use of the site.

As discussed in Finding 10-c-(1), the Planning Commission agrees that the impacts of the proposed development do not warrant a requirement to make the existing parking fully compliant with the standards of MMC 19.600. However, the Planning Commission finds that the proposed development will change the intensity and pattern of use of the site and that it is therefore reasonable to require limited improvements to the existing parking area.

The parking area has several nonconformities with respect to the landscaping and design standards of MMC 19.606. The perimeter buffer areas do not include any trees as required (1 tree per 40 lineal feet). There are no interior landscaping areas and no lighting. Although a pedestrian walkway is striped within the accessway from Lake Rd, there is no marked pedestrian walkway within the parking area itself that would connect it with the on-site walkway leading to the fields.

The provision of interior landscaping would result in the loss of one or more spaces, which would have to be replaced in order to maintain the minimum required parking for the main high school campus, and would therefore require an expansion of the existing parking area. The Planning Commission finds that the scale of such an expansion is out of proportion with the scale of the proposed development. A condition has been established to require more limited improvements to the parking area, including striping, perimeter landscaping, bicycle parking, and lighting.

Given that the proposed development does not represent an increase in overall parking demand (as discussed in Finding 10-c-(1)), the Planning Commission finds that approving a limited version of the requested variance does not necessarily result in any new negative impacts for adjacent properties beyond those that may currently result from use of the site. Furthermore, the Planning Commission finds that there is a public benefit to approving a variance from the requirement for the existing parking area to be made fully compliant with the standards of MMC 19.600, in that the public school district is spared the expense of providing improvements that are not proportional to the impact of the proposed development.

As conditioned, the Planning Commission finds that the approved variance is both reasonable and appropriate, and that it meets at least one of the criteria established in MMC 19.911.4.B.1.b. As conditioned, this standard will be met.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

As discussed in Finding 10-c-(2), the approved variance request will not result in any new significant impacts. Although the existing off-street parking area will remain out of conformance with the standards of MMC 19.600, future redevelopment or modifications on the site may provide opportunities to bring the parking area closer into conformance. In the meantime, however, the improvements required as a condition by the Planning Commission will provide landscape screening of the parking area from adjacent properties, bicycle parking adjacent to the new building, and lighting that complements the lighting to be provided for the walkway to the new building. Additional trees that will be provided along the eastern side of the parking area will substitute for the interior landscaping that would otherwise have been required and will provide shading on that side of the parking area.

As conditioned, the Planning Commission finds that the impacts from the approved variance will be mitigated to the extent practicable.

As conditioned, the Planning Commission finds that a more limited version of the requested variance meets the approval criteria for discretionary relief, as provided in MMC 19.911.4.B.1.

The Planning Commission approves a more limited version of the variance request, with conditions to require some improvements to the existing parking area that will ensure that the variance is the minimum necessary and that any impacts from the variance will be mitigated to the extent practicable.

11. MMC Section 19.906 establishes applicability and requirements for the process of development review. As new development, the proposed development will be subject to the Type I process for development review, in conjunction with review of the associated building permit and/or any other development permits.
12. MMC Subsection 19.1001.7.E establishes expiration timelines for land use approvals. For land use decisions approved through the Type III review process, the approval shall expire and become void if the development does not complete both of the following steps:
 - a. Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
 - b. Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.
13. The application was referred to the following departments and agencies on February 11, 2014: Milwaukie Building Division, Milwaukie Engineering Department
 - Milwaukie Building Division
 - Milwaukie Engineering Department
 - Clackamas Fire District
 - Lake Road Neighborhood District Association (NDA) Chairperson and Land Use Committee
 - Historic Milwaukie NDA Chairperson and Land Use Committee
 - Clackamas County Engineering Department
 - Oregon Department of Transportation (ODOT)
 - Metro

- TriMet

The comments received are summarized as follows:

- a. **Brad Albert, Milwaukie Engineering Department:** Various comments related to MMC Chapter 19.700 Public Facility Improvements.
- b. **Paul Hawkins, Lake Road NDA (Land Use Committee Chair):** The Lake Road NDA supports the project.
- c. **Mike Boumann, Clackamas Fire District:** Various comments related to requirements for the proposed new building's proximity to fire department access and hydrants.
- d. **Yvonne and Tory McVay, 12951 SE Vernie Ave:** Involved with youth baseball; supportive of the project, particularly the applicant's request for a variance from the requirement to improve the off-street parking area; do not believe the proposed facility will increase parking demand at the site.
- e. **Pepi Anderson, 10080 SE 54th Ct:** Echoes the McVay's letter of support.
- f. **Charles Dean, 11222 SE Wood Ave:** President of Milwaukie Junior Baseball Association; supportive of the project and the variance request regarding parking improvements; believes the existing parking lot is sufficient for the needs of the proposed facility.
- g. **Bob Calwhite, 5177 Casa Del Rey Dr:** Supportive of the project and the variance request; does not believe the new facility will generate an increase in traffic or parking demand.
- h. **Kenneth Kent, Clackamas County Engineering Division:** No comments on this application.
- i. **Miranda Bateschell, Metro:** No comments on this application.
- j. **John Stelzenmueller, Milwaukie Building Department:** Various comments related to requirements of the building code, including emergency exits, ADA parking, plumbing, and energy efficiency.

Recommended Conditions of Approval
File #s CSU-13-15 and VR-14-01, Milwaukie High School Indoor Hitting Facility

Conditions

1. At the time of submission of the building permit application, the following shall be resolved:
 - a. Submit an application for Type I development review.
 - b. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on January 31, 2014, except with Sheets 3.0 and 5.0 stamped received by the City on March 12, 2014, and except as otherwise modified by these conditions. The required changes are as follows:
 - (1) As per Finding 8-d, revise the plan set to show bicycle parking for a minimum of two bikes at the new building, sufficient to meet the standards of MMC 19.609.
 - c. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - d. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
2. Prior to issuance of the building permit, the following shall be resolved:
 - a. As per Finding 7-c, demonstrate that lighting will be provided for the on-site walkway between the new building and the existing off-street parking area in the northwest corner of the site. This section of walkway shall be lighted to an average 0.5-footcandle level in accordance with the standards of MMC 19.504.9.E. Walkway lighting shall be designed and directed to avoid glare onto adjacent residential properties.
 - b. As per Finding 8-c-(3), demonstrate that a portion of the existing off-street parking area (the easternmost spaces abutting the athletic fields) will be lighted to an average 0.5-footcandle level and shall comply with all applicable standards of MMC 19.606.3.F.
 - c. As per Finding 9-g, dedicate 6.5 feet of right-of-way on Lake Road fronting the proposed development property.
3. Prior to final inspection of any building permit, the following shall be resolved:
 - a. Submit a letter from the project landscape designer attesting that all required site plantings have been completed in conformance with the approved site plans and with City standards.
 - b. As per Finding 10-c-(2), demonstrate that the existing off-street parking area has been restriped to match the configuration shown on Sheet 5.0 (stamped received on March 12, 2014).
 - c. As per Finding 8-d, demonstrate that all required bicycle parking has been installed according to the standards of MMC 19.609.
 - d. As per Findings 7-c and 8-c-(3), demonstrate that all required lighting for the on-site walkway and off-street parking area has been installed and functions according to these conditions of approval.

- e. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - f. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
4. Ongoing conditions of approval:
- a. As per MMC Subsection 19.606.2.E.3, required parking area landscaping shall be maintained in good and healthy condition.
 - b. As per Finding 6-c-(2)-(f), allowable hours of use for the new building shall be from 7:00 a.m. to 10:00 p.m. daily.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various point in the development and permitting process.

- 1. Prior to issuance of any building permit, the following shall be resolved:
 - a. Submit a storm water management plan prepared by a qualified professional engineer. The plan shall conform to Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards.
 - (1) The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development site.
 - (2) The storm water management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.
- 2. Prior to commencement of any earth-disturbing activities, the applicant shall obtain an erosion control permit.
- 3. Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).

Milwaukie High School
Baseball Indoor Practice Facility
Community Service Use (CSU) & Type III Variance
Land Use Application

Applicant/Owner: North Clackamas School District
12451 SE Fuller Road
Milwaukie, OR 97222

Garry Kryszak
(503) 353-6058
kryszak@nclack.k12.or.us

Consultant: Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202
(503) 221-1131

Keith Jones, AICP, LEED AP ND
(503) 221-1131
keithj@hhpr.com

Site Location: 4444 SE Lake Road

Tax Lot(s): Tax Map 211E36CA – Tax Lot 1200

Site Size: 10.3 Acres

Zoning: R-7

Summary of Request: Major Modification to an existing Community Service Use (CSU) to construct a one-story 40-foot by 120-foot metal building to be used for indoor hitting practice for high school baseball and softball. The facility will be located at the south and west end of the existing Milwaukie High School sports field complex on Lake Road. The applicant also requests a variance to Section 19.602.3 of the parking code to allow the limited provisions of 19.602.5 to apply as these provisions relate to upgrading the existing non-conforming 39-space parking lot.

Report Date: January 30, 2014



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ATTACHMENTS

1. Copy of Signed Land Use Application Form
2. E-mail from Ron Stewart to Bret Kelter 1-6-14
3. Parking Lot Upgrade Cost Estimate

Submitted under separate cover

1. 11X17 Plan Set dated January 31, 2014
2. Draft Stormwater Management Report dated November 2013



I. DESCRIPTION OF PROPOSAL

North Clackamas School District proposes to construct an indoor baseball/softball hitting practice facility at the Milwaukie High School sports field complex on Lake Road. The facility will be a one-story metal, 14-foot tall, 40-foot by 120-foot building and located at the south and west area of the sports complex. A 10-foot overhead door will be installed on both the east and west elevations and a man door on both the north and south elevations. The building will be constructed on a concrete poured-in-place slab.

A 5-foot wide pervious asphalt ADA accessible pathway will be extended from the existing asphalt path at the north end of the complex south to the north man door of the proposed building. The facility will not have a bathroom and no running water will be provided to the building. The existing open chain link fence next to, and west and south of the proposed building will have slates added for screening. A stormwater planter will be placed at the south end of the building and roof drains piped to the planter for treatment and infiltration per City stormwater requirements (see preliminary stormwater report dated November 2013 for further details).

The facility will be used by the Milwaukie High School boys baseball and girls softball teams. Activities will include practice hitting into nets within the enclosed space. Hitting practice currently occurs in an outdoor area with nets located near the proposed indoor facility. The existing outdoor facility and shipping container will be removed.

Approval Request

The applicant requests approval of a Major Modification to a Community Service Use and Type III Variance. The Community Service Use application is a Type III application. Type III applications are decided by the Milwaukie Planning Commission.



II. SUBMITTAL REQUIREMENTS

Response: The forms titled "Submittal Requirements" dated 7/18/13 and "Site Plan Requirements" dated 7/18/13 were used in preparing this application. The following has been provided per these forms:

1. Land Use Application Form and Fees

Response: Provided. A signed application form has been provided along with a payment of \$2,000 for the CSU application fee. In addition a variance fee in the amount of \$1,500 was submitted on January 31, 2014 with this revised narrative report (see Attachment 1 for a copy of the land use application).

2. Proof of ownership or eligibility to initiate application

Response: Provided. North Clackamas School District is the owner. The owner's representative (Garry Kryszak) has signed the application. As indicated in an e-mail from Ron Stewart, Mr. Kryszak is authorized to sign for the district (see Attachment 2).

3. Detailed and comprehensive description

Response: Provided. This report along with the plans submitted with this application provide a comprehensive description of the proposal.

4. Detailed statement

Response: Provided. See Section III of this report.

5. Site plan(s), preliminary plat, or final plat

Response: Provided. See Plan Set submitted with this application.

6. Copy of valid preapplication conference report

Response: A pre-application meeting was held on August 27, 2013. Due to the limited scope of the proposal, a full pre-application conference was not deemed by staff to be necessary.

7. Site plan submittal Requirements

Response: Provided. A plan set containing an existing conditions plan, proposed development plans (landscaping, lighting, stormwater, utilities and grading), a location plan, exterior elevations and floor plans has been submitted with this application.

The site is primarily grass fields and landscaping. The site far exceeds the minimum vegetation of 30% required in the R-7 zone with approximately 91.6% of the site vegetated. Further the 20-foot front setback along Lake Road is entirely vegetated and therefore exceeds the 40% minimum requirement.



III. RESPONSE TO APPLICABLE APPROVAL CRITERIA AND CODE STANDARDS

ZONING ORDINANCE OF THE CITY OF MILWAUKIE, OREGON

Section 19.301 – Low Density Residential Zones

19.301.1 - Purpose

The low density residential zones are intended to create, maintain, and promote neighborhoods with larger lot sizes where the land use is primarily single-family dwellings. They allow for some nonhousehold living uses but maintain the overall character of a single-family neighborhood.

Response: School uses are common within single-family residential zones and neighborhoods throughout the City and the Country. The existing ball fields and proposed indoor hitting facility are uses typically associated with public schools and uses that commonly occur within single-family residential neighborhoods. Further, the Milwaukie Comprehensive Plan Map 7 identifies the property as Public (P) and therefore the long-term use of the site is indicated by the City to be a public use as proposed. Therefore the proposed indoor hitting facility is consistent with the R-7 zone purpose statement.

19.301.2 - Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Response: The proposal is a public school use. Public schools are allowed through approval of a Community Service Use (CSU) application per Section 19.904. An applicant-response to Section 19.904 is provided below.

19.301.4 - Use Limitations and Restrictions

Agricultural or horticultural uses are permitted, provided that the following conditions are met.[...]

Response: Does not apply to this proposal.

19.301.4 - Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5. See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Response: Dimensional standards are met as follows:



A. Lot Standards

- 7,000 Square Foot Minimum Lot Size: 10.3 acres (no changes proposed)
- 60-Foot Minimum Lot Width: 475 Feet approximate (no changes proposed)
- 80-Foot Minimum Lot Depth: 285 Feet approximate (no changes proposed)
- 35-Foot Minimum Street Frontage: 475 Feet approximate (no changes proposed)

B. Development Standards

- 20-Foot Minimum Front Yard: 153 Feet approximate
- 5/10-Foot Minimum Side Yard: 33 Feet approximate
- 20-Foot Street Side Yard: Does not apply
- 20-Foot Rear Yard: 260 Feet approximate
- Maximum Building Height 35 Feet: 14 Feet to peak.
- Side Yard Height Plan Limit: Does not apply, building not at setback line
- 30% Maximum Lot Coverage: 8.4% approximate
- 30% Minimum Vegetation Coverage: 91.6% approximate

19.301.5 - Additional Development Standards

[...]

Response: Most of these provisions apply to residential development and do not apply to this Community Service Use. One provision that may apply is the 40% minimum vegetation coverage required within the 20-foot front setback on Lake Road. The proposal complies as all of the front setback along Lake Road is vegetated and will not be modified by this proposal.

Section 19.600 – Off-Street Parking and Loading

19.602.3 – Applicability for Development and Change in Use

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

- A. *Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.*
- B. *Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5, when the following types of development or change in use occur:*
 - 1. *Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.*
 - 2. *Changes of use, as defined in Section 19.201.*

Response: The site is approximately 10.3 acres in size. Although the site is rather large due to its use as playfields, the site is only approximately 8.4% impervious (including paving and buildings). There is only approximately 2,072 square feet of existing building area on the site. The proposed 4,800 square foot building will increase the amount of square footage by more than 100% of existing. Since the proposed building is larger than the existing square footage on the site, the code requires that the entire off-street parking requirements of 19.600 apply. If the



proposal were adding less than 100% of the existing square footage, only the limited provisions of Section 19.602.5 would apply.

The applicant finds that although the proposal would increase the square footage by more than 100% of the existing, nothing should be required to be installed or at least only the limited provisions of Section 19.602.5 should apply for the following reasons:

1. The proposal has a limited impact
In context of the large size of the site, the proposed one-story footprint of the building will occupy only about 1% of the site area. Further, the building will be unheated, will contain no indoor plumbing and will only be used for baseball and softball practice. In addition, the facility will be replacing an existing outdoor facility, therefore the proposal will not increase activity or use of the site.
2. Applying entire code is overly burdensome
Given the small size of the structure in comparison to the entire site along with its highly limited use and impact, the applicant finds that applying the entire parking chapter (19.600) and thereby forcing the applicant to perform significant upgrades would be not be justified and would be overly burdensome. Even requiring the limited provisions is burdensome and the applicant believes that no improvements should be required. However, if the Planning Commission decides to require upgrades the applicant requests to be subject to the limited provisions.
3. Applying the entire code (19.600) does not meet with the intent of the code
The applicant finds that the site creates unique circumstances and that the intent of the provision is not burden an owner with significant parking lot upgrades for small improvements with limited impacts.
4. The applicant has applied for a Variance to this standard
If the Planning Commission decides a variance is necessary, the applicant has applied for a Type III Variance to this standard to allow only the limited parking lot upgrade requirements of Section 19.602.5 apply to this proposal (see Section 19.911 of this report for the applicant response to approval criteria for a Type III Variance to this section). Again, it is the applicant's position that no requirements should be required but has applied for the variance in case the Planning Commission decides a variance is necessary.

19.602.5 – Improvements to Existing Off-Street Parking and Loading Areas

A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for



purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

- 1. Paving and striping of parking areas, per Subsection 19.606.3.A.*
- 2. Minimum required vehicle parking spaces, per Section 19.605.*
- 3. Minimum required bicycle parking spaces, per Section 19.609.*
- 4. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.*
- 5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E.*
- 6. Other applicable standards within Chapter 19.600, as determined by the Planning Director.*

Response: If the Planning Commission decides that the limited upgrades and variance are required, the applicant has prepared a plan to upgrade the parking lot. A cost estimate for these improvements has been provided. The development permit value of the new facility is approximately \$200,000. The proposed parking lot upgrades will be equal to 10% of the permit value at approximately \$20,000 to \$25,000 (see Attachment 3 for cost estimate). If the Planning Commission decides to require the variance and parking lot upgrades, the proposed plan complies with the specific sections as list in "C" above as stated below:

1. Paving and striping (19.606.3A)

The parking lot is currently paved and striped. In 2009, the School District received approval to allow the existing 39 spaces at this site to count towards the High School's minimum parking requirement (VR-09-01). The variance was needed due to the distance from this site's parking to the main campus (parking is required to be within 300 feet, this parking is 1,300 feet from the main campus). The High School is required to maintain 341 parking spaces that include the 39 spaces at the subject site.

Due to the need to add internal landscape islands (item 4 below), three parking spaces will need to be removed and the lot restriped. Since 39 spaces must be maintained to meet minimum parking for the High School, four parking spaces will be added at the north end of the existing parking lot for a total of 40 parking spaces¹. The paving would be pervious asphalt to meet City stormwater requirements.

The parking lot would be restriped and to meet or exceed the dimensional standards of Section 19.606.1 including 9-foot by 18-foot 90-degree spaces with and 26-foot wide drive aisle.

2. Minimum required vehicle parking spaces (19.605)

Table 19.605.1-B-4 states that senior high schools are required to provide 0.25 spaces per student, plus 1 space per staff. According to the 2009 variance decision (VR-09-01),

¹ It is more practical for the parking lot layout to have an even number of spaces and therefore an extra space was added.



that joined the Milwaukie High School ball fields parking with the main Milwaukie High School campus parking, the school is required to provide a total 341 parking spaces. This proposal is to replace an existing outdoor hitting facility with an indoor hitting facility. The proposal has no impact on the number of students at the High School and will add one parking space to the total High School parking count for a total of 342 spaces. Therefore Milwaukie High School will continue to provide the required parking and the proposal complies with this section.

In any regard, the 10% maximum of the development permit value as stated in "B" above is being spent on parking lot upgrades. Therefore this section is mute as even if the Planning Commission decided to apply a different interpretation to the required amount of parking, no addition parking could be required of the applicant anyway since the 10% maximum cost is reached

3. Minimum Bike Parking (19.609)

The High School has provided the required bike parking at the main campus. However, the applicant agrees to install a two-space rack at the entrance to the building to make bike use more convenient at the proposed hitting facility.

4. Landscaping of existing buffers, islands, and medians (19.606.2.D).

See response to #5 below.

5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E.

The applicant does not believe that the code references of 19.606.2.D and 19.606.2.E are correct. A response to Section 19.606.2 (Landscaping) is provided below.

6. Other applicable standards

None have been identified.

19.602.2 – Landscaping

C Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1.

Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

Response: The parking lot does not abut a right-of-way, however the west of edge of the parking lot does abut a common property line. The western edge of the parking lot is required to



provide a 6-foot wide perimeter landscaping strip. The landscaping plan submitted with the plan set shows a 6 to 8-foot wide perimeter planter strip on the west side of the parking lot as required.

2. *Planting Requirements*

Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 40 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

Response: There is 200 lineal feet along the curb line edge of the parking lot requiring five trees at one tree per 40 feet. Five maple trees are proposed as shown on the landscaping plan. Further, the ground is proposed to be planted with shrubs and ground cover in compliance with this section.

3. *Additional Planting Requirements Adjacent to Residential Uses*

In addition to the planting requirements of Subsection 19.606.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.606.2.C.3. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.

Response: A continuous evergreen screen is proposed consisting of Evergreen Huckleberry as shown on the landscape plan meeting this section.

D. *Interior Landscaping*

The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.D.

1. *General Requirements*

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.606.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.606.2.D.

Response: The parking lot would have 40 parking spaces. Since the lot is larger than 10 spaces, interior landscape islands are proposed as required.

2. *Required Amount of Interior Landscaped Area*

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.



Response: There are 40 proposed parking spaces requiring 1,000 square feet of interior landscaping (25 square feet per space). A total of 1,028 square feet of interior landscaping is proposed. All interior planter beds are greater than 120 square feet in area (see landscaping plan contained within the plan set submitted with this application).

3. *Location and Dimensions of Interior Landscaped Areas*

- a. *Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.*
- b. *Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).*

Response: Three internal landscape islands are proposed that are 6 feet in width complying with this section.

4. *Planting Requirements for Interior Landscaped Areas*

- a. *For divider medians, at least 1 shade or canopy tree must be planted for every 40 linear ft. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.*
- b. *For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.*
- c. *The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.*

Response: One tree is provided per landscape island with shrubs and ground cover.

Section 19.708 – Transportation Facility Requirements

19.708- Transportation Facility Requirements

[...]

Response: Discussion with City Engineering staff indicates that the site frontage on Lake Road has adequate improvements (curb, gutter and sidewalk). Further, given the limited scope of this proposal, the proposal is not of sufficient magnitude to justify additional public improvements under Section 19.705.2, Rough Proportionality.

Engineering staff has requested that additional right-of-way be dedicated on Lake Road. The applicant agrees to dedicate the additional needed right-of-way to achieve the required half-width right-of-way.

19.709 – Public Utility Requirements

[...]



Response: The proposed structure will not have an indoor bathroom or plumbing, therefore no utilities extensions are required with this proposal.

Section 19.904 – Community Service Uses

19.904.1 - Purpose

This section allows development of certain uses which, because of their public convenience, necessity, and unusual character, may be appropriately located in most zoning districts, but which may be permitted only if appropriate for the specific location for which they are proposed. This section provides standards and procedures for review of applications for such community uses. Community service uses may be sited in any zone, except where expressly prohibited, if they meet the standards of this section. Approval of a CSU does not change the zoning of the property.

Response: The applicant proposes to install an indoor baseball/softball hitting facility. The proposed facility consists of a 40-foot by 120-foot metal building that will be installed within the existing Milwaukie High School ball fields complex. The ball fields have been at this location for many years. The property is zoned single-family R-7. Sports fields are commonly associated with public schools, and public schools commonly locate in single-family residential zones and neighborhoods throughout the City and country. The proposal complies with the standards of this chapter as stated below.

19.904.2 – Applicability

Any community service use shall be subject to the provisions of this section. Application must be submitted to establish or modify a community service use. Community service uses include certain private and public utilities, institutions, and recreational facilities as listed below:[...]

Response: The use is an accompanying sports facility associated with a public school, Milwaukie High School. This is a use that qualifies as a CSU under A.1 of this section.

19.904.3 – Review Process

Except as provided in Subsections 19.904.5.C for minor modifications and 19.904.11 for wireless communication facilities, community service uses shall be evaluated through a Type III review per Section 19.1006.

Response: The applicant requests approval of a Type III CSU application.

19.904.4 – Approval Criteria

An application for a community service use may be allowed if the following criteria are met:

A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;

Response: All standards of the underlying R-7 zone are met (see response to Section 19.301 above). This criterion is met.

B. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;



Response: All standards of Section 19.04.7 are met, Sections 19.904.8-11 do not apply to this proposal (see response to Section 19.04.7 below). This criterion is met.

C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

Response: Land uses and R-7 zoning surrounding the sports field complex consists of low density single-family residential houses. Personal schedules for the residents of these houses vary and therefore hours of operation for the surrounding neighborhood varies. However, when locating near residential areas, uses are most compatible when they not in operation during evenings when people are sleeping. A typical quiet time is between 10:00 p.m. and 7:00 a.m. Monday to Friday and 5:00 p.m. to 8:00 a.m. on weekends. These are hours that are accepted by the City as construction is prohibited during these hours (see Section 8.08.070.I of the City's Municipal Code). Hours of operation for the sports field currently does not operate within these quiet time hours of the day. Hours of operation for the proposed indoor facility will not change from current operations. No additional games will be scheduled since this proposed facility will continue to be a practice-only facility that only replaces the existing outdoor facility.

The area of the site where the indoor hitting facility is proposed is currently used as an outdoor hitting area with equipment stored in a shipping container. The proposed building will replace the outdoor activity and shipping container in the same general location with an indoor activity and therefore the proposal will not increase the level of operation over the current operation. Further, enclosing this use will reduce the intensity by reducing the noise occurring from baseball hitting and group discussion. The new indoor facility will be used in a similar way to the existing outdoor facility as it will be primarily used by high school boys' baseball and girls' softball teams, teams that already use the complex and outdoor hitting facility.

Therefore the proposal will be compatible with surrounding residential houses by honoring typical quiet time hours, between 10:00 p.m. and 7:00 a.m. Monday to Friday and 5:00 p.m. to 8:00 am on weekends. Further the intensity of current operations will be reduced as noise will be reduced by enclosing the existing outdoor hitting facility. The proposal complies with this criterion.

D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and

Response: As stated above, the proposed use is compatible and the proposal will reduce noise impacts over existing by enclosing the existing outdoor hitting facility. Therefore the proposal will reduce existing impacts. The applicant also proposes to add slates to the existing fence to further screen the use from neighboring property to the west.

The other potential adverse impact is the visual impact of the proposed structure. The one-story metal building is in keeping with the sports field and recreational use of the site. In fact, a similar building is in use at Clackamas High School. The building will be placed in a location where it will be buffered from view from neighboring properties. The applicant will install slates in the existing fence to further buffer the building from the residence located to the west and from Lake Road.



Public schools and sports programs have a positive impact on the education of the City's youth. Sports programs foster camaraderie and teach physical skills such as hand eye coordination and agility. Youth sports encourage physical exercise that is important to health throughout a person's life. These programs have a positive outcome and increase the chances for young adults to become healthy active adults. These experiences and skills learned in sports can be used throughout life and add to a person's self-worth and sense of achievement.

Therefore the positive benefits of providing sports programs in schools outweighs any negative impacts especially when considering the only change proposed to the existing condition is to enclose the existing facility that will result in reduced noise levels. This criterion is met.

E. The location is appropriate for the type of use proposed.

Response: The applicant proposes to replace the outdoor hitting facility with an indoor facility in the same general location. This location makes sense for the operations of the sports complex as it is located in an area that is not dedicated to sports field use. This area is also generally flat and away from the soccer field and home base areas of both the baseball and softball fields where the facility could be disruptive to active play. The elevation difference from Lake Road to the level of the fields along with the generous setback of the building and existing mature trees, buffer or will hide the proposed facility from Lake Road. Therefore the location of the facility is also appropriate as it is thoroughly screened from view from Lake Road and buffered from neighboring properties. The proposal complies with this criterion.

19.904.5 – Procedures for Reviewing a Community Service Use

A. The Planning Commission will hold a public hearing on the establishment of, or major modification of, the proposed community service use. If the Commission finds that the approval criteria in Subsection 19.904.4 are met, the Commission shall approve the designation of the site for community service use. If the Commission finds otherwise, the application shall be denied. An approval allows the use on the specific property for which the application was submitted, subject to any conditions the Planning Commission may attach.

Response: The applicant meets the approval criterion stated in Subsection 19.904.4 as stated above. The applicant respectfully requests that this CSU application be approved.

B. In permitting a community service use or the modification of an existing one, the City may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:

- 1. Limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;*
- 2. Establishing a special yard, setback, lot area, or other lot dimension;*
- 3. Limiting the height, size, or location of a building or other structure;*
- 4. Designating the size, number, location, and design of vehicle access points;*
- 5. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;*
- 6. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area; and/or*



7. *Limiting or otherwise designating the number, size, location, height, and lighting of signs.*

Response: The applicant believes that the existing facility is operating in a manner that is compatible with the neighborhood. The proposal to enclose the hitting facility will only make the site more compatible by reducing noise. Therefore the applicant does not believe additional conditions under this section are necessary.

C. The Planning Director may approve minor modifications to an approved community service per Section 19.1004 Type I Review, provided that such modification:[...]

Response: Does not apply. Proposal is for major modification.

19.904.6 – Application Requirements

An application for approval of a community service use shall include the following:

A. Name, address and telephone number of applicant and/or property owner;

Response: Provided on the cover page of this report.

B. Map number and/or subdivision block and lot;

Response: Site is not in a subdivision. Tax Lot number is 11E36CA01200.

C. Narrative concerning the proposed request;

Response: This report is the applicant narrative.

D. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted;

Response: The site is owned by North Clackamas School District #12. The owner's representative has signed the application form.

E. Vicinity map;

Response: Provided on the cover page of the plan set submitted with this application.

F. Comprehensive plan and zoning designations;

Response: The Milwaukie Comprehensive Plan Map 7 identifies the property as Public (P) and the zoning map as R-7.

G. A map showing existing uses, structures, easements, and public utilities and showing proposed development, placement of lot lines, etc.;



Response: Contained within the plan set submitted with this application.

H. Detailed plans for the specific project;

Response: Contained within the plan set submitted with this application.

I. Any information required by other applicable provisions of local, state or federal law;

Response: None identified.

J. Proof of payment of the applicable fees;

Response: A fee in the amount of \$2,000 was submitted with this application.

K. Additional drawings, surveys or other material necessary to understand the proposed use may be required.

Response: A complete set of drawings is provided within the plan set submitted with this application.

19.904.7 – Specific Standards for Schools

Public, private or parochial, elementary, secondary, preschool, nursery schools, kindergartens, and day-care centers are included.

A. Public elementary or secondary schools [...]

Response: Does not apply. The proposal does not involve elementary or secondary schools.

B. Preschools, nursery schools, day-care centers, or kindergartens [...]

Response: Does not apply. The proposal does not involve elementary, preschool, nursery schools, day-care centers or kindergartens.

C. Walkways, both on and off the site, shall be provided as necessary for safe pedestrian access to schools subject to the requirements and standards of Chapter 19.700.

Response: An existing asphalt walkway travels from the parking area at the west end of the site along the north property line and northern portion of the east property line. The path connects the parking lot at the west end of the site to the dugout and bleacher areas of both the softball and baseball fields. A new 5-foot wide ADA accessible asphalt path is proposed to extend from the existing path at the north end of the site to the facility and terminate at a proposed landing and door on the north elevation of the proposed building. This will complete an extensive pathway system linking all activity areas and the parking lot with ADA accessible pathways.



D. Sight-obscuring fence of 4 to 6 ft in height shall be provided to separate the play area from adjacent residential uses.

Response: A 6-foot tall chain-link fence exists along the top of the slope that separates the area of the proposed facility from the neighboring house to the west. The applicant proposes to install slates in the fence to screen the use and comply with this standard.

E. Public facilities must be adequate to serve the facility.

Response: The application does not propose to have water or sewer service to the proposed building. Therefore the proposal has no demand on utilities.

F. Safe loading and ingress and egress will be provided on and to the site.

Response: A parking lot exists at the west end of the site. The facility will be connected to the parking lot with an ADA accessible asphalt pathway. This will be provided for safe loading and ingress and egress as required by this section.

G. Off-street parking (including buses) shall be provided as per Chapter 19.600.

Response: Off-street parking demand for public high schools is based on classroom size. The proposal will not change the classroom size of the high school. Further the proposal is to replace the existing outdoor facility with an indoor facility and will not increase the intensity of the use. Therefore the proposal does not require or need additional parking.

H. Minimum setback requirements:

Front yard: 20 ft

Rear yard: 20 ft

Side yard: 20 ft

Setbacks may be increased depending on the type and size of school in order to ensure adequate buffering between uses and safety for students.

Response: The proposal far exceeds the minimum setbacks. Proposed setbacks are as follows:

- Front Yard: 153 Feet approximate
- Rear Yard: 260 Feet approximate
- Side Yard: 33 Feet approximate

I. Bicycle facilities are required which adequately serve the facility.

Response: Required bike parking is 10% of the minimum required off-street requirement. Similar to the off-street parking standard, the proposal will not change the classroom size of the high school and therefore the demand for bike parking will not increase. Therefore the proposal does not require bike parking.

J. 15% of the total site is to be landscaped.



Response: At approximately 93%, the proposal vastly exceeds the 15% minimum landscaping.

Section 19.911 – Variances

Response: The applicant first requests that no parking lot upgrades be required since the existing parking lot is in good condition, functions adequately and meets the minimum dimensional standards of the parking code. Further the proposal does not increase the intensity of the use of the site and therefore the applicant does not believe the parking upgrade should be required. If the Planning Commission decides differently, the applicant proposes a variance to Section 19.602.3. This Section states that all nonconforming parking lots must be brought up to code for all provisions of Section 19.600, if the proposed square footage exceeds the amount of existing square footage. If on the other hand the square footage proposed is less than existing only limited provisions of 19.600 apply and amount required to be spent on such improves is limited to 10% of the project permit value. The applicant proposes to add more square footage than is existing but requests through a Type III variance that only the limited provision contained in 19.602.5 apply as if the applicant were proposed to add less square footage than existing.

19.911.4 – Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria [...]

Response: The applicant has chosen to respond to criterion contained in subsection B.2 below.

2. Economic Hardship Criteria

- a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.*

Response: If the Planning Commission decides to require parking lot upgrades, the applicant is requesting a variance to Section 19.602.3. This sections states that projects that propose more square footage than is existing, are required to upgrade nonconforming parking lots to meet all of the current parking requirements of Section 19.600. If however, the proposed square footage is less than existing, applicants are only required to upgrade nonconforming parking to meet limited sections of 19.600. In addition, when only the limited upgrades are required, the applicant is limited to only spending up to 10% of the permit value on such upgrades.

The unusual site characteristics and physical conditions of this property is that it is a developed 10+ acre site with no wetlands or sensitive areas, yet it only has a mere 2,072 square feet of existing building area. Normally this would not present a hardship, however, from an economic perspective adding a small amount of building square footage results in the code requiring a full upgrade to the existing parking lot that does not currently meet all of the requirements of the current parking code (Section 19.600).



The existing 2,072 square feet of building area only makes up ½ of a percent of the total site area. If the site had only an additional 2,728 square feet of building area, another ½ of a percent of the site area, then the relatively small proposed 4,800 square foot building would not trigger a full parking lot upgrade.

In context to the size of the site, these building square footage numbers are minuscule. The proposed 4,800 square foot building would only occupy 1% of the site area. The proposed building (4,800 square feet) combined with the existing amount (2,072 square feet), will only make up 1.5% of the total site area.

This unique condition (the condition of a small amount of building square footage compared to site size) is a result of the fact that this site that contains the Milwaukie High School ball fields is not contiguous to the main Milwaukie High School campus located approximately 850 feet to the northwest of the subject site. If the site (the high school ball fields) were connected to the main campus, the proposed 4,800 square foot addition would easily fall well below the existing square footage of the high school and full parking lot upgrade would not be required.

A part of this criteria requests a finding that the subject site has an unusual circumstance when comparing this site to other properties in the same area and zoning. The size of the area is not defined in the criteria. However, much of the surrounding area roughly defined by Washington Street and Highway 224 to the north and Kellogg Creek to the south and west, is used for and zoned for residential including R1, R2, R5 and R7. The subject site is a public school use and considered a community service use (CSU) by the City. Similar CSU sites included within this roughly defined area include the main Milwaukie High School campus, Milwaukie Elementary School and Rowe Middle School. Building square footage and site sizes of these comparable sites are included below:

- Milwaukie High School – Building Footprint (120,000 SF) – Site (14.1 acres)
- Rowe Middle School – Building Footprint (90,000 SF) – (13.3 acres)
- Milwaukie Elementary School – Building Footprint (54,000 SF) – Site (5.7 acres)
- Subject Site – Building Footprint (2,072 SF) – Site (10.3 acres)

As demonstrated in the comparison of similar properties above, the site has a very minimal amount of building square footage to site area when compared to similar sites within the same area and zoning. This has created an unusual circumstance that would not apply to other properties if they were adding the same amount of square footage and therefore an economic hardship that would not apply to other comparable properties exists. This criterion is met.

b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.

Response: Section 19.602.3 and 196.02.5 of the parking code clearly layout what parking lot upgrades are needed for projects of limited scope. The applicant proposes to meet these more limited provisions of the parking code since the proposed project is highly limited in scope. These provisions limit the upgrades to 10% of the permit value making the upgrades more economically feasible. Therefore applying the limited provisions provides the minimum variance necessary to allow for reasonable economic use of the property. To not do so would be overly



burdensome to the applicant and require upgrades that would not be required of similar properties if the same proposal were requested on these properties. This criterion is met.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

Response: Mitigation is not deemed to be necessary. As stated above, the applicant is simply requesting that the limited provisions of the parking code apply to the proposal, the same as would apply to other similar properties. The proposal is of limited scope and only involves replacing an outdoor hitting facility with an indoor facility. There will be no increase in intensity of the site that would warrant mitigation of the variance request. This criterion is met.

IV. CONCLUSION

This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.



Attachment I





PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: _____

Review type*: ☐ I ☐ II ☐ III ☐ IV ☐ V

CHECK ALL APPLICATION TYPES

THAT APPLY:

- ☐ Amendment to Maps and/or Ordinances:
 - ☐ Comprehensive Plan Text Amendment
 - ☐ Comprehensive Plan Map Amendment
 - ☐ Zoning Text Amendment
 - ☐ Zoning Map Amendment
- ☐ Code Interpretation
- ☒ Community Service Use
- ☐ Conditional Use
- ☐ Development Review
- ☐ Director Determination
- ☐ Downtown Design Review
- ☐ Extension to Expiring Approval
- ☐ Historic Resource:
 - ☐ Alteration
 - ☐ Demolition
 - ☐ Status Designation
 - ☐ Status Deletion

- ☐ Land Division:
 - ☐ Final Plat
 - ☐ Lot Consolidation
 - ☐ Partition
 - ☐ Property Line Adjustment
 - ☐ Replat
 - ☐ Subdivision
- ☐ Miscellaneous:
 - ☐ Barbed Wire Fencing
 - ☐ Bee Colony
 - ☐ Mixed Use Overlay Review
 - ☐ Modification to Existing Approval
 - ☐ Natural Resource Review
 - ☐ Nonconforming Use Alteration
- ☐ Parking:
 - ☐ Quantity Determination
 - ☐ Quantity Modification
 - ☐ Shared Parking
 - ☐ Structured Parking

- ☐ Planned Development
- ☐ Residential Dwelling:
 - ☐ Accessory Dwelling Unit
 - ☐ Duplex
 - ☐ Manufactured Dwelling Park
 - ☐ Temporary Dwelling Unit
- ☐ Sign Review
- ☐ Transportation Facilities Review
- ☐ Variance:
 - ☐ Use Exception
 - ☐ Variance
- ☐ Willamette Greenway Review
- ☐ Other: _____

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Garry Kryszak - North Clackamas School District

Mailing address: 12451 SE Fuller Road, Milwaukie, OR Zip: 97222

Phone(s): (503) 353-6058 E-mail: kryszak@nclack.k12.or.us

APPLICANT'S REPRESENTATIVE (if different than above): Keith Jones

Mailing address: 205 SE Spokane Street, Suite 200, Portland, OR Zip: 97202

Phone(s): (503) 221-1131 E-mail: keithj@hhpr.com

SITE INFORMATION:

Address: N/A 28th Ave and Lake Rd. Map & Tax Lot(s): 11E36CA01200

Comprehensive Plan Designation: P Zoning: R7 Size of property: 9.64 Acres

PROPOSAL (describe briefly):

Construct indoor baseball practice facility at Milwaukie High School Ballfields on Lake Road. Proposed Structure is 40 feet wide by 120 feet long metal building. Building proposed to be located at the south and west end of the site.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Garry M Kryszak Date: 11-21-13

IMPORTANT INFORMATION ON REVERSE SIDE

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukee Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)

Attachment 2



Keith Jones

From: Kelter, Brett <KelterB@milwaukieoregon.gov>
Sent: Monday, January 06, 2014 9:14 AM
To: 'Ron Stewart'
Cc: Garry Kryszak; Keith Jones
Subject: RE: North Clackamas

Ron,

Thank you for the confirmation. Much appreciated!

Brett Kelter, AICP
Associate Planner
City of Milwaukie

-----Original Message-----

From: Ron Stewart [<mailto:stewartro@nclack.k12.or.us>]
Sent: Monday, January 06, 2014 8:46 AM
To: Kelter, Brett
Cc: Garry Kryszak
Subject: North Clackamas

Hi Brett,
Garry Kryszak is part-time management employee for North Clackamas School District and is authorized to represent the district on any land use or other district project.
Thank you,
Ron

PUBLIC RECORDS LAW DISCLOSURE: This email is a public record of the City of Milwaukie and is subject to public disclosure unless exempt from disclosure under Oregon Public Records law. This email is subject to the State Retention Schedule.

MILWAUKIE SUSTAINABILITY: Please consider the impact on the environment before printing a paper copy of this message.

Attachment 3



North Clackamas School District

Construction Cost Estimate - Parking Lot Improvements

Prepared by: Harper Houf Peterson Righellis Inc. (Based on Preliminary Site Plan)

December 26, 2013



Hardscape

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	New Asphalt	S.F.	926	\$6	\$5,556
2	New Curbing	S.F.	80	\$7	\$560
3	Re-striping	L.F.	736	\$1.5	\$1,104
4					
5					
6					
7					
8					
9					

Hardscape \$7,220

Plants

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
10	2" CAL Deciduous Trees	EA.	12	\$250	\$3,000
11	5 GAL Shrubs	EA.	0	\$30	\$0
12	1 GAL Shrubs	EA.	128	\$10	\$1,280
13	4" Pots	EA.	171	\$5	\$855
14	Water Quality Plantings (in civil estimate)	S.F.	0	\$5	\$0
15	Permanent Seeding	S.F.	0	\$0.25	\$0
16					

Plants \$5,135

Earthwork

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
17	Topsoil -18"	C.Y.	152	\$35	\$5,320
18	Water Quality Media	C.Y.	0	\$25	
19	Soil Amendments (6" Thick)	C.Y.	50	\$25	\$1,250
20	Mulch (2" Deep)	C.Y.	17	\$25	\$425

Earthwork \$6,995

Irrigation

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
21	Irrigation System	S.F.	2,737	\$0.65	\$1,779

Irrigation \$1,779

SUBTOTAL \$21,129

Contingency (20%) \$4,226

Total PRELIMINARY Estimate - Site Work \$25,355

Notes

BASEBALL INDOOR PRACTICE FACILITY

MILWAUKIE HIGH SCHOOL
MILWAUKIE, OREGON



VICINITY MAP
N.T.S.



SITE PLAN
SCALE: 1" = 80'



SHEET INDEX

- 1.0 COVER SHEET
- 2.0 EXISTING CONDITIONS
- 3.0 SITE CONTEXT PLAN
- 3.1 SITE PLAN – INDOOR PRACTICE FACILITY
- 3.2 SITE PLAN – PARKING LOT IMPROVEMENTS
- 4.0 GRADING AND EROSION CONTROL
- 5.0 PLANTING PLAN
- 5.1 PLANTING DETAILS
- 6.0 DETAILS—CIVIL
- 7.0 BUILDING PLAN, SECTIONS & ELEVATIONS
- 7.1 FOUNDATION/FRAMING PLANS
- 7.2 SECTIONS AND DETAILS
- 8.0 LIGHTING

OWNER

NORTH CLACKAMAS SCHOOL DISTRICT
CONTACT: GARRY KRYSZAK
12451 SE FULLER ROAD
MILWAUKIE, OR 97222
PHONE: 503-353-6058

CONSULTANTS

HARPER HOUF PETERSON RIGHELLIS INC.
CONTACT: DAN HOUF, P.E.
205 SE SPOKANE STREET, SUITE 200
PORTLAND, OR 97202
PHONE: 503-221-1131
FAX: 503-221-1171

PRELIMINARY

			DESIGNED:	HHPR
			DRAWN:	JPC
			CHECKED:	KBJ
DATE	NO.	DESCRIPTION	DATE:	JANUARY 31, 2014
R E V I S I O N S				



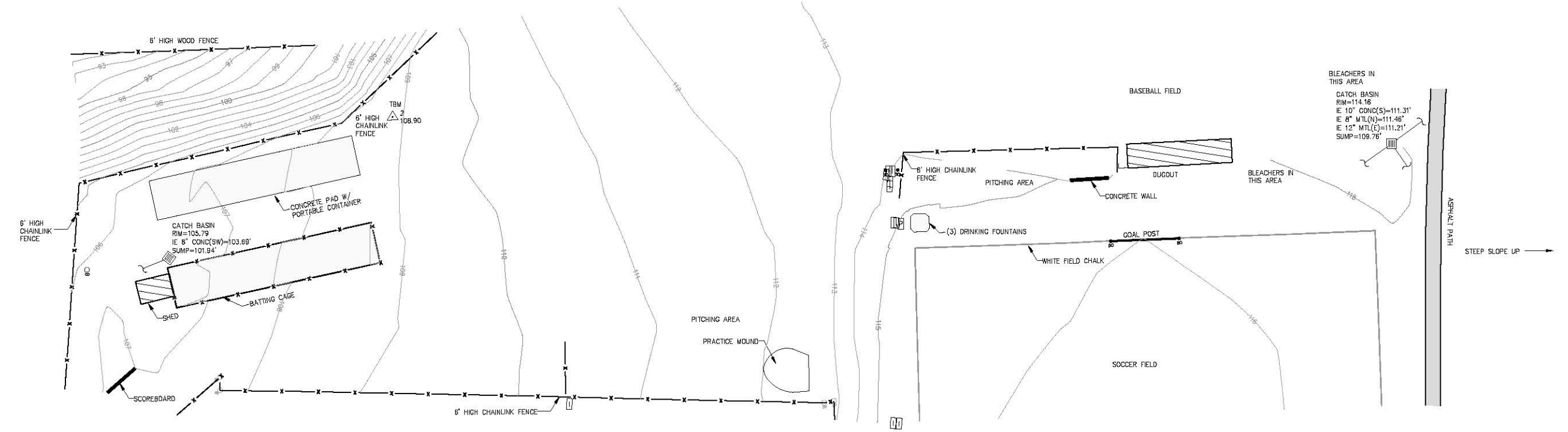
HHPR Harper Houf Peterson Righellis Inc.
ENGINEERS*PLANNERS
LANDSCAPE ARCHITECTS*SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

COVER SHEET
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

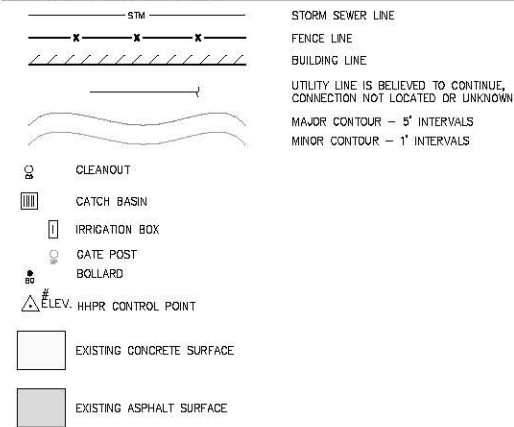
SHEET NO.
1
JOB NO.
NCS-20

LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF
SECTION 36, TOWNSHIP 1 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON

FIELD WORK DATES: 10/28/2013



TOPOGRAPHIC LEGEND:



NOTE: SYMBOLS SHOWN HEREON ARE FOR GRAPHICAL REPRESENTATION PURPOSES AND DO NOT NECESSARILY SHOW SHAPE, SIZE, ROTATION, CONDITION, TYPE, ETC. OF THE ACTUAL PHYSICAL IMPROVEMENTS THAT THEY REPRESENT. CONDITION, TYPE, ROTATION, ETC. MAY VARY AMONGST ITEMS SHOWN BY THE SAME SYMBOL.

VERTICAL DATUM:

ELEVATION DATUM: NGVD 29
BENCHMARK: NO. 19 PER SN 2011-090
LOCATION: NORTH SIDE OF LAKE ROAD EAST OF SE 32ND STREET
AS SHOWN ON SN 2011-090.
ELEVATION: 107.75'
TEMPORARY BENCH MARK (TBM)
POINT NUMBER 2 ELEV=108.90'

HORIZONTAL DATUM

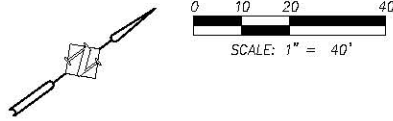
ASSUMED

ABBREVIATIONS:

MTL = METAL PIPE
CONC = CONCRETE PIPE
IE = INVERT ELEVATION
SN = SURVEY NUMBER
TBM = TEMPORARY BENCH MARK

NOTES:

1. NO PROPERTY BOUNDARY OR EASEMENTS LOCATED AS PART OF THIS SURVEY.
2. BUILDING AREAS AND/OR DIMENSIONS SHOWN HEREON ARE BASED ON EXTERIOR MEASUREMENTS.



PRELIMINARY

REVISIONS			DESIGNED:	HHPR
			DRAWN:	JPC
			CHECKED:	KBJ
			DATE:	JANUARY 31, 2014
DATE	NO.	DESCRIPTION		



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

EXISTING CONDITIONS

BASEBALL INDOOR PRACTICE FACILITY

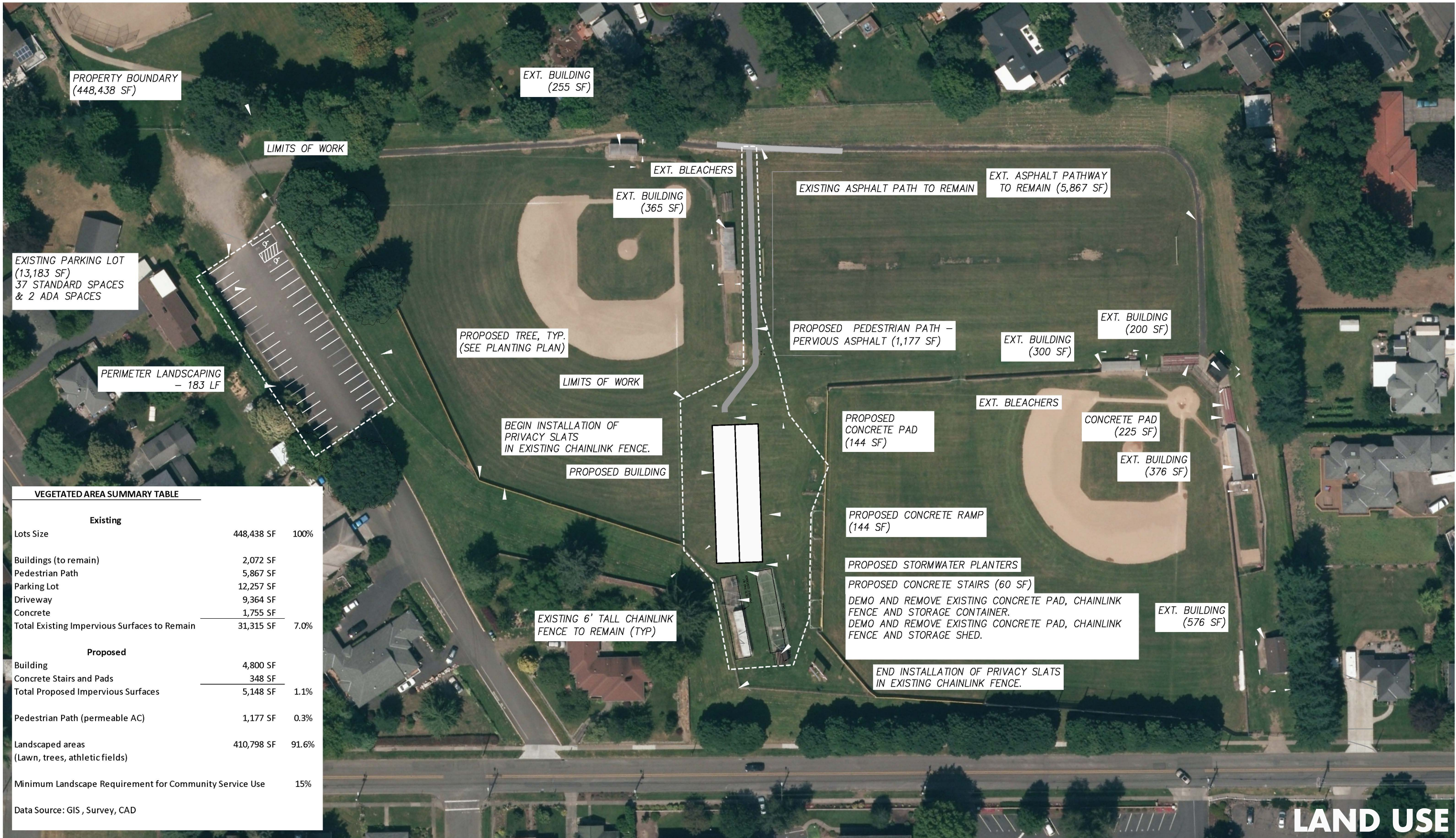
MILWAUKIE HIGH SCHOOL

SHEET NO.

2.0

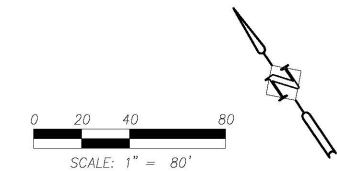
JOB NO.

NCS-20



LAND USE

P:\NCS-20 Milwaukie HS\DWGS\SHEETS\DESIGN\REV\NCS-20-3.0-SITEPLAN-DR.dwg



VEGETATED AREA SUMMARY TABLE		
Existing		
Lots Size	448,438 SF	100%
Buildings (to remain)	2,072 SF	
Pedestrian Path	5,867 SF	
Parking Lot	12,257 SF	
Driveway	9,364 SF	
Concrete	1,755 SF	
Total Existing Impervious Surfaces to Remain	31,315 SF	7.0%
Proposed		
Building	4,800 SF	
Concrete Stairs and Pads	348 SF	
Total Proposed Impervious Surfaces	5,148 SF	1.1%
Pedestrian Path (permeable AC)	1,177 SF	0.3%
Landscaped areas (Lawn, trees, athletic fields)	410,798 SF	91.6%
Minimum Landscape Requirement for Community Service Use		15%
Data Source: GIS, Survey, CAD		

DESIGNED:	HHPR
DRAWN:	JPC
CHECKED:	KBJ
DATE:	JANUARY 31, 2014

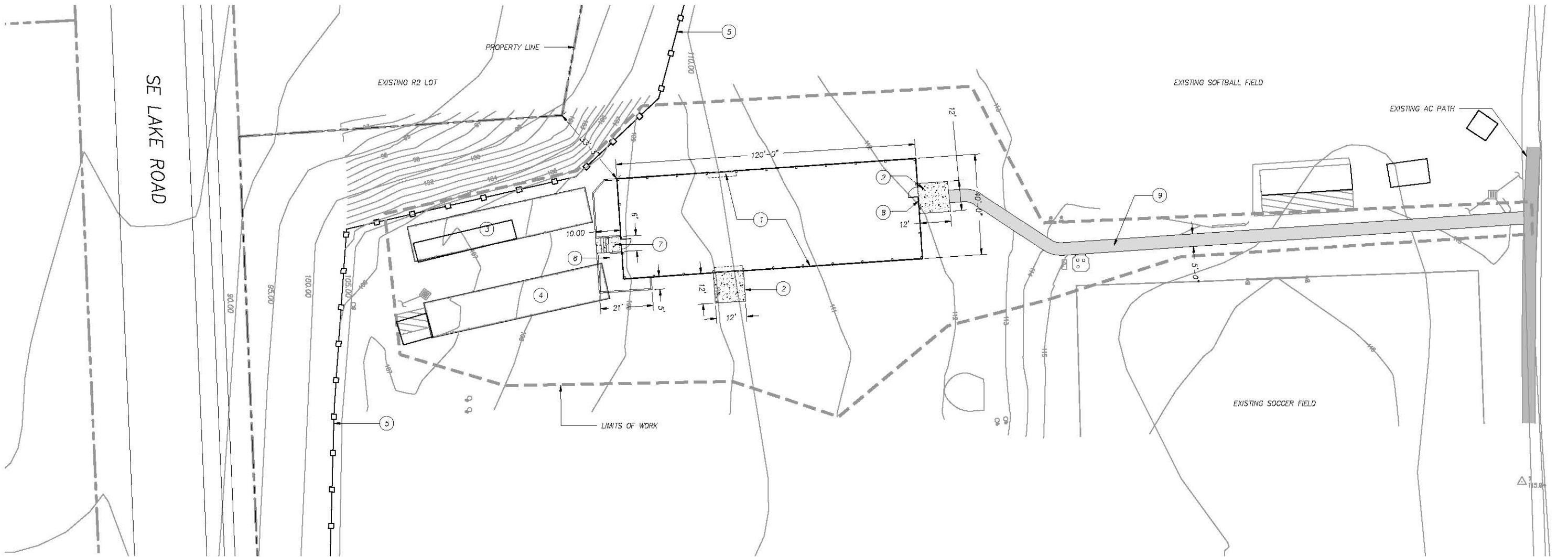
DATE	NO.	DESCRIPTION
03/10/14		DESIGN REVIEW REVISIONS
R E V I S I O N S		



HHPR Harper Houf Peterson Righellis Inc.
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LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

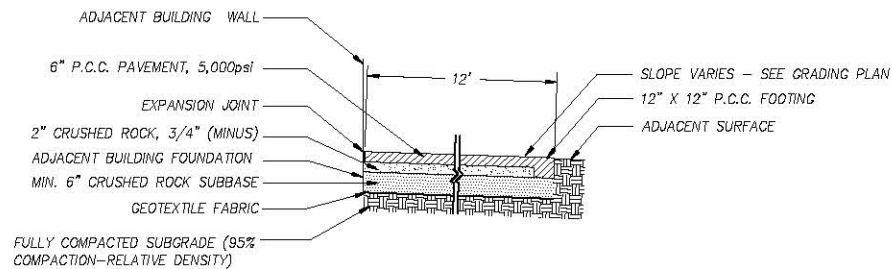
SITE CONTEXT PLAN
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

SHEET NO.	3.0
JOB NO.	NCS-20

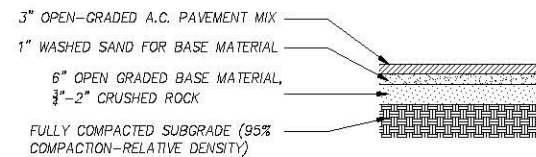


CONSTRUCTION NOTES

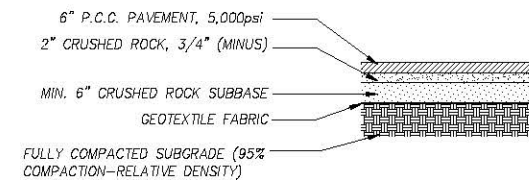
1. INSTALL PRE-FABRICATED BUILDING. SEE SHEET 7.0 FOR PLANS, SECTIONS AND ELEVATIONS
2. INSTALL CONCRETE RAMP. SEE DETAIL.
3. DEMO AND REMOVE EXISTING CONCRETE PAD, CHAINLINK FENCE AND STORAGE CONTAINER.
4. DEMO AND REMOVE EXISTING CONCRETE PAD, CHAINLINK FENCE AND STORAGE SHED.
5. INSTALL PRIVACY SLATS INTO EXISTING CHAINLINK FENCE - SEE SHEET 3.0 FOR BEGINNING AND END OF INSTALLATION.
6. INSTALL STORMWATER PLANTERS - 189 SF OF TREATMENT PER PLANTER. SEE SHEET 6.0 FOR DETAIL.
7. INSTALL CONCRETE STAIRS. SEE SHEET 6.0 FOR DETAIL.
8. INSTALL MOUNTED FLOODLIGHT. SEE SHEET 8.0
9. INSTALL 235 LF - 5' WIDE PERMEABLE ASPHALT PATHWAY. CONNECT TO EXISTING ASPHALT PATHWAY. SEE DETAIL.



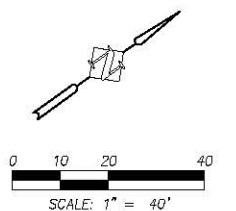
P.C.C. RAMP SECTION
N.T.S.



PERMEABLE A.C. PAVEMENT SECTION
N.T.S.



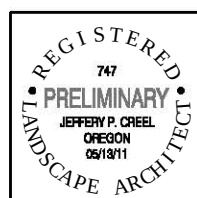
P.C.C. PAVEMENT SECTION
N.T.S.



PRELIMINARY

DATE	NO.	DESCRIPTION
R E V I S I O N S		

DESIGNED:	HHPR
DRAWN:	JPC
CHECKED:	KBJ
DATE:	JANUARY 31, 2014

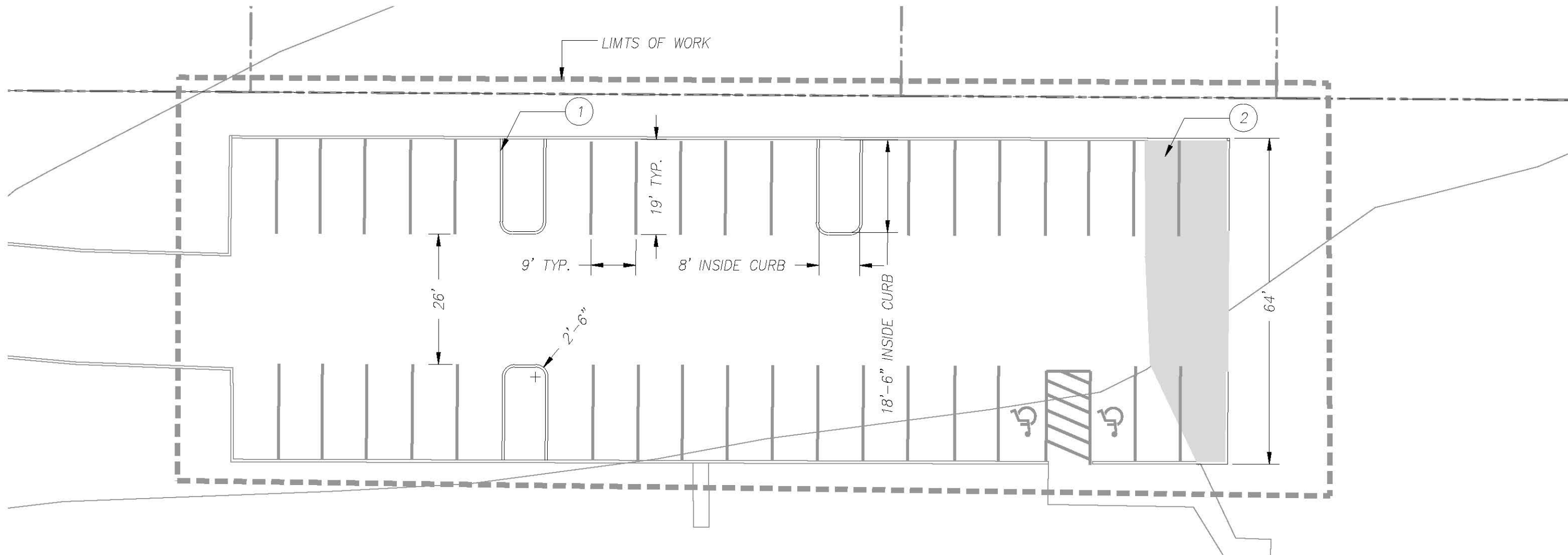


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205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

SITE PLAN
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

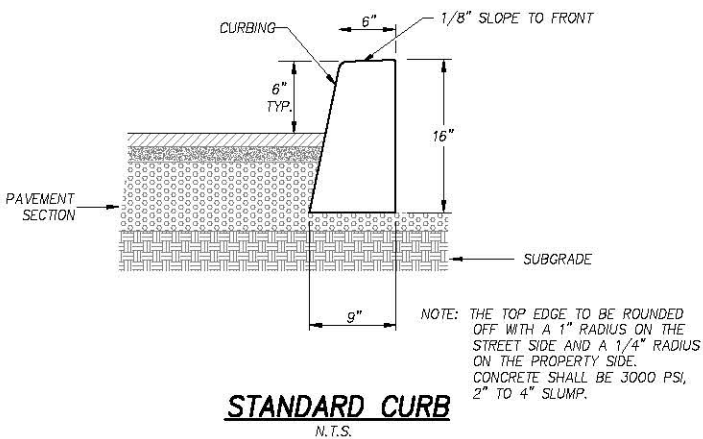
SHEET NO.	3.1
JOB NO.	NCS-20

P:\NCS-20 Milwaukee HS\DWGS\SHEETS\DESIGN\REV\NCS20-3.1-SITE PLAN.dwg

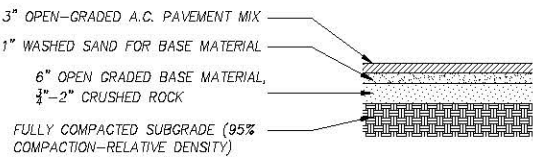


CONSTRUCTION NOTES

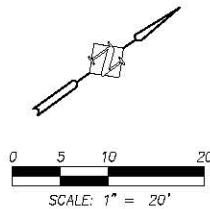
1. INSTALL CONCRETE CURB. SEE DETAIL.
2. INSTALL 926 SF PERMEABLE ASPHALT PAVING. SEE DETAIL.



STANDARD CURB
N.T.S.

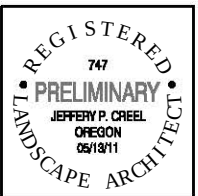


PERMEABLE A.C. PAVEMENT SECTION
N.T.S.



PRELIMINARY

DATE	NO.	DESCRIPTION
R E V I S I O N S		
DESIGNED: HHPR		
DRAWN: JPC		
CHECKED: KBJ		
DATE: JANUARY 31, 2014		

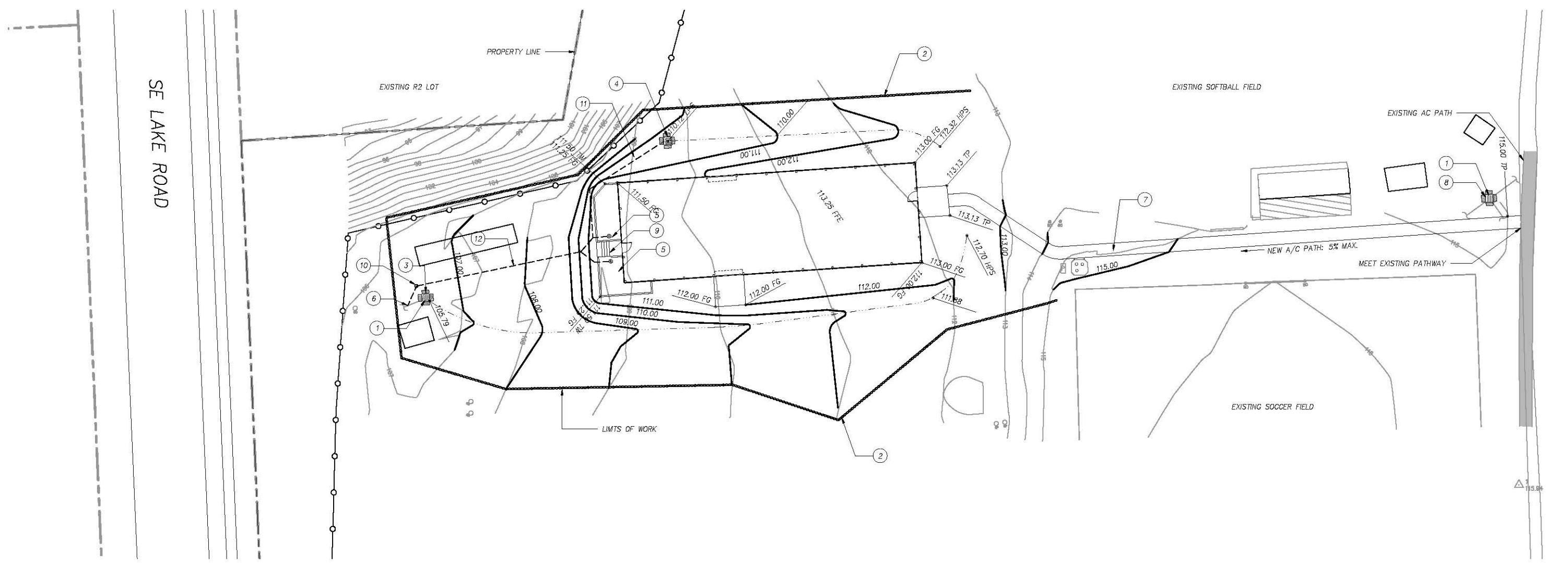


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205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

PARKING LOT SITE PLAN
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

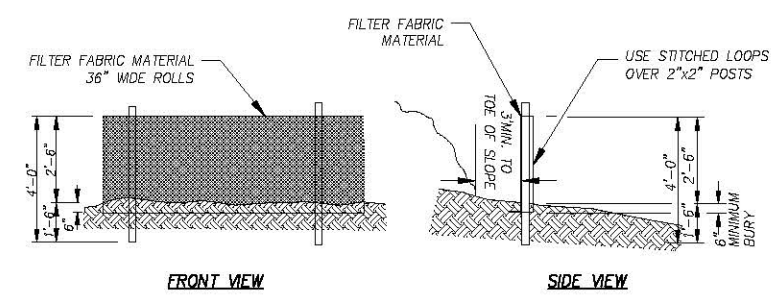
SHEET NO.
3.2
JOB NO.
NCS-20

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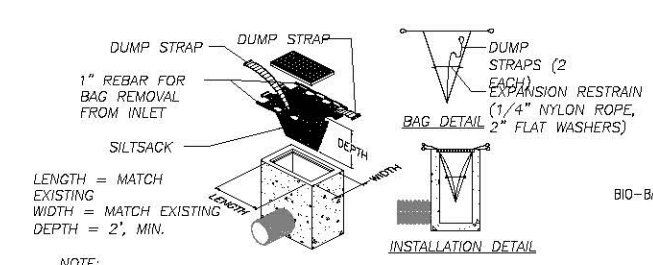


GRADING, DRAINAGE & EROSION CONTROL NOTES:

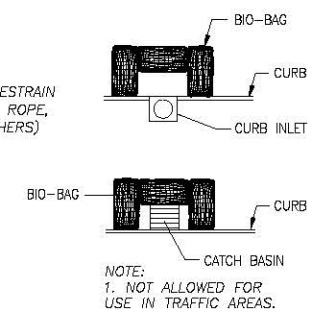
- 1 INLET PROTECTION.
- 2 ORANGE SEDIMENT FENCE FOR EROSION AND SITE PROTECTION.
- 3 EXISTING CATCH BASIN
RIM = 105.79
EXISTING 8" CONC. IE OUT (SW)=103.69
- 4 INSTALL NEW CATCH BASIN
RIM = 110.10, 109.10 IE OUT
- 5 INSTALL STORM WATER PLANTERS (WITH OVERFLOW) FOR TREATMENT OF ROOF RUNOFF.
- 6 CONNECT TO EXISTING CONCRETE STORM PIPE.
- 7 NEW PERVIOUS ASPHALT PATHWAY. SEE SHEET SECTION.
- 8 EXISTING CATCH BASIN
RIM = 114.16
EXISTING 10" CONC. IE (S)=111.31
EXISTING 8" MTL IE (N)=111.46
EXISTING 12" MTL IE (E)=111.21
SUMP=109.76
- 9 NEW STAIRS:
4 RISERS 6" EA.
3 TREADS @ 12" EA.
- 10 INSTALL CLEAN-OUT AT WYE.
- 11 INSTALL 55 LF STORM, S = 0.0200 MIN.
- 12 INSTALL 79 LF STORM PIPE, S = 0.0200 MIN.



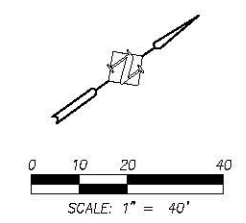
SEDIMENT CONTROL FENCE
N.T.S.



CATCH BASIN INSERT



BIO-BAG PROTECTION ALTERNATE MEASURE



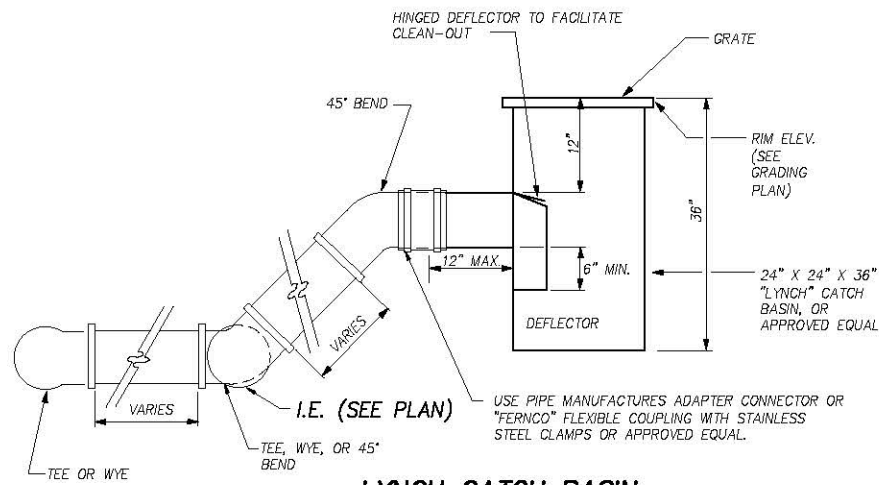
PRELIMINARY

			DESIGNED:	HHPR
			DRAWN:	JPC
			CHECKED:	KBJ
			DATE:	JANUARY 31, 2014
DATE	NO.	DESCRIPTION	R E V I S I O N S	

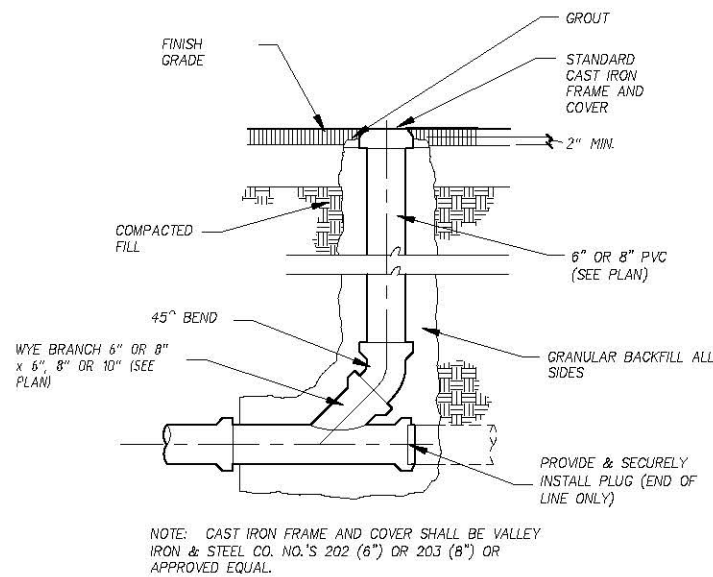
Harper Houf Peterson Righellis Inc.
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LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

GRADING, UTILITY AND EROSION CONTROL
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

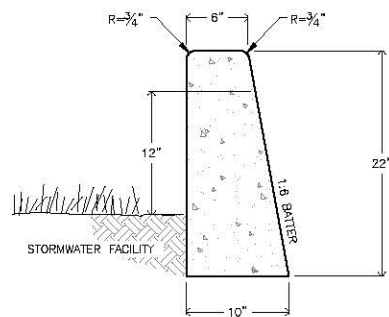
SHEET NO.
4.0
JOB NO.
NCS-20



LYNCH CATCH BASIN
N.T.S.



STANDARD CLEANOUT
N.T.S. N.T.S.

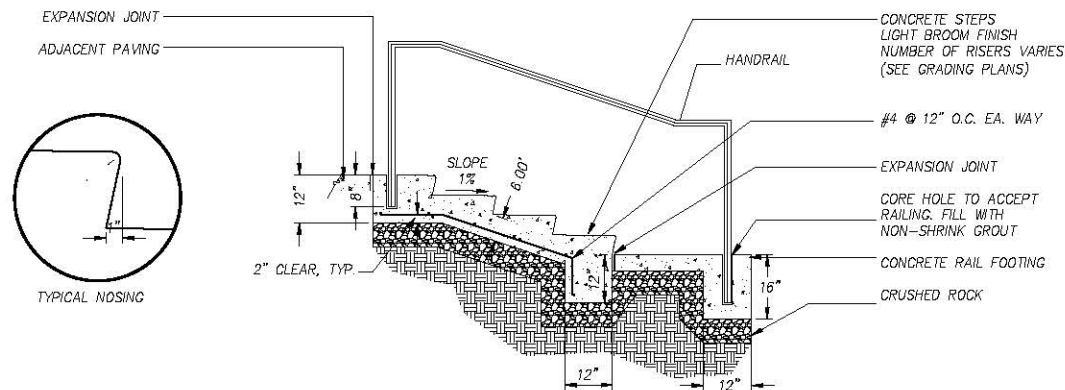


NOTES:
FINISH ALL EXPOSED CONCRETE SURFACES

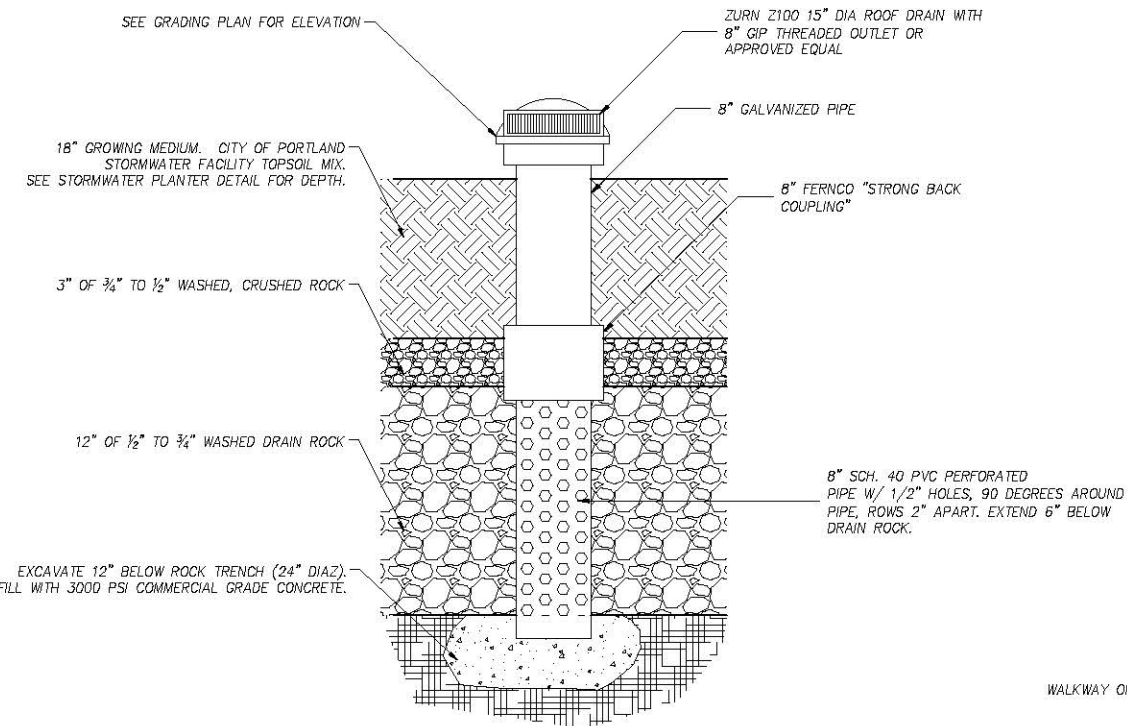
PLANTER WALL DETAIL
N.T.S.

DATE	NO.	DESCRIPTION
R E V I S I O N S		

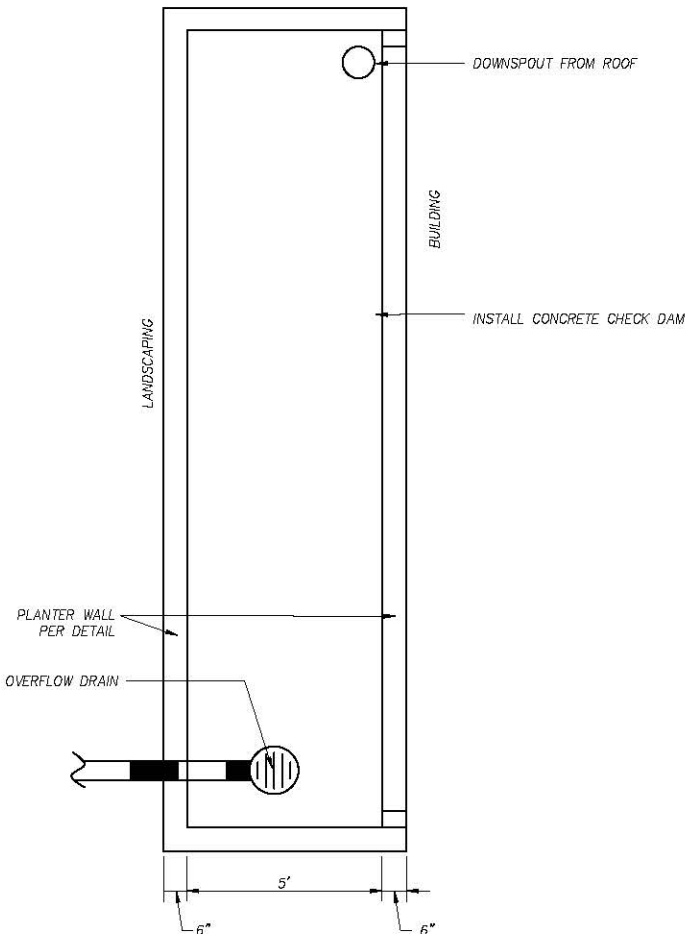
DESIGNED:	HHPR
DRAWN:	JPC
CHECKED:	KBJ
DATE:	JANUARY 31, 2014



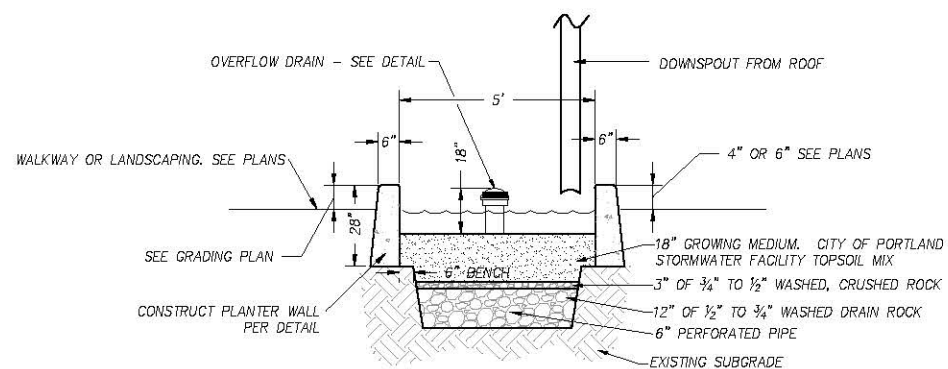
CONCRETE STAIRS
N.T.S.



OVERFLOW DRAIN
N.T.S.



STORMWATER PLANTER PLAN
N.T.S.



STORMWATER PLANTER SECTION
N.T.S.

PRELIMINARY

TYPICAL DETAILS
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

SHEET NO.
6.0
OF
JOB NO.
NCS-20



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LANDSCAPE ARCHITECTS • SURVEYORS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

GENERAL:

- THESE STRUCTURAL NOTES SUPPLEMENT THE SPECIFICATIONS. ANY DISCREPANCY FOUND AMONG THE DRAWINGS, SPECIFICATIONS, THESE NOTES, AND ANY SITE CONDITIONS SHALL BE REPORTED IN A TIMELY MANNER TO THE ARCHITECT/ENGINEER DESIGN TEAM, WHO SHALL RESPOND TO ANY DISCREPANCY IN WRITING. ANY WORK DONE BY THE CONTRACTOR AFTER DISCOVERY OF SUCH DISCREPANCY SHALL BE DONE AT THE CONTRACTOR'S OWN RISK.
- THE CONTRACTOR SHALL VERIFY AND COORDINATE THE DIMENSIONS AMONG ALL DRAWINGS PRIOR TO PROCEEDING WITH ANY WORK OR FABRICATION.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL DEMOLITION AND CONSTRUCTION METHODS, TECHNIQUES, SEQUENCING, AND SAFETY REQUIRED FOR THE WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL ERECTION BRACING, FORM WORK, AND TEMPORARY SHORING REQUIRED FOR THE WORK.
- THESE NOTES SET MINIMUM STANDARDS FOR CONSTRUCTION. THE DRAWINGS GOVERN OVER THE STRUCTURAL NOTES TO THE EXTENT SHOWN.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON DRAWINGS AND IN THE FIELD. COORDINATE LOCATIONS OF OPENINGS THROUGH FLOOR, ROOFS AND WALLS WITH ARCHITECTURAL PLANS. NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES.
- DETAILS SHOWN ON THE DRAWINGS ARE INTENDED TO APPLY AT ALL SIMILAR CONDITIONS AND LOCATIONS.
- DO NOT SCALE INFORMATION FROM STRUCTURAL DRAWINGS.

DESIGN CODE:

- 2010 OREGON STRUCTURAL SPECIALTY CODE
- ASCE 7-05
- ALL REFERENCE TO OTHER CODES AND STANDARDS (ACI, ASTM, ETC...) SHALL BE PER THE LATEST OR MOST CURRENT EDITION AVAILABLE.
- DESIGN LOADS:

ROOF (SNOW LOAD).....	25 PSF
FLOOR	100 PSF
WIND	100 MPH (EXPOSURE B), BUILDING CATEGORY II
SEISMIC	DESIGN CATEGORY B, SITE CLASS D
	R= 2.5, Ss= 0.984, S1= 0.338

FOUNDATIONS:

- MAXIMUM DESIGN SOIL BEARING PRESSURE = 1,500 PSF
- FOOTINGS SHALL BE FOUNDED ON FIRM, UNDISTURBED SOIL OR ON APPROVED STRUCTURAL FILL.
- STRUCTURAL FILL SHALL CONSIST OF CLEAN WELL-GRADED SAND, SAND AND GRAVEL, OR CRUSHED ROCK AND COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY AS OBTAINED BY ASTM TEST METHOD D1557 (MODIFIED PROCTOR)
- THE STRUCTURAL FILL SHALL BE PLACED IN LOOSE LIFTS NOT EXCEEDING 8" IN THICKNESS AND THOROUGHLY COMPACTED TO A DENSE, NON-YIELDING STATE.
- ALL FOOTINGS SHALL BE A MINIMUM OF 1'-6" BELOW FINAL GRADES OR 1'-0" BELOW EXISTING GRADE, WHICHEVER IS LOWER.
- BOTTOM OF FOOTINGS SHALL BE STEPPED FROM ELEVATION TO ELEVATION AT 2'-0" HORIZONTAL TO 1'-0" VERTICAL STEPS.
- DO NOT EXCAVATE GREATER THAN A 2:1 SLOPE BELOW FOOTING.
- ALL DISTURBED SOIL SHALL BE REMOVED BY HAND OPERATION FROM THE FOOTING EXCAVATION TO NEAT LINES.

CONCRETE (CAST IN PLACE):

- ALL CONCRETE SHALL BE NORMAL WEIGHT AND SHALL DEVELOP A MINIMUM 28 DAY LABORATORY CURED COMPRESSIVE-CYLINDER STRENGTH OF 3,000 PSI ON GRADE.
- CONCRETE SHALL HAVE A MAXIMUM SLUMP OF 4 INCHES.
- CONCRETE, FORMS, MIXING, PLACING AND CURING SHALL CONFORM TO ACI MANUAL OF CONCRETE PRACTICE, LATEST EDITION, AND SPECIFICATIONS.
- ALL BOLTS IN CONCRETE SHALL CONFORM TO ASTM SPECIFICATION A307 AND SHALL BE OF THE SIZE INDICATED ON THE DRAWINGS.
- EXCESSIVE HONEY COMB OR EMBEDDED DEBRIS IN CONCRETE IS NOT ACCEPTABLE. NOTIFY ENGINEER OF RECORD UPON DISCOVERY FOR REVIEW AND RESOLUTION.

REINFORCING STEEL:

- REINFORCING BARS SHALL BE NEW BILLET STEEL AND SHALL CONFORM TO:

ASTM A615 GRADE 60 FOR ALL REINFORCEMENT.

- ALL WELDED REINFORCING STEEL, METAL INSERTS AND CONNECTIONS SHALL CONFORM TO OSSC STANDARDS.
- WELDED WIRE FABRIC SHALL CONFORM TO ASTM A185.
- REINFORCEMENT SHALL BE DETAILED, FABRICATED AND PLACED IN ACCORDANCE WITH ACI CODE 318 AND ACI MANUAL 315, UNLESS OTHERWISE NOTED. ALL REINFORCEMENT SHALL BE FREE OF LOOSE MILL AND RUST SCALE, OIL, DIRT AND COATINGS OF ANY MANNER THAT WILL REDUCE BOND. ALL REINFORCEMENT SHALL BE CONTINUOUS WITH ADEQUATE LAPS.
- REINFORCEMENT SHALL BE SECURED IN FORMS WITH SUITABLE TIES AND ANCHORAGE TO PREVENT DISPLACEMENT. BARS ADJACENT TO EARTH SHALL BE SUPPORTED BY CEMENT MORTAR CUBES.
- THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCEMENT:

A) CONCRETE CAST AGAINST EARTH = 3"
B) CONCRETE EXPOSED TO EARTH OR WEATHER
#5 AND SMALLER = 1-1/2"
#11 BARS AND SMALLER = 3/4"
C) CONCRETE NOT EXPOSED TO EARTH OR WEATHER
#11 BARS AND SMALLER = 3/4"
- PLACE 2'-0" x 2'-0" BARS AT CORNERS AND INTERSECTIONS FOR WALLS AND FOUNDATIONS EQUAL IN SIZE AND SPACING TO HORIZONTAL REINFORCING.
- REINFORCEMENT SPLICES, SHALL BE 44 DIA. (24" MIN.) LAPS.
- UNLESS NOTED OTHERWISE, PROVIDE SHRINKAGE & TEMPERATURE REINFORCEMENT IN ALL SLABS.

METAL PLATE CONNECTED TRUSSES:

- METAL PLATE CONNECTED TRUSSES SHALL BE DESIGNATED AND MANUFACTURED IN ACCORDANCE WITH "DESIGN SPECIFICATIONS FOR LIGHT METAL PLATE CONNECTED WOOD TRUSSES", TPI-24 AS PUBLISHED BY THE TRUSS PLATE INSTITUTE AND SHALL BE DESIGNED FOR THE FOLLOWING MINIMUM LOADS:

TOP CHORD	= 25 PSF LIVE LOAD
	= 10 PSF DEAD LOAD
BOTTOM CHORD	= 10 PSF LIVE LOAD TYP
	= 5 PSF DEAD LOAD
TOTAL DEAD LOAD	= 15 PSF + SELF WEIGHT
NET UPLIFT (WIND)	= 15 PSF
- THE TRUSS MANUFACTURER SHALL SUBMIT DESIGNS, STRESS DIAGRAMS, SHOP DRAWINGS AND CALCULATIONS BEARING THE STAMP OF A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF PROJECT'S LOCATION TO THE ENGINEER-OF-RECORD FOR REVIEW.
- THE TRUSS MANUFACTURER SHALL SUPPLY ALL HARDWARE, ANCHORAGE, AND METAL SEATS REQUIRED, AND SHALL DESIGN AND INDICATE BRACING REQUIRED TO BE SUPPLIED BY THE GENERAL CONTRACTOR.
- LOWER CHORDS SHALL BE CAMBERED TO PROVIDE FOR DEAD LOAD DEFLECTION AT GYPSUM BOARD CEILING.
- ALL CONNECTION PLATES SHALL DEVELOP THE FULL STRESS IN MEMBER WITH A MINIMUM TRANSFER AT ANY MEMBER OF 2000 LBS. AND MINIMUM SIZE OF PLATES OF 3" X 5".
- TRUSS SUPPLIER SHALL REVIEW ALL OF THE TRUSS, BRIDGING, HANGER, BLOCKING AND WEB STIFFENERS REQUIREMENTS AND ALL CONCENTRATED LOADS PRIOR TO TRUSS FABRICATION.

SAWN FRAMING LUMBER:

- ALL SAWN LUMBER SHALL BE S4S, GRADED IN ACCORDANCE WITH WCLIB RULES #17, OF THE FOLLOWING GRADES:

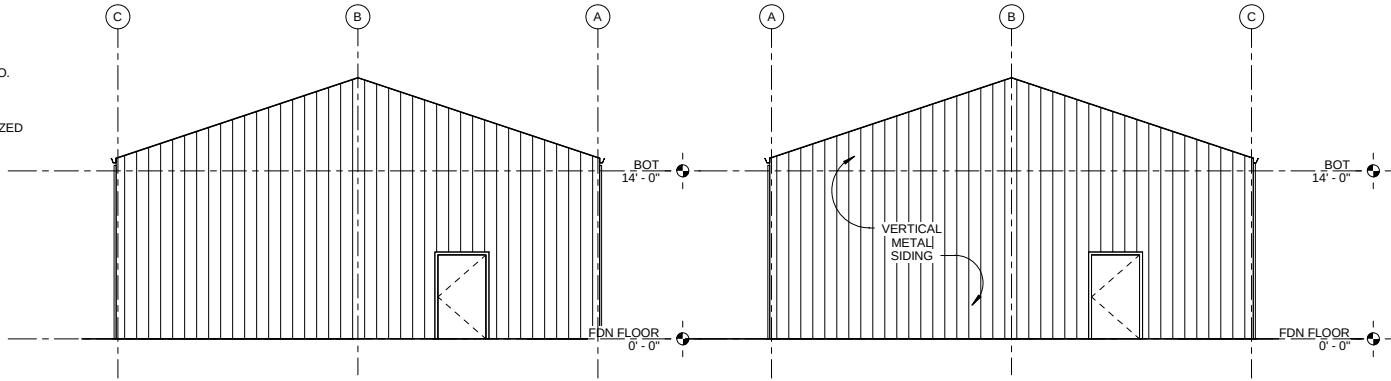
STUD, PLATES, HEADERS, BLOCKING	= DF-L No. 2 (MIN)
2x & 4x BEAMS	= DF-L No. 2 (MIN)
6x BEAMS, POSTS	= DF-L No. 1 (MIN)
- ALL 2x LUMBER SHALL BE S-DRY, U.N.O.
- DOUBLE ALL JOISTS UNDER ALL PARALLEL PARTITIONS.

PRESSURE TREATED (P.T.) LUMBER:

- PROVIDE PRESSURE TREATED (P.T.) LUMBER AT ALL MEMBERS IN CONTACT WITH CONCRETE OR MASONRY.
- PROVIDE PRESSURE TREATED (P.T.) LUMBER AT ALL MEMBERS PERMANENTLY EXPOSED TO OPEN AIR CONDITIONS.
- PRESSURE TREATED LUMBER THAT IS CUT SHALL HAVE THE CUT END TREATED TO RESIST ROT AND DETERIORATION.
- ALL FASTENERS SECURED TO PRESSURE TREATED LUMBER SHALL BE HOT-DIP GALVANIZED.

NAILING AND FASTENERS:

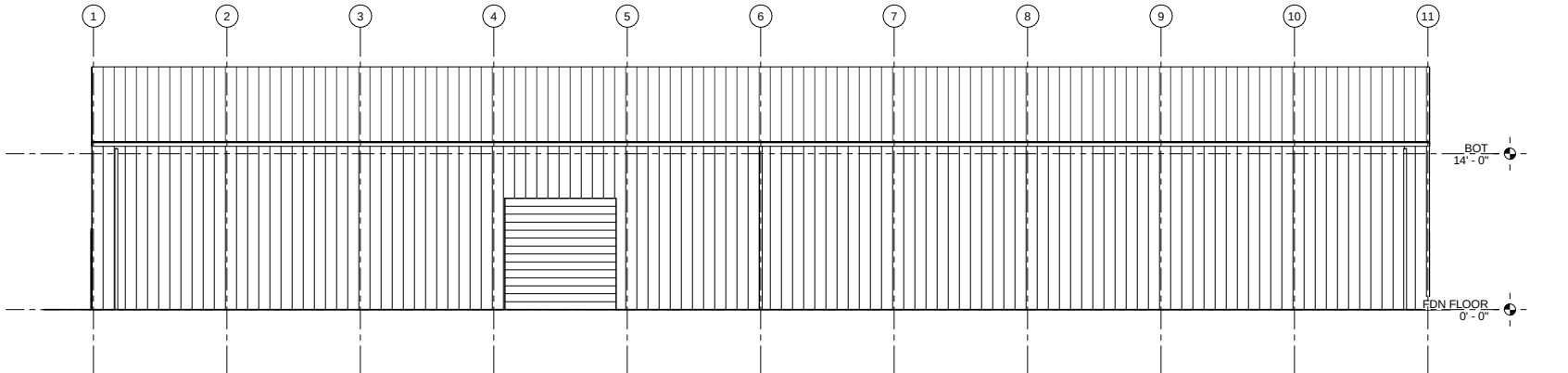
- NAILING INDICATED ON PLANS AND DETAILS ARE "COMMON" NAILS. MINIMUM FRAMING NAILING SHALL CONFORM TO 2010 OSSC TABLE 2304.9.1. SEE DETAILS FOR ADDITIONAL TYPICAL NAILING REQUIREMENTS. SUBSTITUTION OF NAILS OTHER THAN "COMMON" IS NOT PERMITTED WITHOUT PRIOR APPROVAL.
- POWER DRIVEN NAILS OTHER THAN "COMMON" IS NOT PERMITTED WITHOUT PRIOR APPROVAL.
- ALL BOLTED CONNECTIONS SHALL BE MADE WITH MACHINE BOLTS (MB) CONFORMING TO ASTM A307. ALL BOLTS AND LAGS SHALL BE INSTALLED WITH STANDARD WROUGHT WASHERS, UNLESS NOTED OTHERWISE.
- JOIST HANGERS, HOLDDOWNS, AND OTHER FRAMING ACCESSORIES ARE REFERRED TO ON PLANS BY PARTICULAR TYPE AS MANUFACTURED BY SIMPSON COMPANY. ALL HARDWARE IS TO BE FASTENED PER MANUFACTURER'S SPECIFICATIONS, U.N.O.
- SILLS AT WALLS SHALL BE BOLTED TO CONCRETE WITH 1/2" DIAMETER X 10" LONG ANCHOR BOLTS, UNO. WITH 1/4" DIA. x 3" x 3" PLATE WASHER BETWEEN SILL PLATE AND NUT AT 4'-0" O.C. MAXIMUM AND WITHIN 1'-0" OF SILL PLATE ENDS, CORNERS OR SPLICES, UNLESS DETAILED OTHERWISE.
- ALL HARDWARE & FASTENERS IN CONTACT W/ P.T. LUMBER OR EXPOSED TO OPEN AIR CONDITIONS SHALL BE HOT-DIP GALVANIZED EXCEPT AS NOTED PER ITEM #5 OF P.T. LUMBER SECTION.



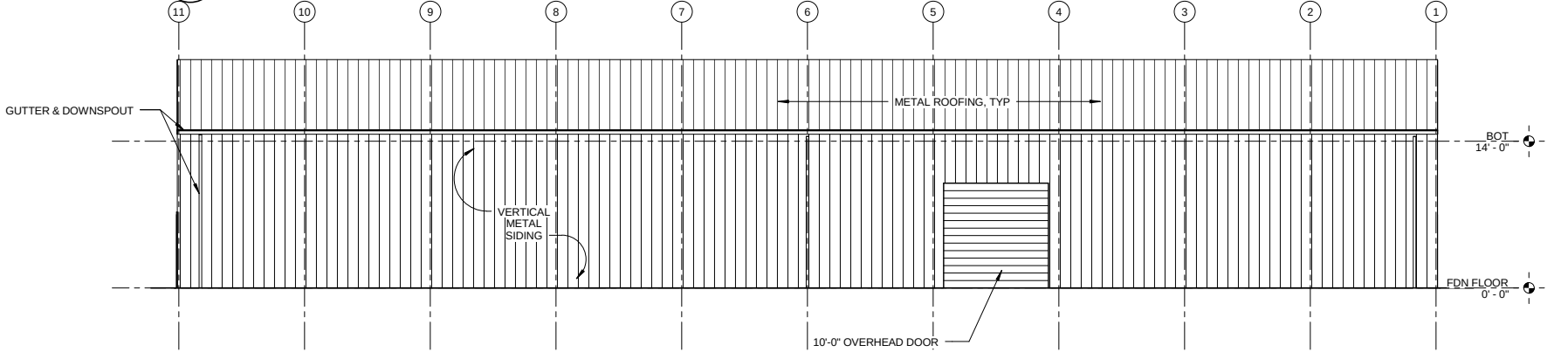
NOTE:
BUILDING COLOR TO MATCH SCHOOL COLORS (MAROON AND GOLD).
CONTRACTOR TO SUBMIT 3 COLOR DESIGN OPTIONS TO OWNER FOR APPROVAL.

3 NORTH VIEW
7.0 1/8" = 1'-0"

4 SOUTH VIEW
7.0 1/8" = 1'-0"



2 EAST VIEW
7.0 1/8" = 1'-0"



NOTE:
BUILDING COLOR TO MATCH SCHOOL COLORS (MAROON AND GOLD).
CONTRACTOR TO SUBMIT 3 COLOR DESIGN OPTIONS TO OWNER FOR APPROVAL.

1 WEST VIEW
7.0 1/8" = 1'-0"

			DESIGNED:	SJE
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			CHECKED:	SJE
DATE	NO.	DESCRIPTION	DATE:	01/31/2014
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PRELIMINARY



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PLAN, SECTION & ELEVATIONS
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

SHEET NO.

7.0

JOB NO.

NCS-20

DIVISION 8 - DOORS

A. REFERENCES

WORK TO COMPLY WITH ALL APPLICABLE CODES AND STANDARDS FOR MANUFACTURING AND INSTALLATION OF DOORS, GLASS AND GLAZING SYSTEMS

B. HOLLOW METAL DOORS AND FRAMES - EXTERIOR

1. APPROVED MANUFACTURERS:
- a. STEEL CRAFT, MASCO INDUSTRIES COMPANY, CECO CURRIES OR PER APPROVED SUBMITTAL TO THE STRUCTURAL ENGINEER.
2. FRAMES: 16 GAUGE 5 1/2" JAMB DEPTH SINGLE RABBET WELDED CORNERS WITH ANCHORS TO SUIT WALL STRUCTURE.
3. DOORS: 16 GAUGE AT EXTERIOR LOCATIONS. FLUSH PANEL WITH NON-WARPING, INSULATED CORE, MORTISED AND REINFORCED TO RECEIVE HINGES, LOCK SETS AND CLOSERS. DOOR "U" VALUE NOT TO EXCEED 0.54.
4. FINISH: FACTORY BAKED ON PRIMER, PAINT TO MATCH ADJACENT SURFACES, OR AS NOTED ON THE EXTERIOR BUILDING ELEVATIONS.
5. PROVIDE ADA COMPLIANT LEVER HARDWARE WITH LOCK AS DIRECTED BY OWNER. PROVIDE SELF CLOSURES @ ALL EXTERIOR DOORS.

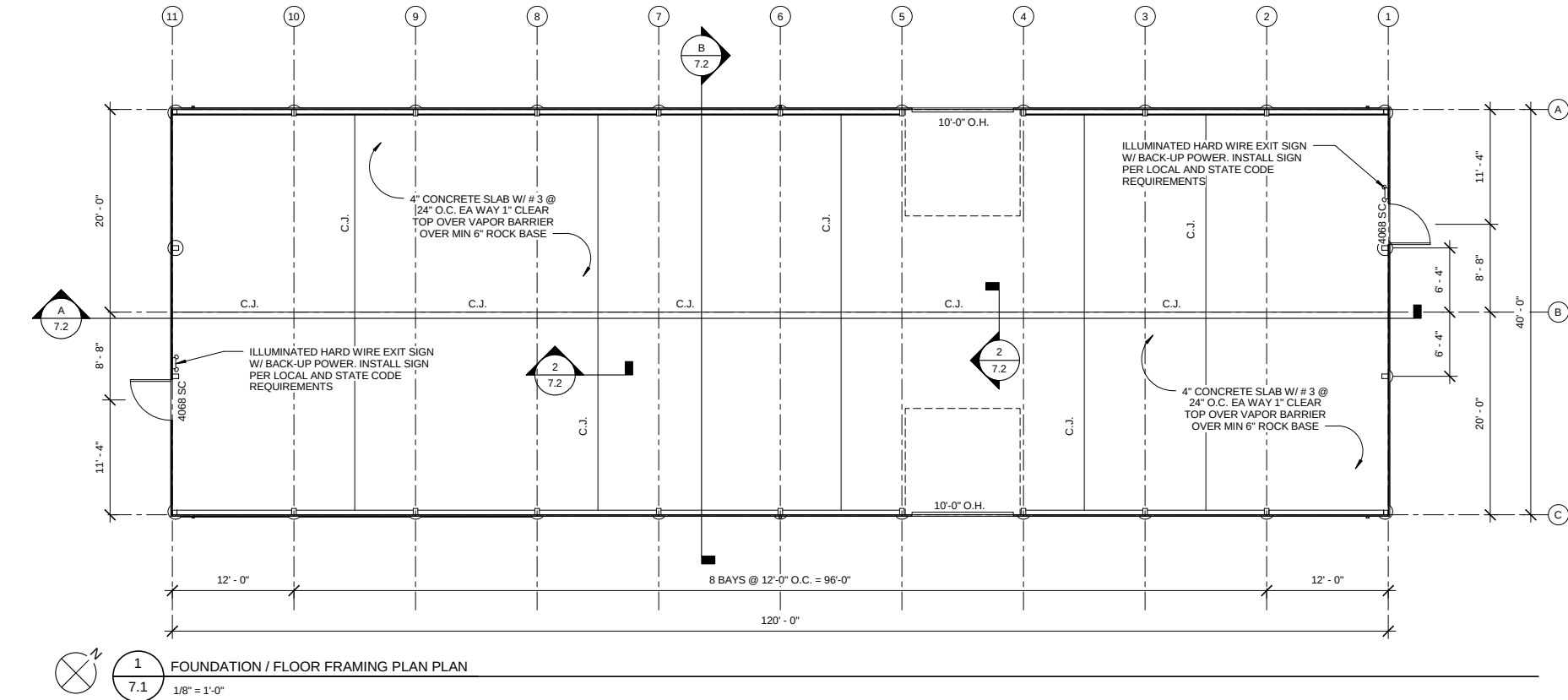
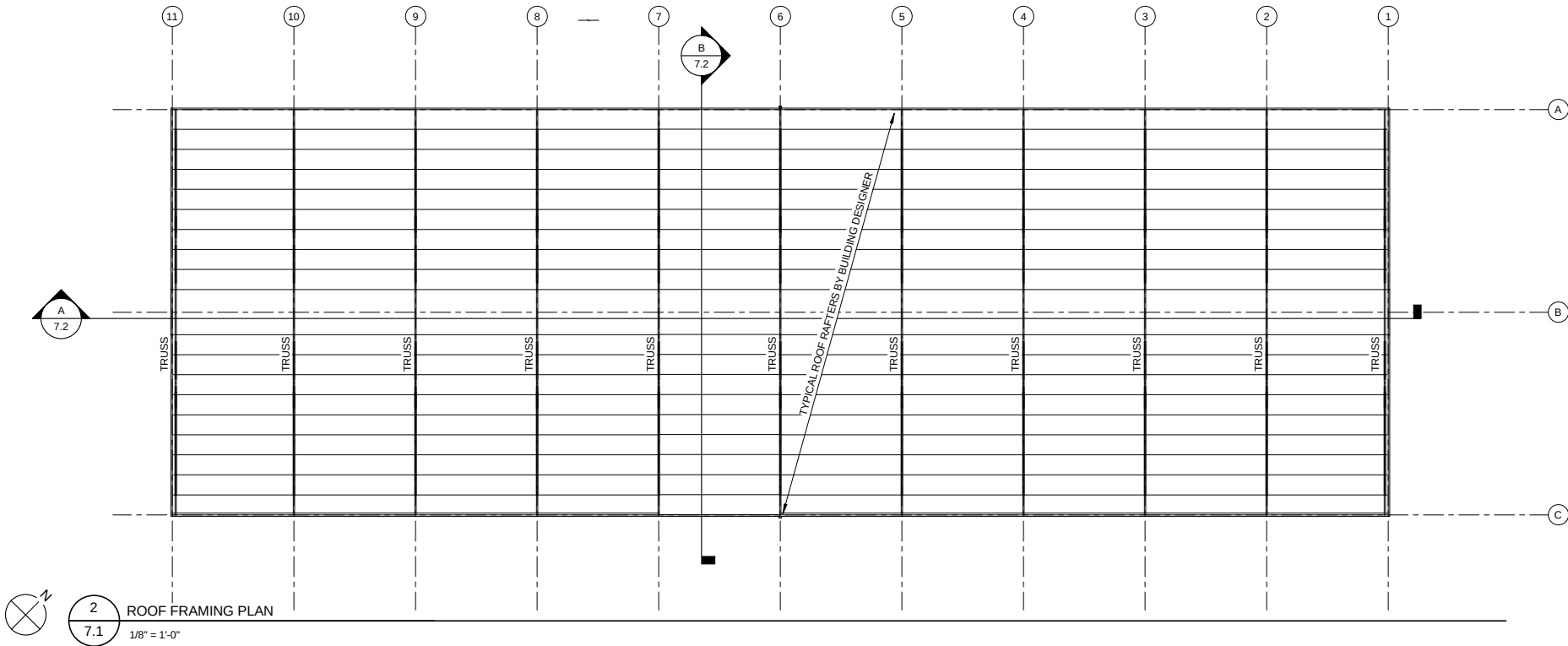
F. OVERHEAD DOORS

1. STEEL SECTIONALIZED OVERHEAD OR ROLL-UP DOOR PER PLAN: 22 GAUGE 2" THICK, FLUSH INSULATED SECTIONAL TYPE. OVERHEAD DOORS TO BE "HIGH LIFT" TO MAXIMUM HEIGHT ALLOWED BY ROOF STRUCTURE OR VERTICAL LIFT WHERE POSSIBLE. RAILS TO OVERLAP OR BE RABBETED FOR COMPLETE WEATHERTIGHTNESS. ROLL-UP DOORS SIMILAR AND PER MANUFACTURER'S SPECIFICATIONS.
2. PUSH-UP OPERATION FOR OVERHEAD DOORS UP TO 10 FEET HIGH, OPTIONAL ALL OVERHEAD OR ROLL-UP DOORS: ELECTRIC OPERATOR PER DOOR MANUFACTURER'S SPECIFICATIONS.
3. COUNTER-BALANCE WITH TORSION SPRING. SPRING TYPE STOPS.
4. LOCKING DEVICE: MANUAL SLIDING DEAD BOLT EACH JAMB NEAR BOTTOM OF DOOR WITH PADLOCK PROVISION ON THE INTERIOR SIDE.
5. FINISH: FACTORY PRIMED. PAINT TO MATCH ADJACENT SURFACES, OR AS NOTED ON THE EXTERIOR ELEVATIONS.
6. WEATHERSTRIPPING: FULL BULB TYPE SEAL AT SILL EDGE OF DOOR.

DEFERRED PROJECT SUBMITTALS

1. THE FOLLOWING WORK, COMPONENTS, SYSTEMS AND THEIR ASSOCIATED PLANS, CALCULATIONS, DIAGRAMS, SHOP DRAWINGS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE STRUCTURAL ENGINEER/DESIGNER FOR REVIEW. ONCE REVIEWED AND APPROVED, THE CONTRACTOR IS RESPONSIBLE TO SUBMIT TO THE BUILDING DEPARTMENT FOR ALL PERMITS REQUIRED.
2. CONTRACTOR TO BE RESPONSIBLE FOR ALL DESIGN OF THE MECHANICAL, ELECTRICAL, AND PLUMBING WORK AND BE RESPONSIBLE FOR ALL REQUIRED PERMIT DOCUMENTS AND PERMIT FEES.
3. CONTRACTOR TO PROVIDE ALL DRAWINGS DETAILS SPECIFICATIONS MECHANICAL SYSTEM PLANS, CALCULATIONS, DETAILS, ETC., & ENERGY CODE FORM(S) AS REQUIRED BY STATE AND LOCAL REQUIREMENTS.
4. CONTRACTOR TO PROVIDE ALL ELECTRICAL PLANS, SCHEDULES, DIAGRAMS, ETC. & ENERGY CODE FORM(S). INCLUDE EMERGENCY EGRESS LIGHTING AND ILLUMINATED EXIT SIGNAGE ALL PER OSSC. AS REQUIRED BY STATE AND LOCAL REQUIREMENTS.
5. CONTRACTOR TO PROVIDE ALL PLUMBING PLANS, DIAGRAMS, DETAILS ETC. AS REQUIRED BY STATE AND LOCAL REQUIREMENTS.

1. CONTRACTOR IS RESPONSIBLE TO PROVIDE BUILDING DESIGN, DRAWINGS, AND DETAILS FOR PERMIT APPROVAL & CONSTRUCTION



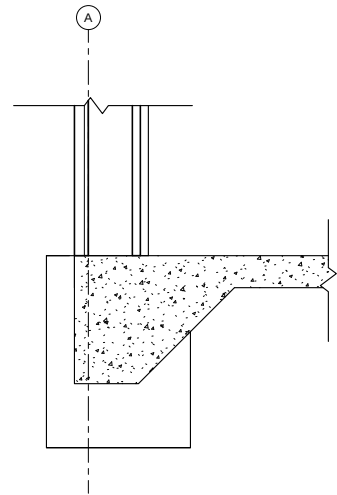
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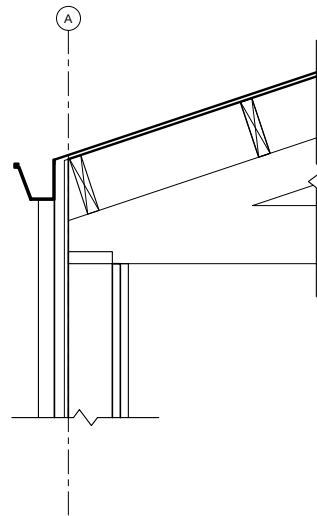
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FOUNDATION / FRAMING PLANS
BASEBALL INDOOR PRACTICE FACILITY
MILWAUKIE HIGH SCHOOL

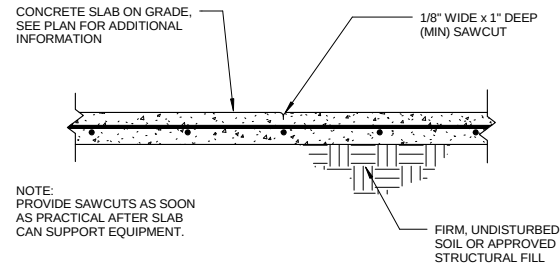
SHEET NO.
7.1
JOB NO.
NCS-20



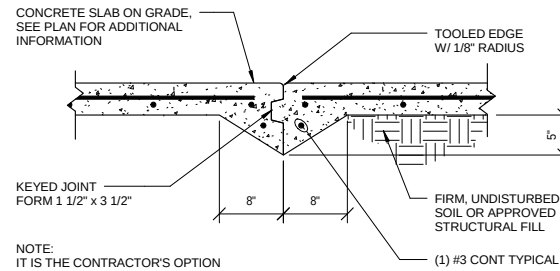
1
7.2 PERIMETER DETAIL
1" = 1'-0"



3
7.2 FRAMING DETAIL
1" = 1'-0"

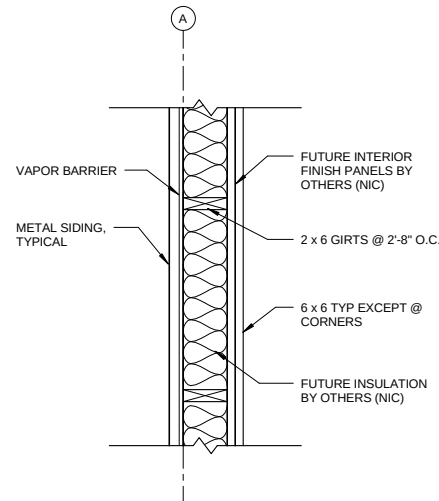


NOTE:
PROVIDE SAWCUTS AS SOON
AS PRACTICAL AFTER SLAB
CAN SUPPORT EQUIPMENT.

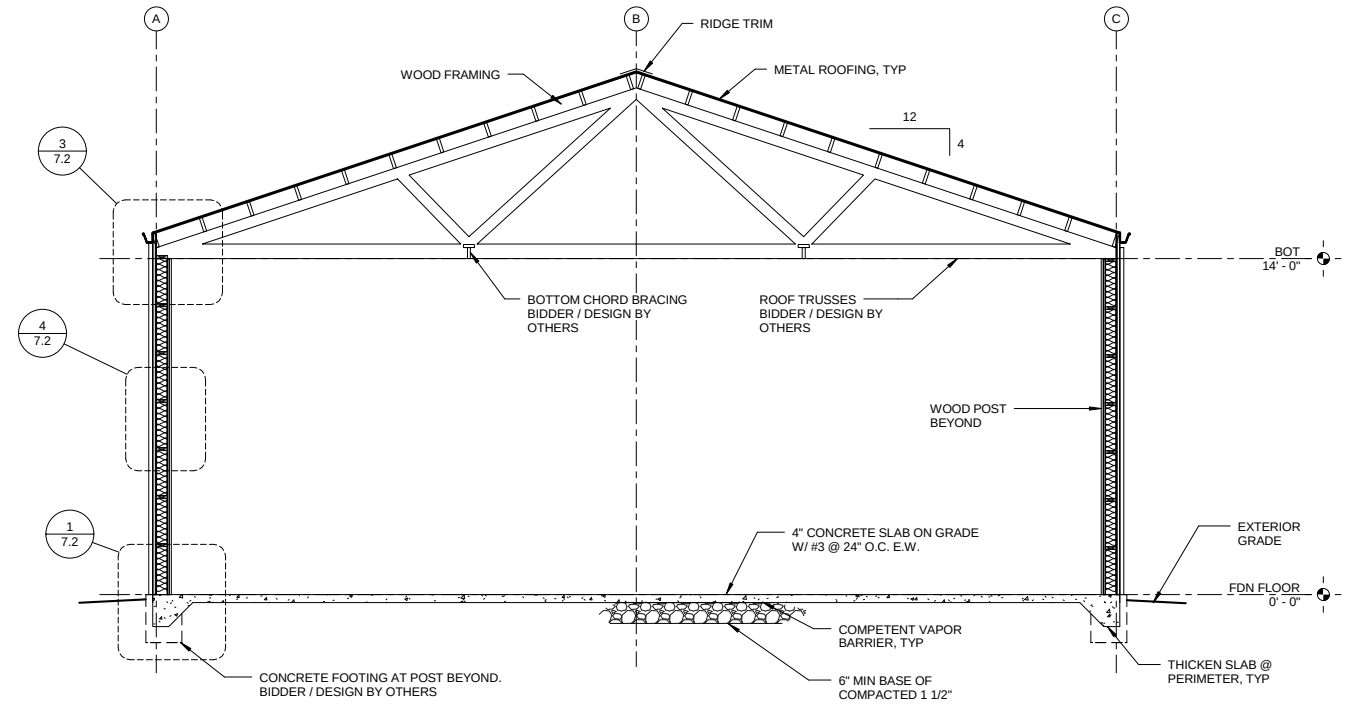


NOTE:
IT IS THE CONTRACTOR'S OPTION
WHICH JOINT TO USE.

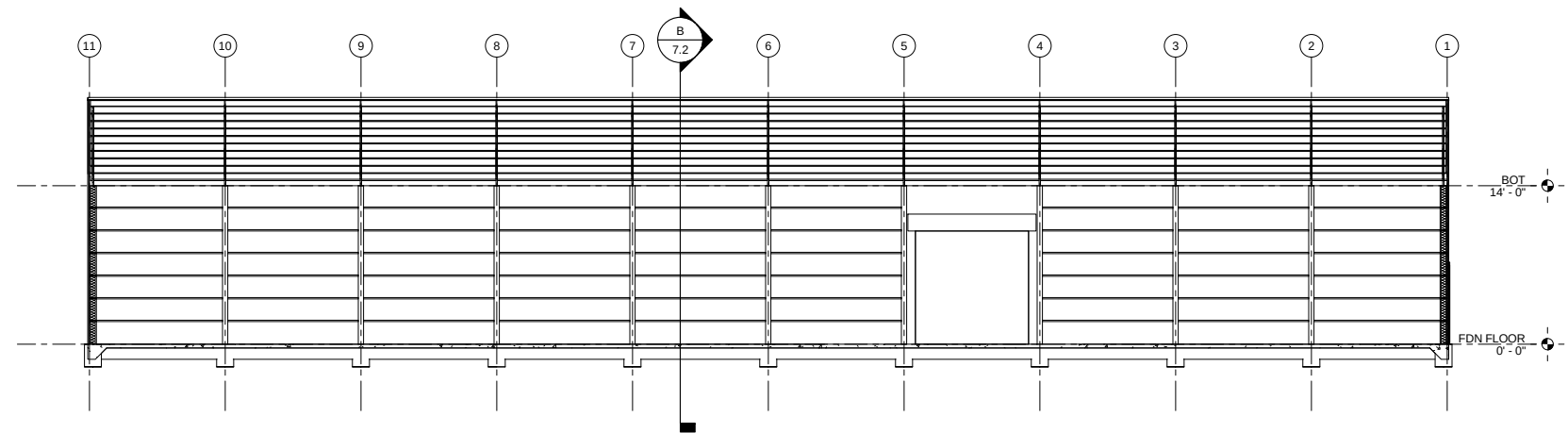
2
7.2 CONTROL JOINT DETAIL
1" = 1'-0"



4
7.2 WALL DETAIL
1" = 1'-0"



B
7.2 BUILDING SECTION
1/4" = 1'-0"



A
7.2 BUILDING SECTION
1/8" = 1'-0"

DESIGNED:	SJE
DRAWN:	CAH
CHECKED:	SJE
DATE:	01/31/2014
NO.	DESCRIPTION
1	REVISIONS

PRELIMINARY

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SECTIONS & DETAILS BASEBALL INDOOR PRACTICE FACILITY MILWAUKIE HIGH SCHOOL

SHEET NO.

7.2

JOB NO.

NCS-20

Kelver, Brett

From: paul.hawkins@daimler.com
Sent: Monday, February 17, 2014 6:09 AM
To: Kelter, Brett
Subject: CSU-13-15, VR-14-01

Brett,

In 2013 and 2014 the Lake Road Neighborhood Association has verbally supported this construction of an indoor practice facility.

Thank you,
Paul Hawkins

Lake Road Neighborhood Association

If you are not the intended addressee, please inform us immediately that you have received this e-mail in error, and delete it. We thank you for your cooperation.

Kelver, Brett

From: Yvonne McVay <mcvay@mackroberts.com>
Sent: Friday, February 21, 2014 10:05 AM
To: Martin, Alicia; Egner, Dennis; Kelter, Brett; Ferguson, Jeremy
Cc: 'Tory McVay'
Subject: MHS training facility/CSU-13-15, VR-14-01
Attachments: SKMBT_65414022111010.pdf

Hello planning commission members and staff,

Please see the attached letter from my husband and me regarding the Milwaukie High School Indoor Baseball/Softball Training Facility.

Alicia – Brett told me that you could distribute this letter to all members of the commission.

Thank you all for your assistance and consideration.

Yvonne McVay
mcvay@mackroberts.com
503.887.7368

M Tory and Yvonne McVay
12951 SE Vernie Ave
Milwaukie, OR 97222
503.887.7368
mcvay@mackroberts.com

February 20, 2014

City of Milwaukie
Planning Commission
Denny Egner, Planning Director
Brett Kelter, Associate Planner
Jeremy Ferguson, Mayor
Via email

Re: Milwaukie High School Indoor Baseball/Softball Facility
CSU-13-15, VR-14-01

Dear planning commission members and staff:

We are writing to show our support for the MHS indoor training facility. For at least 20 years Milwaukie baseball and softball programs have been talking about the benefits of an indoor training facility. Because of the cooperative efforts of many local organizations this project is finally moving forward! The total cost of the project was estimated to be approximately \$200,000, and our community is required to contribute 30% or \$60,000 of the total. We have raised approximately \$43,000 to date, leaving us with a funding gap of \$17,000. Raising \$17,000 is a daunting task, especially in the Milwaukie High School feeder system where 75% of our students either live in poverty or are considered disadvantaged by the State of Oregon. In addition to fundraising and a few individual donations, we have received financial support for our project from the following organizations:

- Milwaukie Junior Baseball Association
- Clackamas Baseball Booster Club
- Friends of Putnam Baseball
- North Clackamas Junior Softball Association
- Mustang Baseball Academy
- Milwaukie High School PTSA
- Rotary Club of Milwaukie
- Lake Road Neighborhood Association

This facility will be used by the high school baseball and softball programs and will also be used frequently by the youth baseball and softball programs. We believe this facility will greatly improve the success of all of these programs. We also believe it will provide countless hours of healthy activity for our kids and free up our gyms, which are in very high demand right now.

February 20, 2014
Page 2

Why Milwaukie High School needs an indoor training facility:

- Portland receives 40 inches of rain per year, and 90% of that falls from October to May during baseball/softball season.
- The majority of winning baseball programs in the OSAA 5A class have indoor facilities.
- Clackamas High School boosters have already paid for an indoor hitting facility in addition to a turf infield.
- Rex Putnam High School boosters are farther ahead in the process of building an indoor hitting facility than we are. Their facility will most likely be built by this summer. They also have access to an indoor facility at Alder Creek Middle School.
- Every high school in the Three Rivers League (OSAA 6A class) has an indoor facility.
- Players can hit and pitch year-round. Repetition is key!
- Here is just a sampling of local baseball coaches' comments regarding indoor facilities:
 - *"Our facility is used year-round by current and former players as well as feeder programs."*
 - *"Our facility has made a tremendous difference for our program and the youth baseball program. I would highly recommend raising funds to build one."*
 - *"I really don't know how we'd even be competitive without the ability to hit inside on wet days or during the off season."*
 - *"You cannot compete in baseball without a place to hit in the off season."*
 - *"Our facility has been an enormous blessing for us."*
 - *"It has been a huge help to our program, as our kids use it all year round."*
 - *"Allowing youth access to the hitting facility will make a huge impact."*

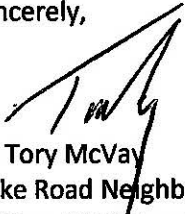
February 20, 2014

Page 3

We understand that the city has codes that it must follow, but we implore you to approve the district's variance request regarding parking improvements. Our supporters currently must raise \$17,000 more to finalize this project, and this amount does not include the purchase of equipment that will need to be in place inside the facility. If the city requires another \$25,000 of parking improvements, our supporters will be required to raise an additional \$7,500. As long-standing volunteers in Milwaukie, we want you to know how very difficult that will be. It has taken us over 20 years to raise \$43,000! We also understand why it would be difficult for the school district to pay an additional \$17,500. They will be criticized by many for spending additional funds on athletic facilities when class sizes are so large. Most importantly, we do not believe that the training facility would increase parking needs at the Lake Road location. We do not foresee a time when the training facility parking needs would exceed the parking needs that already exist during home baseball games. In fact, the parking needs of the facility will be much less than at home baseball games. We believe the existing parking lot, Milwaukie Elementary's parking lot and street parking is sufficient for the needs of this facility. Please do not put another obstacle in the way of this project!

Thank you for your consideration. Please feel free to get more information and updates about our project on our Facebook page, Milwaukie High School Hitting Facility.

Sincerely,



M Tory McVay
Lake Road Neighborhood Resident
Father, MHS Baseball Player
North Clackamas School District Board Member



Yvonne McVay
Lake Road Neighborhood Resident
Mother, MHS Baseball Player
Treasurer, Mustang Baseball Academy
Treasurer, Milwaukie Junior Baseball Association

Kelver, Brett

From: Martin, Alicia
Sent: Friday, February 21, 2014 11:13 AM
To: Kelver, Brett; Egner, Dennis
Subject: FW: MHS Hitting Facility
Attachments: MHS letter re Planning Commission.pdf

Alicia Martin
 Administrative Specialist II
 T 503.786.7669

 Please consider our environment before printing this email.

From: Pepi Anderson [mailto:pepi.anderson6@gmail.com]
Sent: Friday, February 21, 2014 11:11 AM
To: Martin, Alicia
Subject: MHS Hitting Facility

I am totally in support of the following letter sent by the MCVays, couldn't have said it better.

We are frequently making concessions and exceptions for other projects and I believe that they have stated the circumstances and needs succinctly.

If I had my way and the money, I would request a complete rebuild of the baseball facilities, including the hitting facility, but I am not in possession of those dollars.

Our High Schools facilities are not nearly as efficient and friendly as several of the high schools in the district, but that is what it is until we can find the resources.

This is a valuable site development for many kids in our city and I encourage you to look at this project with reasonable eyes!

Thanks

Kelver, Brett

From: Martin, Alicia
Sent: Friday, February 21, 2014 3:20 PM
To: Kelter, Brett
Subject: FW: Milwaukie HS Hitting Facility
Attachments: MilLetter.docx

Alicia Martin
Administrative Specialist II
T 503.786.7669

 Please consider our environment before printing this email.

From: Charles [mailto:mrcharlesdean@msn.com]
Sent: Friday, February 21, 2014 3:20 PM
To: Martin, Alicia
Subject: Milwaukie HS Hitting Facility

Martina,

Can you please forward the attached to all appropriate parties?

Thank you,

Charles Dean
MJBA President

Charles Dean
11222 SE Wood Ave
Milwaukie, OR 97222

February 21, 2014

City of Milwaukie
Planning Commission
Via Email

Re: Milwaukie High School Indoor Baseball/Softball Facility
CSU-13-15, VR-14-01

To all it may concern,

I am writing to express our support of the Milwaukie High School indoor training facility. The Milwaukie Junior Baseball Association has been very involved in this project from the beginning. We feel it has many advantages for the youth in our community. We are making a substantial contribution in both time and money. We understand that the city has codes that it must adhere to. However, we urge you to approve the district's variance request regarding parking improvements. We do not believe that the new facility would increase parking needs around the Lake Road area. The existing parking lot, Milwaukie Elementary's parking lot and street parking is sufficient for the needs of the new facility. We beg you not to put another obstacle or delay in the way of completing this project.

Thank you for your consideration,

Charles Dean

Charles Dean
President MJBA

Kelver, Brett

From: Bob Calwhite <BobCalwhite@pnci.org>
Sent: Monday, February 24, 2014 12:29 PM
To: Egner, Dennis; Kelver, Brett; Ferguson, Jeremy
Subject: Lake Road Hitting Facility
Attachments: MHS Hitting Facility.docx

Attached you will find my letter of support for the Lake Road Hitting Facility

Sincerely,

Bob Calwhite

Bob Calwhite
5177 Casa Del Rey
Milwaukie, OR 97222

February 24st, 2014,

City of Milwaukie

Planning Commission

Denny Egner, Planning Director
Brett Kelter, Associate Planner
Jeremy Ferguson, Mayor

Re: Milwaukie High School Hitting Facility

CSU-13-15, VR-14-01

Dear Planning Commission,

I'm writing in support for the Milwaukie High School hitting facility at the Lake Road site. My family has had three generations of Milwaukie High School baseball players and has seen many changes over those years. This facility is one of the largest endeavors that we as community can provide to our youth. The construction of this facility will not only benefit the high school program, but also the youth program for many years. This facility can also be used for other sports and is not limited to just baseball.

With the support of NCSD and many private donors we are within \$17,000 of reaching our goal for the cost of construction. If the City of Milwaukie will not grant a variance on the parking improvements this will almost assure that this project will be a distant memory. Please keep in mind that Milwaukie High School is the only one of NCSD three high schools to be located in the heart of a city and we need your support. Another thing to consider is the fact that one of the other schools has had a similar facility for many years while the other school has already started construction on their new facility.

Because I have lived in the Milwaukie community all of my life I cannot see how there would be an increase in traffic or parking issues by adding this most sorely needed and long over due facility. In the past this same site has been able to accommodate many activities happening at the same time. Please help us in providing such a wonderful addition to our community.

Sincerely,

Bob Calwhite

List of Materials in the Official Record (CSU-13-15, VR-14-01)

The following documents are part of the official record for this land use application, which is associated with a proposed major modification (indoor hitting facility) to the approved community service use and variance request at the Milwaukie High School sports field complex on Lake Rd. This list is current as of March 18, 2014.

1. Application Materials

(Initial submittal received December 5, 2013; revisions received with Variance Request on January 31, 2014.)

- a. Land Use application form (Community Service Use)
- b. Submittal Requirements Checklist
- c. Application Narrative *(received January 31, 2014)*
- d. Plan Set (11"x17") *(received January 31, 2014)*
 - 1) Sheet 1.0 – Cover Sheet
 - 2) Sheet 2.0 – Existing Conditions
 - 3) Sheet 3.0 – Site Context Plan
 - 4) Sheet 3.1 – Site Plan (Indoor Practice Facility)
 - 5) Sheet 3.2 – Site Plan (Parking Lot)
 - 6) Sheet 4.0 – Grading, Utility, and Erosion Control
 - 7) Sheet 5.0 – Landscape Plan
 - 8) Sheet 5.1 – Planting Details
 - 9) Sheet 6.0 – Typical Details (Civil)
 - 10) Sheet 7.0 – Building Plan, Sections and Elevations
 - 11) Sheet 7.1 – Foundation/Framing Plans
 - 12) Sheet 7.2 – Sections and Details
 - 13) Sheet 8.0 – Lighting Plan
- e. Draft Stormwater Management Report *(received December 5, 2013)*
- f. Letter with resubmittal, requesting application be deemed complete *(received January 31, 2014)*
- g. Revised Plan Set Sheets (11"x17") *(received March 12, 2014)*
 - 14) Sheet 3.0 – Site Context Plan
 - 15) Sheet 5.0 – Landscape Plan

2. Notification Information

- a. Sign notice for Planning Commission public hearing on March 25, 2014 (posted at the site on March 11, 2014)
- b. Sign posting affidavit (dated March 11, 2014)
- c. Mailed notice for Planning Commission public hearing on March 25, 2014 (sent to properties within 300-ft radius of site on March 5, 2014)
- d. Certification of legal notice mailing, with attached mailing list (dated March 5, 2014)
- e. Notice map
- f. Returned notice envelopes *(pending)*
- g. Notice of decision for Planning Commission public hearing on _____ (mailed to interested persons list on _____) *(pending)*
- h. Interested persons list for _____ notice of decision *(pending)*

3. Materials from City Staff

- a. Letter deeming application incomplete (sent January 3, 2014)

- b. Letter deeming application complete (sent February 7, 2014)

4. Agency and Staff Responses

- a. Brad Albert, Milwaukie Engineering Department. Various comments related to MMC Chapter 19.700 Public Facility Improvements. (Received February 3, 2014.)
- b. Mike Boumann, Clackamas Fire District. Various comments related to requirements for proposed new building's proximity to fire department access and hydrants. (Received February 18, 2014.)
- c. Kenneth Kent, Clackamas County Engineering Division. No comments on this application. (Received February 28, 2014.)
- d. Miranda Bateschell, Metro. No comments on the application. (Received February 28, 2014.)
- e. John Stelzenmueller, Milwaukie Building Department. Various comments related to building code requirements, including emergency exits, ADA parking, plumbing, and energy efficiency. (Received March 3, 2014.)

5. Public Comments Received

- a. Paul Hawkins, 4350 SE Elsewhere Ln, Lake Road NDA Land Use chair. The Lake Road NDA supports the project. (Received February 17, 2014.)
- b. Yvonne and Tory McVay, 12951 SE Vernie Ave. Involved with youth baseball; supportive of the project, particularly the applicant's request for a variance from the requirement to improve the off-street parking area; does not believe the proposed facility will increase parking demand at the site. (Received February 21, 2014.)
- c. Pepi Anderson, 10080 SE 54th Ct. Echoes the McVay's letter of support. (Received February 21, 2014.)
- d. Charles Dean, 11222 SE Wood Ave. President of Milwaukie Junior Baseball Association; supportive of the project and the variance request regarding parking improvements; believes the existing parking lot is sufficient for the needs of the proposed facility. (Received February 21, 2014.)
- e. Bob Calwhite, 5177 Casa Del Rey Dr. Supportive of the project and the variance request; does not believe the new facility will generate an increase in traffic or parking demand. (Received February 24, 2014.)

6. Public Testimony Received at Public Hearing (Oral Testimony)

March 25, 2014 (Planning Commission)

- a.

7. Staff Reports

- a. Report for Planning Commission public hearing on March 25, 2014 (dated March 18, 2014)
 - (1) Recommended Findings in Support of Approval
 - (2) Recommended Conditions of Approval
 - (3) Application items #1.c, 1.d, and 1.g (as numbered in this list)
 - (4) Public comment items #5.a-e (as numbered in this list)
 - (5) List of Record (current as of March 18, 2014)

8. Meeting Minutes

- a. March 25 PC (*pending*)

9. Materials Received/Presented at Public Hearing

March 25, 2014 (Planning Commission)

- a. Staff Presentation (PowerPoint file) (*pending*)