



## **AGENDA**

### **MILWAUKIE PLANNING COMMISSION Tuesday, March 11, 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
- 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: Murals Code Amendments  
Applicant: City of Milwaukie  
File: ZA-14-01  
Staff: Ryan Marquardt
  - 5.2 Summary: NW Housing Alternatives Zone Change  
Applicant/Owner: Angelo Planning Group/Northwest Housing Alternatives  
Address: 2316 SE Willard St  
File: ZA-13-02  
Staff: Li Alligood
- 6.0 Worksession Items**
- 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:**
  - March 25, 2014
    - 1. Public Hearing: ZA-13-02 NW Housing Alternatives 2316 SE Willard St  
*continued tentative*
    - 2. Public Hearing: CSU-13-15 Milwaukie High School indoor practice facility
    - 3. Worksession: Officer Elections
  - April 8, 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](mailto: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](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://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  
Ryan Marquardt, Senior Planner  
Li Alligood, Associate Planner  
Brett Kelter, Associate Planner  
Vera Koliass, Associate Planner  
Alicia Martin, Administrative Specialist II



## Memorandum

**To:** Milwaukie Planning Commission

**From:** Dennis Egner, Planning Director  
Ryan Marquardt, Senior Planner

**Date:** March 5, 2014, for March 11, 2014 Planning Commission meeting

**Re:** Mural Code Amendments (File #ZA-14-01)

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The initial public hearing on the mural code amendments (File #ZA-14-01) is scheduled for March 11, 2014. Staff has not yet finalized the amendment materials for consideration by the Planning Commission, and requests that the public hearing for this application be opened at the March 11<sup>th</sup> meeting at continued to April 8, 2014.



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Dennis Egner, Planning Director

**From:** Li Alligood, Associate Planner

**Date:** March 4, 2014, for March 11, 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 23<sup>rd</sup> Ave and Lake Rd

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

**NDA:** Historic Milwaukie

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## 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

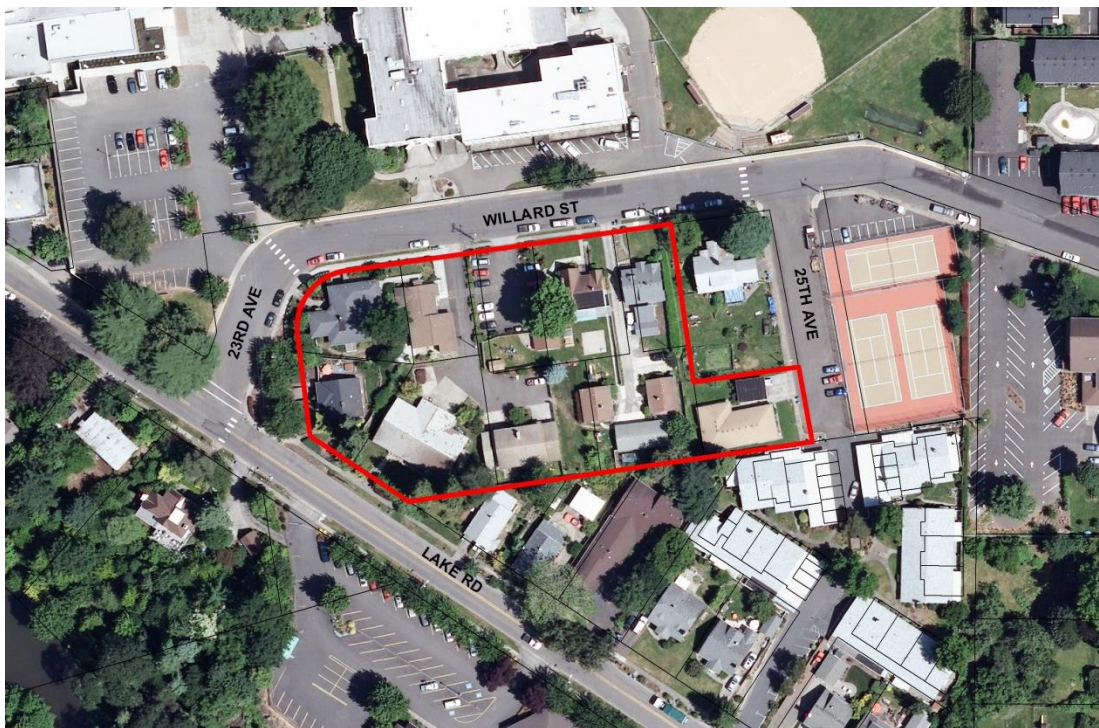
The applicant requests a change to the zoning designation of the subject site, which totals 10 properties and 1.83 acres, from Residential Zone R-2 to Residential-Business Office Zone R-1-B. This would allow for future development of the property with up to 51 dwelling units, 22 units more than allowed by current zoning, and would allow outright the development of office uses.

Nine of the subject properties (1.73 acres) are owned by Northwest Housing Alternatives (NHA), and 1 property (0.1 acre) is owned by Jerald and Patricia McAlister. The NHA property has been in use as the Annie Ross House (an emergency family shelter) and NHA offices since 1988. Between 1988 and today, NHA has purchased additional properties adjacent to the Annie Ross House and offices and rents those properties to residential tenants. Prior to its use as the Annie Ross House and NHA offices, it was owned by the North Clackamas School District and used as offices, classrooms, and other school-related uses.

The applicant is requesting a zone change in order to accommodate future plans for redevelopment of the site, including offices, multifamily residential development, temporary shelter units, and on-site parking (see Attachment 2.B for a conceptual site plan). Redevelopment of the site with office and multifamily housing will be reviewed against the regulations of the zoning ordinance and will require administrative development review and approval by the Planning Director; replacement and/or expansion of the existing temporary shelter will require Type III Community Service Use review and approval by the Planning Commission. Redevelopment of the site will also require a traffic impact study and, if required, mitigation of additional traffic impacts resulting from any intensification of uses on the site.

#### **A. Site and Vicinity**

The site is located at the northeast corner of 23<sup>rd</sup> Ave and Lake Rd, and contains 10 properties totaling 1.83 acres: 2302, 2316, 2328, 2342, 2400, 2404, & 2416 SE Willard; 11465 SE 23rd Ave; 11481 SE 25th Ave; and an unaddressed property (TLID 11E36BC06200). The NWA properties contain 11 buildings, including: 9 dwelling units (5 single-family dwellings and two duplexes); 5 “shelter rooms,” located in the Annie Ross House; and a 5,365 sq ft office facility. The McAlister property contains a single-family home. The site is bounded by Lake Rd, an arterial, and 23<sup>rd</sup> Ave and Willard St, local streets. Access to the site is via 23<sup>rd</sup> Ave and Willard St.



#### **B. Zoning Designation**

R-2 Residential

#### **C. Comprehensive Plan Designation**

C/HD Mixed Use

## D. Land Use History

- **September 23, 2010:** CSU-10-09, minor modification of the Annie Ross House approval to permit replacement of an existing detached garage at the Annie Ross House (2400 SE Willard St) with a pavilion, replacement of existing fencing, construction of a play structure, and installation of a new light in the parking area.
- **April 17, 1990:** AP-CS-85-02, Council conducted a 1.5 year review of the Annie Ross House for compliance with conditions of approval and adopted additional conditions of approval related to replacement of damaged fencing, relocation of the outdoor smoking area, and continued communication with neighbors.
- **October 3, 1989:** AP-CS-85-02, Council conducted a 1 year review of the Annie Ross House for compliance of conditions of approval and found it compliant, and directed staff to prepare 6-month and 1-year status reports regarding ongoing compliance with the conditions of approval.
- **April 4, 1989:** AP-CS-85-02, Council conducted a 6 month status review of the Annie Ross House.
- **March 4, 1989:** AP-CS-85-02, Council reviewed the conditions of approval.
- **October 18, 1988:** AP-CS-85-02, Council adopted an additional condition of approval requiring that a professional staff person be on site at the shelter 24 hours a day, and setting a 6 month review date for April 4, 1989.
- **January 13, 1987:** AP-CS-85-02, Planning Commission recommended and Council approved an increase in occupancy of the shelter from 13 to 17 people.
- **October 15, 1985:** AP-CS-85-02, Council approval of Community Service Overlay for the shelter, including a condition of approval that allowed for reconsideration of the approval within one year, with the option of rescinding or restoring the approval.
- **August 27, 1985:** CS-85-02, Planning Commission denial of a Community Service Overlay for the operation of an emergency/temporary shelter for homeless families and individuals at 2316 and 2400 SE Willard St. The denial was based on the Commission's interpretation of the Neighborhood Element of the Chapter 4 of the Comprehensive Plan.

## E. Proposal

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. The proposal includes the following:

1. Request for the application of the R-1-B zoning designation to the site. See Attachment 3.A for the applicant's narrative.

Although the application materials include information about potential future site development, this application is for the zone change only.

The project requires approval of the following application:

1. ZA-13-02



## 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 Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Does the zone change make sense from a land use perspective?
- B. Does the zone change make sense from a neighborhood perspective?

### Analysis

#### A. Is the R-1-B Zone appropriate in this location from a land use perspective?

In analyzing whether the R-1-B Zone is appropriate in this location from a land use perspective, an evaluation of Comprehensive Plan policies, existing zoning, and existing uses is appropriate. Staff believes that the analysis of these areas supports the application of the R-1-B Zone to this site.

##### Comprehensive Plan Policies

The Comprehensive Plan identifies downtown Milwaukie as the commercial heart of the city, and the Land Use Map designates the area west of the railroad tracks and north of Kellogg Lake as Town Center TC. The areas to the east of downtown are designated High Density HD or Mixed Use C/HD. See Figure 1.

From a policy perspective, this makes sense: high-density residential and mixed-use development provides customers for the businesses in downtown; provides a buffer between the more urban commercial uses downtown and lower-density residential areas; and ensures a variety of housing types in the community, so that people of all ages and circumstances can find a home that meets their needs. The concentration of high-density development near commercial areas and transit can reduce the number of vehicle trips generated by the development and helps protect lower-density residential neighborhoods from through traffic.

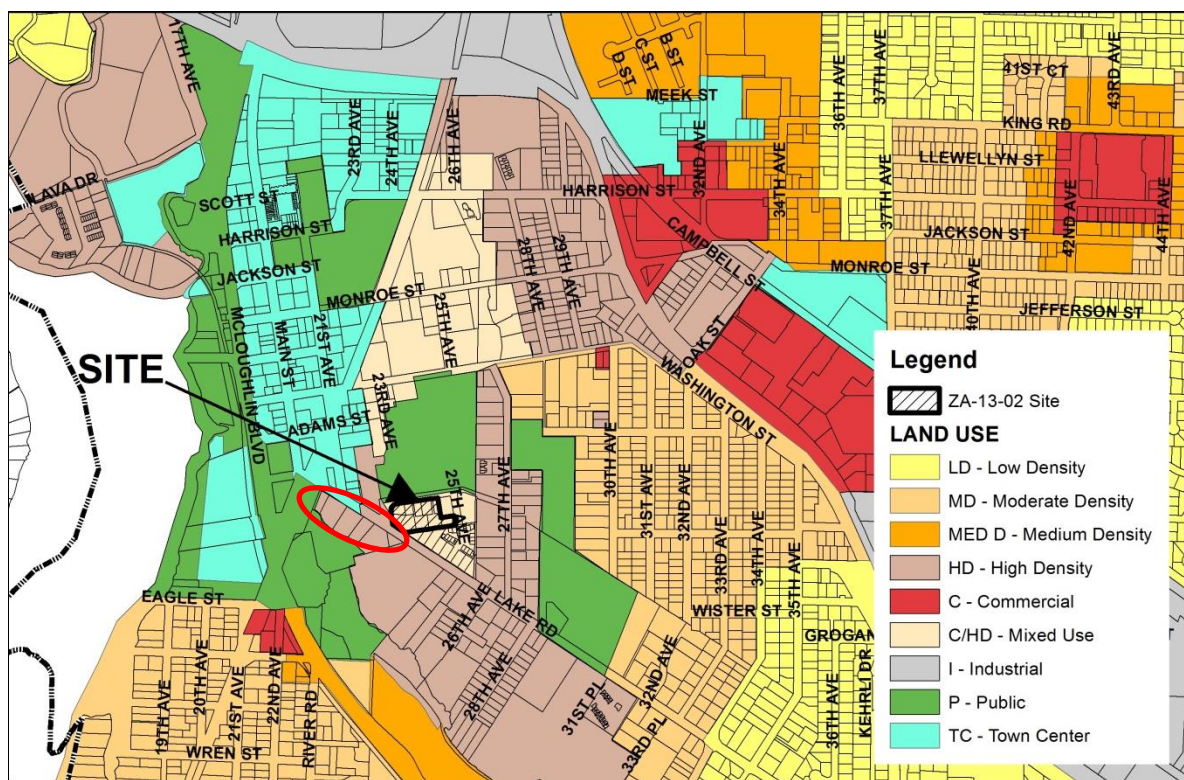
The Comprehensive Plan Land Use Map has designated the subject site as Mixed Use C/HD since 1979. Prior to 1979, the site was designated High Density HD. Additionally, staff research has determined that the 6 properties in the R-1-B Zone to the southwest of the subject site, circled in red,<sup>1</sup> are incorrectly mapped as HD High Density rather than C/HD Mixed Use, which would imply more intensive development of this site and the surrounding area.<sup>2</sup>

Comprehensive Plan policies further support rezoning land to the maximum permissible densities when the infrastructure is in place to support more intensive development. See Attachment 1 for additional discussion.

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<sup>1</sup> 2244 SE Lake Rd, 2202 SE Lake Rd, 2100 SE Lake Rd, 2045 SE Lake Rd, 2136 SE Lake Rd, and an unaddressed property (TLID 11E36CB02100).

<sup>2</sup> The 1984 Comprehensive Plan Land Use Map show this area with a C/HD designation; the 1994 map shows this area with a HD designation. No ordinances changing the land use designation of these properties from C/HD to HD were adopted between 1984 and 1994, and the change appears to be a mapping error.

**Figure 1. Comprehensive Plan Designations in the Historic Milwaukie Neighborhood**

### Zoning

The Comprehensive Plan provides direction regarding the goals of the city for the future and the policies to reach those goals. The zoning ordinance implements the policies of the Comprehensive Plan through standards related to the location, siting, design, and infrastructure needs of new development. However, in some cases, the intent of the Comprehensive Plan requires some interpretation, and the zoning ordinance does not always agree with it.

The site has been zoned Residential Zone R-2 since 1968.<sup>3</sup> The applicant has requested a zoning designation of R-1-B. Although it is clear that the site's Comprehensive Plan land use designation of C/HD supports higher-density residential development than currently exists, it is less clear which zone or zones best implement the Mixed Use C/HD designation. Per Objective #2 of the Residential Land Use and Housing Element of Chapter 4 of the Comprehensive Plan, the HD land use designation is implemented by the R-1 and R-1-B zones. The Comprehensive Plan does not specifically identify the appropriate zones to implement the C/HD designation but provides this description of the types of high density uses to be permitted in the Mixed Use Area:

- a. Within the Mixed Use Area designated on Map 7 [the Land Use map of the Comprehensive Plan], a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be

<sup>3</sup> From 1968 to 1979, the zone was called Apartment Residential Zone R-2. From 1979 to the present, it has been called Residential Zone R-2.



- 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.

The closest comparable zone is the Residential-Business Office Zone R-1-B. As shown in Figure 2, there is substantial precedent for applying the R-1-B Zone to areas with the Mixed Use C/HD designation. In addition, the site is adjacent to the R-1-B Zone across Lake Rd (zoning designations extend to the centerline of adjacent streets).

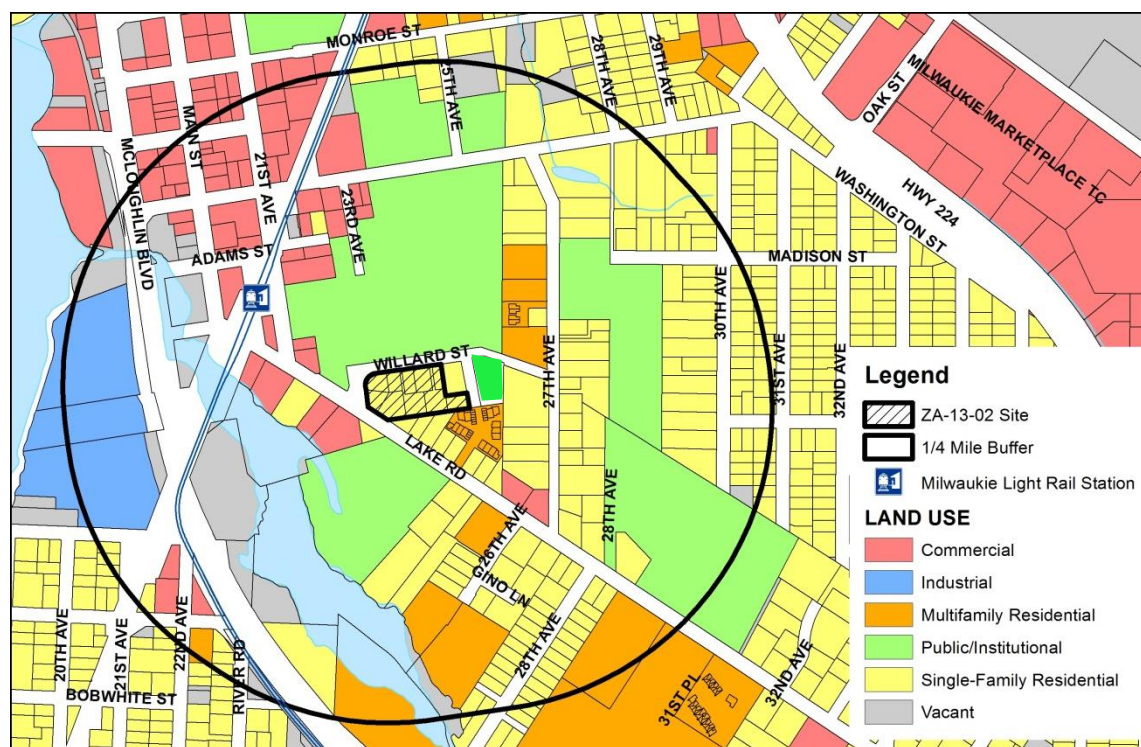
The R-1-B zone and R-O-C zones share the same development standards and minimum and maximum residential density requirements, but the R-1-B zone allows a much narrower range of non-residential uses and does not permit commercial uses. For these

reasons, staff supports the application of the R-1-B rather than R-O-C zone to this site.

### Existing Uses

As shown in Figure 3, the land uses and development adjacent to the site are mixed and include institutional (schools, churches), multifamily residential (apartments and condominiums), single-family residential (single-family and duplex dwellings) and office buildings (both purpose-built and converted dwellings). The surrounding properties range from small single-family lots to multiple-acre school and church grounds. The existing residential density of the area ranges from 0 to 37 dwelling units per acre.<sup>4</sup>

**Figure 3. Existing Uses within 1/4 Mile of the Site**



Source: Metro RLIS

The site is also located about 650 ft, or 1/8 mile, from the future light rail station; as has happened near other light rail stations, uses in the area are likely to intensify when light rail service begins in 2015. In addition, several property owners in the area have indicated interest in new development or redevelopment in the station area.

## **B. Does the zone change make sense from a neighborhood perspective?**

### Overview

The Comprehensive Plan Map identifies the areas of the city where various types of uses and development are appropriate, and the zoning map applies regulations to guide those

<sup>4</sup> The property at 11850 SE 26<sup>th</sup> Ave is developed at 37 dwelling units per acre.

uses and development. In this case, the site has been identified by the Comprehensive Plan Land Use Map as an appropriate location for mixed use, high-density development. Although the policies have not been revisited in many years, the decision before the Planning Commission is not whether the Comprehensive Plan policy is the correct policy, but whether the requested zone change complies with the Comprehensive Plan policies.

As shown in Figure 2, the Historic Milwaukie neighborhood contains a variety of zoning designations and uses. Generally, the neighborhood contains the downtown Milwaukie area and surrounding residential areas, and is zoned for high- to medium-density mixed-use and residential development. Many sites in the area, including the subject site, are developed at lower densities than permitted by the existing zoning.

The NHA site is medium-density and mixed-use in character, accommodating office, residential, and temporary shelter uses. These uses have co-existed on the site in various configurations since the late 1980s. Currently, 9 dwelling units and a 5-unit temporary shelter are located on site, and 30 employees work out of the offices on the site. Although the shelter is not composed of individual dwelling units, it is occupied by 5 families; the current effective residential density of the site is 12 dwelling units per acre.

The Historic Milwaukie Neighborhood District Association (NDA) has raised a number of concerns about the proposed zone change, which should be addressed as part of this discussion and are discussed in more detail below.

#### *1. Zoning Map Errors*

During the 2000 amendments to adopt the downtown zones, six R-1-B properties to the south of Lake Rd and west of 23<sup>rd</sup> Ave were erroneously mapped as Residential Zone R-2 properties. Staff determined that a mapping error had occurred and corrected the City's zoning data in 2003; however, due to staff turnovers and shortages at that time, the data was not provided to Metro or Clackamas County, and the GIS data provided to the City by Metro continued to show that these properties were zoned R-2. The City's zoning maps were updated in late 2013 and now show the correct R-1-B zoning for these sites.

During research and analysis for this land use application, staff identified additional areas adjacent to the subject site where the land use designations are incorrectly mapped as HD rather than C/HD.

#### *2. Traffic Impacts*

The impacts to the city's transportation system are evaluated according to the Comprehensive Plan designation of the property. Because the proposed map amendment does not, in itself, generate additional impacts, and because the applicant has not requested an amendment to the Comprehensive Plan land use map, the Engineering Director has determined that a traffic impact study (TIS) is not required. If changes are made to the site that would increase the number of people visiting the site (such as adding floor area to the site or office space within an existing building), a TIS will be required. If the TIS shows that there will be additional trips, and that they cannot be adequately accommodated by the existing street network, the applicant would be required to mitigate those transportation impacts. Mitigation could include prevention of certain turning movements (such as left-hand turns from Lake Rd), installation of traffic controls (up to and including a traffic signal), and other infrastructure upgrades. The level of improvements will be reviewed at the time of development.

In practical terms, the site is well served by the City's transportation system. It is less than 1/4 mile from the future Main Street light rail station, and is well connected to key civic buildings, downtown, and other commercial areas by an existing network of pedestrian and bicycle facilities.

### 3. *Affordable Housing*

Community members have expressed concerns about the construction of additional affordable housing on the site in particular, and in the Historic Milwaukie neighborhood in general. Although the income of community residents is germane to discussions about demographics or economics, it is outside of the scope or power of the zoning ordinance to determine the sales price, rental rates, or resident incomes of residential development in the City. The city's regulations must comply with federal fair housing requirements related to the equal treatment of housing, regardless of the population served.

The zoning ordinance guides development through standards related to its location (zoning), appearance (design standards, where applicable), size (height, setbacks), impact on surrounding properties (design, parking, and buffering requirements), and impact on the transportation system (traffic impact analysis, frontage improvements). However, beyond identifying those areas where multifamily housing is appropriate and permitted, the zoning ordinance does not, and cannot, regulate who builds housing in the city or who lives in it.

#### Appropriate Zoning for the Site

As discussed above, the Comprehensive Plan designation of C/HD and the description of permitted uses in the zone appear to support application of the R-O-C zone to this site. However, the neighborhood character and adjacent zoning designations do not support the inclusion of commercial development on this site.

The key differences between the R-O-C and R-1-B zones lie in the range of permitted uses. The R-O-C Zone is quite permissive, while the R-1-B Zone limits outright permitted uses to multifamily residential and office uses. This complements the character of adjacent development and supports the downtown core by providing additional residents in close proximity to services.

From a policy perspective, there is some difference between the existing zone and the proposed zone. The Comprehensive Plan designates the R-2 zone as MD Medium Density Residential and the R-1-B Zone as High Density Residential HD and as mixed use, i.e. Mixed Use C/HD. Both zones allow multifamily residential development outright.

The Code, however, differentiates between the R-2 and R-1-B zones in a number of ways, as shown in Figure 4 below.

**Figure 4. Comparison of R-2 and R-1-B zones**

<b>Zone</b>	<b>Minimum Lot Size (sf)</b>	<b>Max. Lot Coverage</b>	<b>Max. Height</b>	<b>Total DUs Permitted<sup>5</sup></b>	<b>Permitted Uses</b>	<b>CSU Uses</b>
R-2	5,000 first lot; 2,500 additional lots	45%	45 ft	18-27	MFR	Temporary Shelter
R-1-B	5,000 first lot; 1,400 additional lots	50%	45 ft	40-47	MFR, Office	Temporary Shelter

The following is a summary of what would *change* if the site were rezoned as proposed:

- Differences in minimum/maximum density and minimum lot size requirements would allow for the future development of up to 40-47 dwelling units instead of 18-27.
- Some development standards, including maximum lot coverage; minimum lot size (after the first lot, which must be 5,000 square feet in both zones); and minimum and maximum residential densities.
- According to the trip generation memo submitted by the applicant and included as Attachment 2.C, approximately 13 additional peak-time vehicular trips would be added to the local street network if the site was developed with the R-1-B zone range of 40-47 dwelling units rather than the R-2 zone range of 18-27 dwelling units.

The following is a summary of what would remain *unchanged* if the site were rezoned as proposed:

- High Density Mixed Use Comprehensive Plan designation.
- Allowable housing types, i.e. multifamily (attached, rowhouse, and cottage cluster), duplex, and single-family residential
- Most development standards, i.e. maximum height; frontage requirement; lot width and depth (except in the case of rowhouse development); front, side, and rear yard setbacks; minimum vegetation;
- Right-of-way dedication and improvement requirements at the time of development.
- Orientation of future development to the streets and neighborhood.
- Application of design standards to future development.
- Provision of on-site parking for site uses.

<sup>5</sup> The total number of permitted dwelling units is lower than that allowed by the density standards because of minimum lot sizes.



## 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 23<sup>rd</sup> 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
- MMC Chapter 19.700 Public Facility Improvements

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.
- D. Continue the hearing to March 25, 2014.

The final decision on these applications, which includes any appeals to the City Council, must be made by June 9, 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 zone change was given to the following agencies and persons: City of Milwaukie Building Division and Engineering Department, Historic Milwaukie and Lake Road Neighborhood District Associations (NDAs), Metro, and Clackamas County Fire District #1, and properties within 400 ft of the subject site. The following is a summary of the comments received by the City. See Attachment 5 for further details.

- **Brad Albert, Civil Engineer, Engineering Department:** 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.
- **Paul Hawkins, Chair, Lake Road NDA Land Use Committee:** Supports the application; there is a need for the services provided by the applicant.
- **Jean Baker, Chair, Historic Milwaukie NDA:** Opposes the application; concerns about the level of review (Type III as opposed to Type V), inconsistencies within and between the zoning ordinance and Comprehensive Plan, and desire for additional opportunity for involvement and review.

**Staff Response:** The application is for a zoning map amendment. It does not require amendments to the map or text of the Comprehensive Plan, the Zoning Map, or the text of the Zoning Ordinance. The requested zoning implements the Comprehensive Plan designation of the site. The current zoning does not.

The zoning ordinance provides general guidelines for determining the appropriate level of review for a Comprehensive Plan map amendment, but the ultimate decision rests with the City Attorney. The City Attorney is familiar with relevant land use laws and made a determination that the application is appropriately reviewed through Type III review. See Attachment 4.

The City has not granted any type of exemptions or special considerations to the applicant. This application is only for the zone change; subsequent development of multifamily housing and offices will be subject to development review and the design standards for multifamily housing. Construction of a temporary shelter will be subject to Type III Community Service Use review and approval by the Planning Commission, and there will be opportunity for public review of the proposal at that time.

- **Ray Bryan, Member, Historic Milwaukie NDA Land Use Committee:** Concerns about the level of review (Type III as opposed to Type V), disagreement with the determination that a traffic impact study is not required, questions about the approval criteria and how they would be applied, identification of incorrect statements in the applicant's narrative regarding which zones implement the C/HD land use designation; concerns about traffic impacts of the zone change.

**Staff Response:** The City Attorney has determined that the application is appropriately reviewed through the Type III (quasi-judicial) review process. The applicant incorrectly states that both the R-2 and R-1-B zones implement the C/HD land use designation; the R-1, R-1-B, and R-O-C zones implement this designation. The Engineering Director has determined that the zone change does not trigger a TIS, but redevelopment of the site will.

- **Debby Patten, 11880 SE 34th Ave, Milwaukie, OR:** Supports the opinion of the Historic Milwaukie NDA regarding the proposal.

## 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Applicant's Narrative and Supporting Documentation dated December 23, 2014.				
A. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
B. Exhibit A: Conceptual Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
C. Exhibit B: Trip Generation Memo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
D. Exhibit C: Pre-Application Conference Summary and E-mail from City Engineering Staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
E. Exhibit D: Submittal Requirements Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. City Attorney Determination of Review Type	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. List of Record	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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-99>.

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

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 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 23<sup>rd</sup> 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.*

*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 net<sup>1</sup> 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*

<sup>1</sup> 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.

designation. Both the R-1 and R-1-B zones would implement this designation.

The Comprehensive Plan density range of 21.2 to 24.0 dwelling units per net acre and the Zoning Ordinance density range of 25 to 32 dwelling units per acre conflict. 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 Zoning Ordinance controls. However, 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.*
- 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:

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 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.

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.



***Zoning Map Amendment Application***



Prepared by Angelo Planning Group  
Submitted to City of Milwaukie Planning Department

**December 2013**

## **Northwest Housing Alternatives Zoning Map Amendment Application Team**

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## **Application Summary Information for Northwest Housing Alternatives**

<b>Subject Tax Lots:</b>	11E36BC0 6100
<b>(All owned by NHA)</b>	11E36BC0 6200
	11E36BC0 6300
	11E36BC0 6400
	11E36BC0 6500
	11E36BC0 6600
	11E36BC0 6700
	11E36BC0 6800
	11E36BC0 6900
<b>Total NHA Site Size:</b>	1.73 acres
<b>Adjacent Tax Lot:</b>	11E36BC0 6000
<b>(Owned by Patty &amp; Jay McAllister)</b>	4,320 square foot lot
<b>Current Comprehensive Plan Designation:</b>	Mixed Use/High Density Residential
<b>Current Zoning:</b>	R-2
<b>Requested Zoning:</b>	R-1-B
<b>Application Submitted for:</b>	Zoning Map Amendment

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- Existing Zoning (p. 5)
- Site Vicinity (p. 8)

**List of Exhibits**

- Exhibit A: Conceptual Site Plan
- Exhibit B: Trip Generation Memo
- Exhibit C: Pre-Application Summary Notes and email from City Engineering staff



## Section 1: Project Description & Background

Northwest Housing Alternatives (NHA), Oregon's largest non-profit developer of affordable housing, has had its corporate offices in Milwaukie for nearly 30 years. In that time, the company has grown both in Milwaukie and statewide. Locally, the NHA campus currently consists of two offices buildings, the Annie Ross Homeless Shelter for families, and nine units of affordable rental housing. Statewide, NHA now has a portfolio of over 1,800 affordable apartments for Oregonians with low incomes and special needs.

As a growing company, NHA intends to redevelop its Milwaukie campus. Redevelopment is slated to begin in 2016 and would involve demolition of all existing structures and construction of new buildings to accommodate NHA's needs for office space and affordable housing. The primary elements of NHA's plan for redevelopment include the following (see Exhibit A: Conceptual Site Plan).

- *A new building for the Annie Ross Shelter that provides families with individual apartment studios.* This arrangement will afford shelter residents more privacy than the current building, which has a common kitchen and bathrooms for families experiencing homelessness.
- *One, two, and three-bedroom affordable rental housing options for families.* The scale and massing of these apartments will be designed to complement the school across the street and blend into the existing neighborhood. The nearby MAX light rail station (currently under construction) ensures that residents with low incomes will have convenient transit access to employment and educational opportunities throughout the Metro region.
- *An office building that meets NHA's staff needs and serves as a community asset.* The new office space will accommodate staff growth that has occurred over the last decade and is projected to serve NHA's administrative needs for at least the next 20 years.

This redevelopment project will allow NHA to simultaneously improve its office space, upgrade the Annie Ross Shelter, increase Milwaukie's affordable housing options and support transit-oriented development close to the future Lake Road light rail stop, which is currently under construction near the intersection of Lake Road and Main Street.

In order to facilitate the planned redevelopment, NHA is requesting a Zoning Map Amendment from the City of Milwaukie to change from an R-2 designation to R-1-B. 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. A map of the Comprehensive Plan designation for the subject site and surrounding areas is provided at the end of this section.

The R-1-B zone allows for the mix of uses and residential density that will best facilitate plans for redevelopment of the site. The R-1-B zone allows a density of up to 32 units per acre and lot coverage of up to 50 percent of the total lot area. The Conceptual Site Plan submitted with this zone change application illustrates the potential development of up to 41 housing units on the 1.73 acre site (lot coverage of approximately 30%). By comparison, the current R-2 zoning allows up to 17.4 units per acre (a total of 30 units) and lot coverage of up to 45 percent. Furthermore, office space is permitted outright in the R-1-B zone; in the current R-2 zone, office space requires conditional use approval.

Other, similar zones that were considered by the applicant but ultimately dismissed were:

- The R-1 zone allows for densities equal to the R-1-B zone (maximum of 32 units per acre). However, it has a lower lot coverage standard (45 percent) and office uses are only permitted through Conditional Use approval (in the R-1-B zone, office is permitted outright).
- The R-O-C (Residential-Office-Commercial) zone is very similar to the R-1-B zone in terms of permitted uses, development standards and allowable density. However, the R-O-C zone does not implement the Mixed Use/High Density Comprehensive Plan designation and would therefore require a Plan amendment. In addition, the R-O-C zone is currently applied on just two sites in Milwaukie and city staff has indicated that they do not wish to apply this zone to additional sites.

Once a zone change has been approved for the site, NHA will move forward with the necessary applications for the planned redevelopment, which will likely include Development Review, Community Service Use and Transportation Facility Review approvals.

NHA approached the owners of the two other lots in the block bounded by Willard Street and 25<sup>th</sup> Avenue to ask if they would like to include their lots in this zone change application. These two lots are also designated for Mixed Use/High Density Residential on the Comprehensive Plan Map. The owners of Tax Lot 6000 (2404 SE Willard Street) recently decided to include their lot in the zone change application. The owners of Tax Lot 5900 (2460 SE Willard Street) decided not to include their lot in the zone change application.

The additional tax lot included in this zone change application is quite small (4,320 square feet) and it is not owned by NHA. Rezoning Tax Lot 6000 from R-2 to R-1-B would provide the potential for development of two row houses based on minimum frontage requirements. Given the minimal impact of including this small additional parcel in the zone change request the application narrative, conceptual site plan and trip generation memo focus on the proposed redevelopment of the 1.73 acre site owned by NHA.

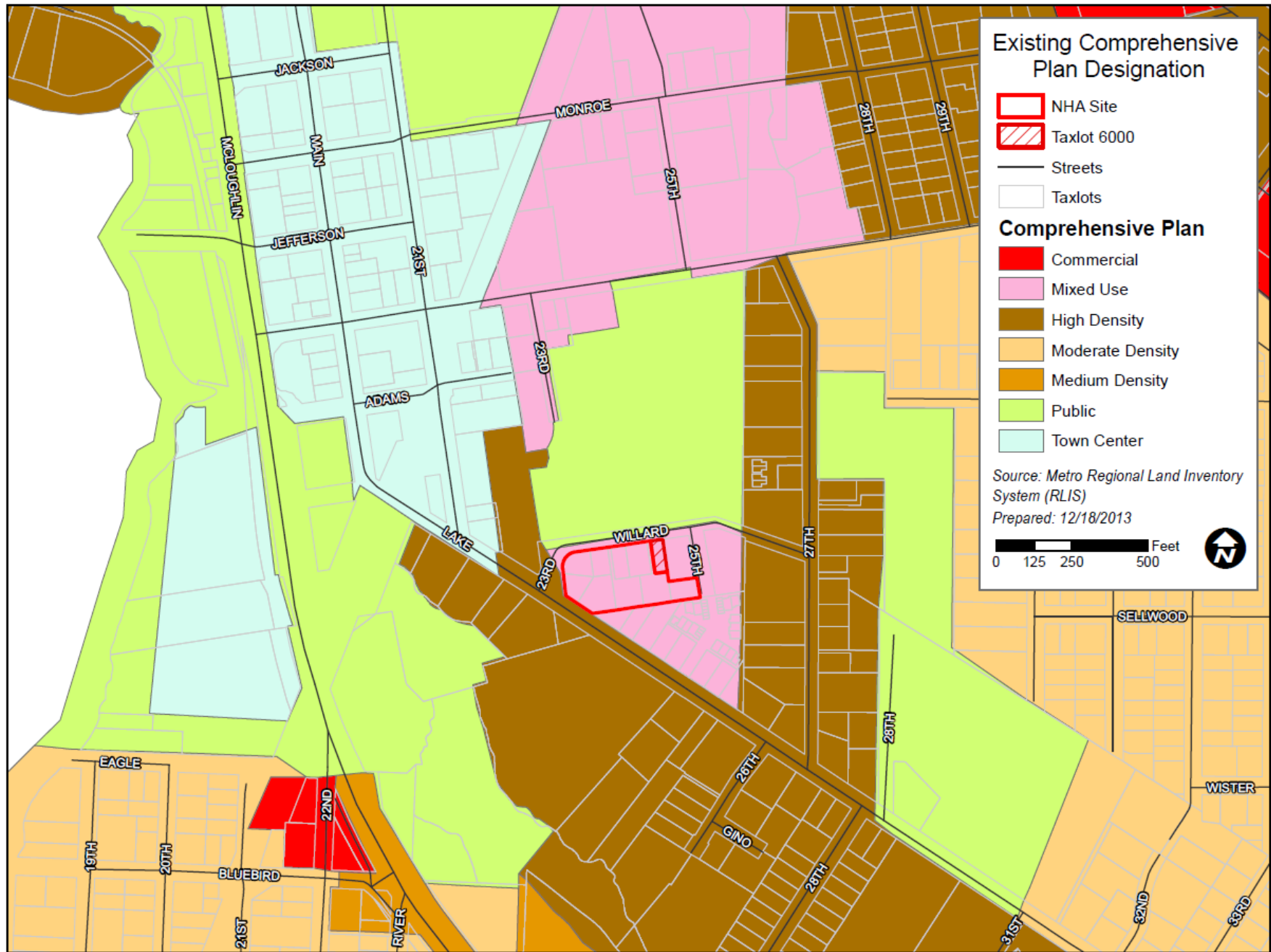
Prior to submitting this zone change application, NHA reached out to neighborhood groups and administrators at Milwaukie High School to share information on the proposed zone change and planned future development. Jonathan Trutt met with the Lake Road NDA on November 13th, 2013. The NDA did not raise any specific concerns with the zone change proposal; however, they requested that NHA return to the NDA for input on future development plans when they are available.

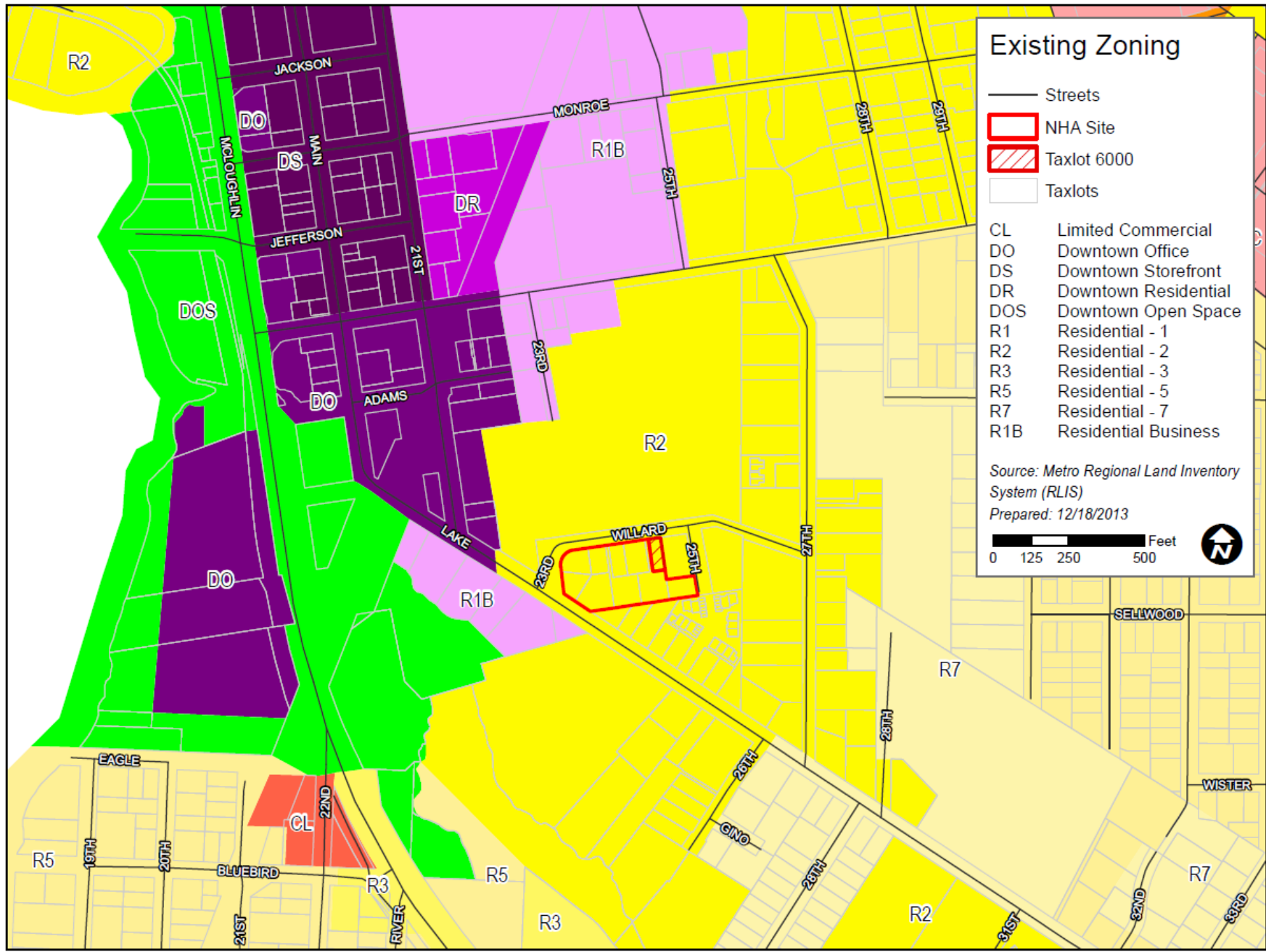
Jonathan Trutt and Mary Dorman met with the land use subcommittee of the Historic Milwaukie NDA on December 2<sup>nd</sup>. Prior to the meeting, NHA forwarded a copy of the draft application narrative for the zone change. Several issues and concerns were raised by the land use subcommittee and many individuals conveyed the challenges associated with the short time frame for NDA's to submit comments on Type III land use applications. Jonathan indicated that NHA intended to proceed with submittal of the zone change application by the end of December, but he would return to the full meeting of the Historic Downtown NDA on January 13, 2014.

In a follow-up call to the City of Milwaukie, Li Aligood confirmed that staff would most likely take the full 30-days to review the zone change application for completeness. Therefore, the NDA will not receive notice of the application and have to submit comments until the end of January or early February, 2014. Additional opportunities will be available for the NDA to provide comments and testimony prior to or at the Planning Commission and City Council public hearings. Again, because NHA

forwarded the draft application to the NDA in early December, the Historic Downtown NDA will have more time to review and comment on the application than is typically provided. This extended opportunity to comment is also furthered by NHA's commitment to send an electronic copy of this zone change application to the Historic Downtown NDA's Chair concurrent with its submission to the City.

Jonathan Trutt also forwarded the conceptual site plan and other information to the North Clackamas School District Director of Facilities, Melinda Shumaker and the Principal of Milwaukie High School, Mark Pinder. In a follow up e-mail, Melinda indicated that she reviewed the drawings with the Assistant Superintendent of Operations and they do not see any concerns with the new plan. Melinda stated: "This looks like a good thing for our community."





## Section 2: Zoning Map Amendment Approval Criteria

This section provides findings to demonstrate compliance with the approval criteria for a zoning map amendment per Section 19.902.6.B of the Milwaukie Zoning Code. Each criterion is cited in full (in italics) and followed by a response section that details how the requested zoning map amendment is consistent with that criterion.

### ***19.902.6 Zoning Map Amendments***

#### ***B. 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.*

**Response:** As shown in the Existing Zoning Map, the area surrounding the NHA site is primarily zoned R-2 with some R-1-B zoning across Lake Road and Downtown Office (DO) zoning just northwest of the site. The site is within one-half mile of downtown Milwaukie and one-quarter mile of the future light rail station being constructed near the intersection of Lake Road and Main Street. This location serves the employees, clients and housing/shelter residents of NHA because it provides walkable access to retail and services downtown, and nearby transit options (including light rail starting in 2015) that connect to central Portland and other employment and service centers. Lake Road, which is a major roadway, also provides convenient vehicle and transit access to the site. The character of the area is urban residential, with a mix of institutional uses and a moderately dense blend of single-family homes, townhouses, and apartment buildings. The high school in particular, which is directly across Willard Street from the NHA site, tends to intensify the character of the area in terms of activity, traffic and building mass. Future development in the area is likely to maximize allowable densities and include a mix of residential, institutional and commercial uses in order to take advantage of the close proximity to future light rail and downtown Milwaukie.

The proposed zone change on the NHA site will allow redevelopment of the site at a higher residential density than is currently allowed; however, the density will be consistent with the existing Comprehensive Plan designation, which is the guiding document for the character of development in this area. The subject site and surrounding lands have been designated by the city (through the Comprehensive Plan) as an area intended for transition to higher densities and more mixed use development. As shown in the Vicinity Map on page 8, a certain amount of higher density residential development has already occurred near the site.

The mix of uses intended for the NHA site will remain the same as it is today (office, shelter and housing). Compatibility with the surrounding area will be further ensured by site development and design standards that will be applied when NHA redevelops the site. The City of Milwaukie adopted new design standards for multifamily development in 2012 that will apply to redevelopment of the

NHA site. The purpose of the design standards is set forth in Section 19.505.3 of the Milwaukie Zoning Code as follows:

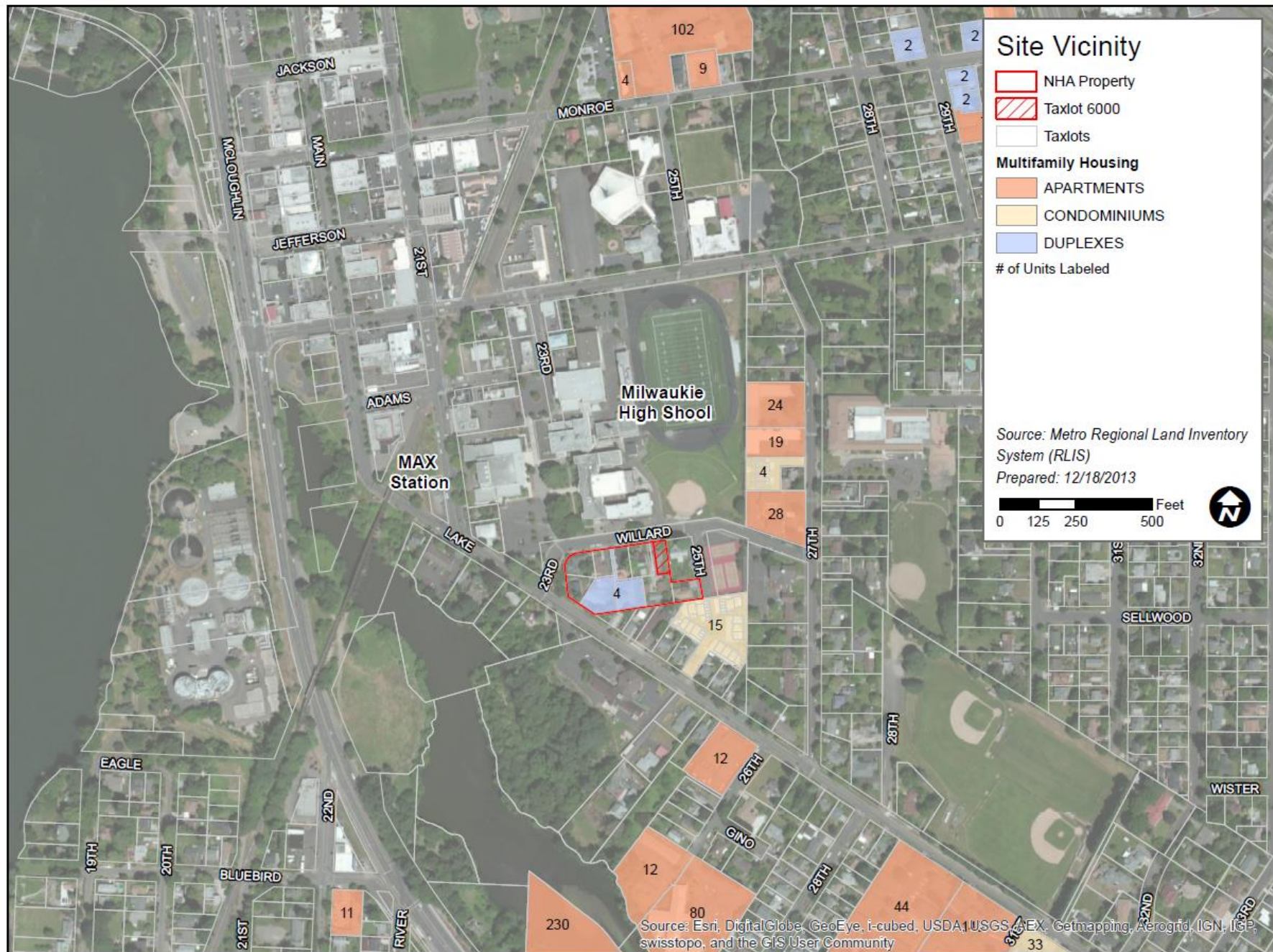
*A. Purpose. The purpose of these design standards is to facilitate the development of attractive multifamily housing that encourages multimodal transportation. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.*

The standards address:

- |                                     |                                |
|-------------------------------------|--------------------------------|
| 1. Private Open Space               | 2. Public Open Space           |
| 3. Pedestrian Circulation           | 4. Vehicle and Bicycle Parking |
| 5. Building Orientation & Entrances | 6. Building Façade Design      |
| 7. Building Materials               | 8. Landscaping                 |
| 9. Screening                        | 10. Recycling Areas            |
| 11. Sustainability                  | 12. Privacy Considerations     |
| 13. Safety                          |                                |

In summary, Criterion 1 is met because the proposed R-1-B zone is consistent with the Comprehensive Plan designation for the area and the new multifamily design standards will facilitate the development of attractive multifamily housing and foster a quality environment for residents and neighbors.







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

**Response:** NHA is requesting the zone change in order to redevelop the site so they may better serve their employees and clients. Outdated office space, an inadequate family shelter and growing need for affordable housing units have prompted NHA to begin plans to update their Milwaukie campus.

- In the last 10 years, the number of employees at NHA has doubled. This is due to a significant increase (about 70 percent) in the number of affordable properties that are owned and managed by NHA. In addition, the number of clients being served through their homelessness programs has quadrupled and NHA began a new resident services program - both of which required additional staff. The current office space is not large enough to accommodate existing staff, which has resulted in crowded conditions, separation of staff “teams” (some employees currently work out of the basement of the Annie Ross Shelter), and inadequate meeting room. NHA intends to construct new office space that will solve these issues and serve their administrative needs for the next 20 years or longer.
- The Annie Ross Shelter is currently located in a building that was once a single family home and was converted into five separate family “apartments”. However, the families share common bathrooms and kitchen space, which can create conflicts over use and privacy issues. The redeveloped shelter will have eight fully independent studios (each with a bathroom and kitchenette) to better serve families experiencing homelessness and reduce potential conflicts. The shelter will still include common spaces to facilitate group meetings. This approach will be easier for NHA to manage and will provide a more private environment for families.
- Currently, NHA owns and manages 510 apartment units in Clackamas County and the average vacancy rate is less than two percent annually (meaning the apartments are in high demand). NHA maintains a waiting list of clients who are hoping to get into an affordable housing unit. Because of that need, NHA intends to maximize allowable densities on their site to provide more affordable housing and take advantage of the opportunities presented by their current location. Those opportunities include close proximity to downtown Milwaukie and nearby schools (Milwaukie High School is across the street and Milwaukie Elementary is less than one-quarter mile away), and convenient access to existing bus routes and a future light rail station. Having more affordable housing on site with their administrative offices also provides efficiencies for NHA in terms of managing those units.

Therefore, NHA has demonstrated a need for the office and multifamily housing uses allowed by the R-1-B zone. A subsequent Community Service Review will be required for the replacement Annie Ross Shelter. Additionally, the new multifamily housing will be subject to review under the new design guidelines and standards in Section 19.505.3 of the Milwaukie Zoning Code.

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

**Response:** The discussion in the introduction outlines why the R-1-B zone is the most appropriate zone for the NHA site and plans for future redevelopment. As such, other similar zones are not considered suitable for the purposes of this response.

There are two other existing areas of R-1-B zoning within the City of Milwaukie: one is just east of Downtown generally between Harrison and Washington Streets. However, much of that area is

currently developed, or is undevelopable or has limited development potential due to the presence of natural resources. Therefore, that area is not considered a suitable alternative. The second area of R-1-B zoning is directly across Lake Road from NHA's site and includes about five parcels. Those parcels are also currently developed and restricted by natural resources. Therefore, that area is also not considered a suitable alternative.

More importantly, the applicant has been operating its administrative offices, shelter and affordable housing units at their current location for almost 30 years and is an established and accepted part of the neighborhood. The applicant owns all nine properties that comprise the site and the site has adequate space and public facilities to accommodate the planned redevelopment. The current location is also in close proximity to a future light rail station, which will provide needed transportation options for NHA staff, clients and residents of the on-site affordable housing. Purchasing alternative locations for the planned redevelopment would not be financially feasible for NHA, nor would it serve NHA's clients as well as the proposed zone change area.

For the above reasons, this criterion is met.

*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.*

**Response:** The subject properties and adjacent properties are currently developed and have adequate public facilities, utilities and services to support the allowed uses. Per conversations with city staff, service provider letters are not needed to demonstrate that public facilities are adequate. The Comprehensive Plan designation is not being amended as part of this proposal and adequate facilities currently exist on the site. Those two facts are sufficient to demonstrate that public facilities will be adequate to support the uses allowed by the zone change. In addition, future development of the subject site will require Public Facilities Review in conformance with Chapter 19.700 of the Milwaukie Zoning Code. That review will determine if transportation or other public facility improvements are needed to offset potential impacts of proposed development.

Therefore, this criterion is met.

*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.*

**Response:** The requested zoning map amendment will change the subject properties from R-2 zoning to R-1-B zoning. Both the R-2 and R-1-B zones implement the Mixed Use/High Density Comprehensive Plan designation; therefore, the rezone is consistent with the Comprehensive Plan map. City staff has confirmed that the adopted Transportation System Plan (TSP) accounted for the land uses associated with this Comprehensive Plan designation. As such, the proposed zone change and associated land uses are consistent with the functional classification, capacity and level of service for the surrounding transportation system as identified in the TSP. Based on those facts, a transportation impact study is not required by the city for this zone change application. This is confirmed by the Pre-Application

Conference Report dated August 8, 2013 and by a subsequent email from city engineering staff (see Exhibit C).

While not required for the zone change, NHA retained Kittelson & Associates to prepare a trip generation analysis for the NHA-owned parcels comparing the existing R-2 and proposed R-1-B zones (see Exhibit B). The memo concluded that potential development associated with the zone change could result in an additional 24 trips during the peak hour and would not result in a significant impact on the transportation system. A traffic study will be required at the Development Review phase to assess intersection impacts and transportation improvements associated with the specific development proposal.

Therefore, this criterion is met.

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

**Response:** The proposed zoning map amendment will change the zoning of the subject properties from R-2 to R-1-B, both of which implement the Mixed Use/High Density Comprehensive Plan designation. As such, the proposed amendment is consistent with the goals and policies of the Mixed Use/High Density designation as well as the Land Use Map.

Other relevant policy language from the Comprehensive Plan is addressed below. Policies related to development projects (for example, open space and design policies) are not addressed below because they are not relevant to the zone change. (Again, it is worth noting that Milwaukie recently adopted new development and design standards for multifamily housing that regulate design and neighborhood compatibility. Those standards will apply during the subsequent development review process to any new multifamily development on the NHA site.)

***Chapter 4 Land Use - Residential Land Use and Housing Element, Objective #2 Residential Land Use: Density and Location.***

*“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.”*

**Response:** The proposed zoning map amendment will allow NHA to redevelop the site and include multifamily units that will result in higher densities concentrated in an area that has been designated for such densities per the Comprehensive Plan Land Use Map. The site is located in close proximity (one-quarter mile) to the future Lake Road light rail station as well as nearby downtown commercial businesses and services. This will allow employees and residents to access downtown and transit by foot or bike, thus reducing the need for vehicle use. Furthermore, the NHA site is located along Lake Road, which is a major arterial street with bus service and allows employees and residents to access the NHA site with minimal use of smaller, local streets. The proposed rezone will not change the Comprehensive Plan designation and will therefore maintain a similar land use mix and character as the surrounding area. For these reasons, the proposed rezone supports Land Use Objective #2.

Chapter 4 Land Use - Residential Land Use and Housing Element, Objectives #5-6 Housing Choice and Housing Assistance.

*“To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population;” and “To assist low and moderate income households in obtaining adequate housing which is consistent with other housing objectives and policies.”*

**Response:** According to the Oregon Department of Housing and Community Services, 64% of Milwaukie’s renters with low incomes pay too much for their housing. The proposed rezone will allow NHA to redevelop the site with additional affordable housing units which will contribute to the overall range of housing types in the area and help meet the housing needs of the low and moderate income populations in Milwaukie. As such, Land Use Objectives #5 and #6 will be supported with approval of the zone change and future redevelopment.

Chapter 4 Land Use - Neighborhood Element, Neighborhood Area 1, Guideline #2 Multifamily Housing.

*“Projects should have close proximity to major streets and public transit, and should not cause through traffic in the neighborhood.”*

**Response:** Per Map 2 in the Comprehensive Plan, the NHA site is located within Neighborhood Area 1. The proposed rezone will allow NHA to develop their site with additional multifamily units that are consistent with the designated densities in the Comprehensive Plan and in close proximity to Lake Road (a major arterial), existing bus service on Lake Road, and the future Lake Road light rail station. All of these elements will help to minimize through traffic in the surrounding neighborhood, consistent with Guideline #2.

Based on the above findings, Criterion 6 will be met.

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

**Response:** Relevant regional policies from the Urban Growth Management Functional Plan include policies in Title 1, Title 6, and Title 7. Those policies are addressed separately below.

- Title 1 Housing Capacity generally requires cities to maintain or increase housing capacity within their jurisdictions. Reductions to minimum zoned capacities may only be made if certain criteria are met. The proposed rezone of the NHA site supports this policy because it will increase the zoned housing capacity of the NHA properties, which are within the designated Milwaukie Town Center per the Town Center Master Plan. With the proposed rezone, maximum density on the NHA properties will increase from 17.4 to 32 units per acre.
- Title 6 calls for actions and investments that will enhance the role of Town Centers, Corridors, Station Communities and Main Streets as the “principle centers of urban life” in the region. In those areas, cities are required to encourage mixed-use, pedestrian-friendly and transit-oriented development. Title 6 states that centers need a mix of uses and a mix of housing types to be vibrant, walkable and successful. The proposed rezone of NHA properties supports Title 6 policies by allowing mixed-use development on the site, including housing and office space, in a location that is within convenient walking distance to downtown Milwaukie and future light rail

service. The increased capacity for housing on the NHA site will contribute to Milwaukie's mix of housing types and supply of needed affordable housing.

- Title 7 Housing Choice calls for cities to ensure a “diverse range of housing types” and implement measures to increase opportunities for new affordable housing within their boundaries. The proposed rezone of the NHA site will support Title 7 policies by allowing NHA to redevelop their campus with new affordable multifamily housing units, thereby increasing the overall range of housing types and supply of affordable housing in Milwaukie.

Based on the findings above, Criterion #7 will be met.

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

**Response:** The Comprehensive Plan and associated land use designations were developed to implement, and be consistent with, Statewide Planning Goals and the Transportation Planning Rule. As noted earlier, the proposed R-1-B zone implements the Mixed Use/High Density Residential plan designation. Because a plan map amendment is not required, it is not necessary to address compliance with State statutes and administrative rules, including the Statewide Planning Goals or the Transportation Planning Rule. This was confirmed by an e-mail from City Engineering staff (see Exhibit C). Therefore, this criterion does not apply.

### **Section 3: Summary**

The requested zone change will allow Northwest Housing Alternatives to redevelop their site to better serve their employees, clients, and Milwaukie's renters with low incomes. The R-1-B zoning will increase allowable density on the site so NHA can provide needed affordable housing in close proximity to schools, downtown Milwaukie and regional transit options. The rezone will also allow NHA to build office space that adequately accommodates staff needs, and a new shelter that provides a more comfortable environment for families in need. As this narrative demonstrates, the proposed rezone meets the applicable approval criteria for a Zoning Map Amendment and is consistent with relevant city policies. The NHA site is located in an area that the city has designated for higher density mixed uses and the rezone will support that vision. NHA has operated their Milwaukie campus for 30 years and intends to continue to be a good neighbor while providing a valuable service to the region.

## **Exhibit A: Conceptual Site Plan**



## NHA CAMPUS CONCEPTUAL SITE PLAN



2316 SE WILLARD, MILWAUKIE, OR 97222  
DECEMBER 9, 2013

### PROJECT DATA

TOTAL SITE AREA: APPROX. 1.73 ACRES / 69,960 sf

APPROX. LOT COVERAGE: APPROX. 30%

UNIT COUNT:	SHELTER STUDIOS	8
	1 BEDROOM	12
	2 BEDROOM	12
	3 BEDROOM	9
	<b>TOTAL UNITS</b>	<b>41</b>
<b>TOTAL PARKING SPACES</b>		<b>54</b>



mwa architects

## **Exhibit B: Trip Generation Memo**





# KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

## MEMORANDUM

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Date: November 20, 2013

Project #: 13922

To: Jonathan Trutt  
Northwest Housing Alternatives  
SE Willard Street  
Milwaukie, OR 97222

From: Matt Hughart, AICP and Chris Brehmer, P.E.

Project: Proposed Rezone - Northwest Housing Alternatives Site

Subject: Trip Generation Comparison

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This memorandum documents the results of a trip generation analysis for the existing Northwest Housing Alternatives (NHA) site in Milwaukie, Oregon. The purpose of the analysis is to quantify and compare the trip generation profile of a reasonable “maximum” trip generation under the existing R-2 zone to a reasonable “maximum” trip generation under the proposed R-1-B zone.

### Background

NHA operates out of an existing 1.73-acre site located off of SE Willard Street near downtown Milwaukie. This site is currently zoned R-2 (High Density Residential) and includes 9 affordable housing units, 5 “shelter rooms” located in a 2,525 square foot (sq. ft.) converted single family residence, and a 5,365 sq. ft. office facility serving the business needs of NHA. In order to make better use of the site and meet NHA’s increasing housing and office needs, NHA is considering redevelopment of the site to include a new/larger office space and new affordable housing units. The site will need to be rezoned from the existing R-2 (High Density Residential) to R-1-B (Residential Business Office) to accomplish this redevelopment vision.

Typically, when a rezone is accompanied by a comprehensive plan map amendment, a more detailed Transportation Planning Rule (TPR) analysis is required per OAR 660-012-0061. However, through consultation with City staff, it has been determined that both the existing R-2 zone and the proposed R-1-B zone implement the underlying Mixed Use/High Density Residential Comprehensive Plan map designation. Therefore, a plan map amendment is not required to support the zone change and a more detailed TPR analysis is not necessary per OAR 660-012-0061.

In light of these findings and to better support the zone change application, NHA wanted to have a better understanding of the trip generation characteristics and potential for transportation-related impacts associated with the zone change. These findings are outlined in the following sections.

## Trip Generation Comparison

Kittelson & Associates, Inc. utilized a detailed land use/build-out analysis provided by Angelo Planning Group (APG) to assess the potential for transportation-related impacts associated with a change in site zoning. A copy of this land use/build-out analysis is provided in *Appendix A*. In summary, APG concluded that a reasonable “maximum” build-out of the site under the existing R-2 zone would net approximately 30 multi-family apartment units. A reasonable “maximum” build-out of the site under the potential R-1-B zone would net approximately 40 multi-family apartment units and 12,000 sq. ft. of general office space.

Using the standard reference manual, *Trip Generation, 9th Edition*, published by the Institute of Transportation Engineers (ITE), the potential site trip generation was estimated for the existing and proposed zones as summarized in Table 1.

**Table 1 – Reasonable Maximum Trip Generation Scenario Comparison**

Land Use Scenario	ITE Code	Size	Weekday PM Peak Hour		
			Total	In	Out
Existing R-2 (High Density Residential) Zoning					
Apartments	220	30 units	19	12	7
Proposed R-1-B (Residential Business Office) Zoning					
Apartments	220	40 units	25	16	9
General Office Building	710	12,000 sq. ft.	18	3	15
Subtotal			43	19	24
Proposed Zoning – Existing Zoning			24	7	17

As shown in Table 1, the trip generation potential under the proposed R-1-B zoning will result in 24 additional weekday p.m. peak hour trips when compared to the maximum trip generation potential under the existing R-2 zoning.

## Trip Generation Analysis Implications

Based on a review of current peak hour traffic conditions within the site vicinity, the relatively small 24-vehicle trip increase generated by the proposed R-1-B zone, and a review of Milwaukie’s *Draft Transportation System Plan Update*, it is likely that the surrounding local, collector, and arterial street network can absorb the potential trip increase while maintaining acceptable operations through the planning year 2035. Further, with increased travel options planned to downtown Milwaukie in the near-term future (Portland-Milwaukie Light Rail), it is possible that the trip increase (primarily brought about by the office component as shown in Table 1) will be diminished over time as employees and residents

utilize these alternative modes. In our professional opinion, the transportation system can accommodate the incremental increase in trips associated “maximum” development under the proposed rezone.

## Conclusions

Under Section 660-012-0060(9) of the Transportation Planning Rule (TPR), a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Subsection (c) is not applicable to the proposed zone change. The proposed R-1-B zoning is consistent with the existing Mixed Use/High Density Residential comprehensive plan map designation and the zone change does not change the comprehensive plan map. Therefore, criterion (a) is met. Additionally, the City of Milwaukie has an acknowledged TSP and the Mixed Use/High Density Residential Comprehensive Plan designation (implemented by the R-2 and R-1-B zoning) is consistent with the TSP. Therefore, criterion (b) is met.

The City Engineer (Brad Alpert) confirmed that a Traffic Impact Study is not needed for the zone change application (e-mail dated 8/26/13). NHA understands that a Traffic Study will be required at the Development Review phase to assess intersection impacts and transportation improvements. Based on the minimal potential 24-trip increase and compliance with OAR 660-012-0060(9)(a) and (b), the City of Milwaukie can find that the amendment to the zoning map does not significantly affect an existing or planned transportation facility.

## Appendix A   Angelo Planning Group Land Use Analysis

# Memorandum

**Date:** October 15, 2013  
**To:** Matt Hughart, Kittelson & Associates, Inc.  
**From:** Serah Breakstone and Mary Dorman  
**cc:** Jonathan Trutt and Martha McLennan, Northwest Housing Alternatives  
**Re:** Site Data for Traffic Study

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This memorandum provides information pertaining to the proposed zone change at the Northwest Housing Alternatives (NHA) Milwaukie Campus. We are providing this information at the request of Kittelson & Associates, Inc. on behalf of Northwest Housing Alternatives.

**Existing site uses.** The NHA site currently has the following uses:

1. Affordable housing: 9 units total
2. Office space: 5,365 square feet
3. Family shelter: 5 “apartments” in 2,525 square feet (one building, converted SFR)

The total site size is 1.73 acres.

Per Milwaukie’s code, density is calculated using the net site area and the minimum and maximum allowed density of the zone. Net area is determined by reducing gross area by floodway, right-of-way dedication, open space or parkland (publically owned), and slopes in excess of 25%. None of those reductions apply on the NHA site. Therefore, the net area used in the density calculations below is 1.73 acres.

**Existing Zoning.** Current zoning on the site is R-2 (High Density Residential), which outright allows the full range of residential uses, including multifamily. Office space and other uses are allowed only through conditional use approval in this zone. Density standards for this zone are:

- 11.6 du/acre minimum
- 17.4 du/acre maximum

For “reasonable maximum build-out” of this site under the current zoning, we estimate the following uses:

- Multifamily apartments at maximum allowable density = 30 units
- No office or other non-residential uses

**Proposed Future Zoning.** The proposed zone is R-1-B (Residential Business Office) which outright allows all residential use types and office space. Density standards for this zone are:

- 25.0 du/acre minimum
- 32.0 du/acre maximum



For maximum build-out of this site under the proposed zoning, we estimate the following:

- 12,000 square feet of office space (3-story bldg with 4,000 sf footprint) similar to what will be proposed by NHA.
- Remainder of site devoted to multifamily apartments at maximum allowable density = 52 units

Calculations are shown in the table below.

Zoning	Site Acres	Site Square footage	SF of Office Space	SF of Multifamily	Maximum Density (du/net acre)	Max. # of MF Units
R-2 (current)	1.73	75,358.80	0	75,358.80	17.40	30
R-1-B (proposed)	1.73	75,358.80	12,000 sf (footprint of 4,000 sf)	71,358.80	32.00	52

While 52 units may be technically allowed per the density standard in the code, a reasonable assessment of the site and other site requirements indicates that the actual number of possible units is lower. At least 18,000 square feet of the site will need to be devoted to parking for the office and residential uses. In addition, site maneuvering, building height, access spacing and fire safety requirements all impose restrictions on site layout and development that will impact the available space for multifamily units. MWA Architects is working with NHA to develop a conceptual site plan for the site and has found that 52 multifamily units are not possible on this site given site configuration and applicable requirements. Analysis of the site indicates that a more reasonable number of possible units on the site ranges between **35 and 40**, depending on the size and layout of the units.

**Exhibit C: Pre-Application Summary and email  
from City Engineering Staff**



August 8, 2013

Mary Dorman  
Angelo Planning Group  
921 SW Washington Street, Suite 468  
Portland, OR 97205

**Re: Preapplication Report**

Dear Mary:

Enclosed is the Preapplication Report Summary from your meeting with the City on July 25, 2013, concerning your proposal for action on property located at 2316 SE Willard Street.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Blanca Marston  
Administrative Specialist

Enclosure

cc: **Serah Breakstone** - Angelo Planning Group  
Jonathan Trutt - NW Housing Alternatives  
Bill Lanning - MWA Architects  
File



# CITY OF MILWAUKIE

PreApp Project ID #: 13-008PA

## PRE-APPLICATION CONFERENCE REPORT

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This report is provided as a follow-up to a meeting that was held on 7/25/2013 at 10:00AM

**Applicant Name:** Mary Dorman  
**Company:** Angelo Planning Group  
**Applicant 'Role':** Architect  
**Address Line 1:** 921 SW Washington St, Suite 468  
**Address Line 2:**  
**City, State Zip:** Portland OR 97205

**Project Name:**

**Description:**

**ProjectAddress:** 2316 SE Willard St

**Zone:** R-2

**Occupancy Group:**

**ConstructionType:**

**Use:** Current and proposed: residential and office

**Occupant Load:**

**AppsPresent:** Jonathan Trutt, Serah Breakstone, Mary Dorman, Bill Lanning

**Staff Attendance:** Steve Butler, Li Alligood, Brad Albert, Shawn Olson

### BUILDING ISSUES

**ADA:**

**Structural:**

**Mechanical:**

**Plumbing:**

**Plumb Site Utilities:**

**Electrical:**

**Notes:** No comments at this time

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

## **FIRE MARSHAL ISSUES**

**Fire Sprinklers:**

**Fire Alarms:**

**Fire Hydrants:**

**Turn Arouds:**

**Addressing:**

**Fire Protection:**

**Fire Access:**

**Hazardous Mat.:**

**Fire Marshal Notes:** See attached.

## **PUBLIC WORKS ISSUES**

**Water:** N/A

**Sewer:** N/A

**Storm:** N/A

**Street:** N/A

**Frontage:** N/A

**Right of Way:** N/A

**Driveways:** N/A

**Erosion Control:** N/A

**Traffic Impact Study:** A traffic impact evaluation for a rezone would not be needed if the rezone is consistent with the Comp. Plan map designation and it can be shown that the adopted TSP accounted for the land use in the Comp. Plan. The rezone is consistent with the Comp. Plan map. The City will perform a check to see if the TSP accounted for the land use in the Comp. Plan.

In the event the adopted TSP did not account for the land use in the Comp. Plan, the applicant shall provide a traffic impact study for the zone change and mitigate any impacts as outlined from the study.

**PW Notes:** N/A

## **PLANNING ISSUES**

**Dated Completed:** 8/8/2013

**City of Milwaukie DRT PA Report**

**Page 2 of 6**

<b>Setbacks:</b>	R-2 and R-1-B zones: front 15 ft; rear 15 ft, street side yard 15 ft; side yard 5 ft (with some exceptions related to town homes). Minimum setback from Lake Rd is 30 ft from the centerline.
<b>Landscape:</b>	<p>R-2 and R-1-B zones: at least 15% of the site must be vegetated, and at least 40% of the front yard shall be vegetated. The front yard vegetation area counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.</p> <p>Per MMC 19.504.7, no more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.</p>
<b>Parking:</b>	<p>MMC Chapter 19.600 Off-Street Parking and Loading establishes minimum off-street parking ratios for various uses. For multifamily dwelling units of less than 800 sq ft, a minimum of 1 parking space per unit is required and a maximum of 2 parking spaces per dwelling unit is permitted. For multifamily dwelling units of more than 800 sq ft, a minimum of 1.25 parking space per unit is required and a maximum of 2 parking spaces per dwelling unit is permitted.</p> <p>For general office use, a minimum of 2 spaces per 1,000 sq ft of area is required and a maximum of 3.4 spaces per 1,000 sq ft is permitted.</p> <p>There are some by-right reductions available for developments within 500 ft of a frequent transit stop and within 1,000 ft of a light rail station. These reductions are detailed in MMC 19.605.3. Parking space and drive aisle dimensions and parking lot landscaping and design requirements are located in MMC 19.606.</p>
<b>Transportation Review:</b>	The City's transportation requirements are located in MMC 19.700. The Engineering Department has determined that this chapter may be triggered by the proposed zone change. See 'Public Works' notes for details.
<b>Application Procedures:</b>	<p>The proposal is subject to Zoning Amendment (ZA) review. Per the City Attorney, the proposed zone change can be processed through Type III land use review.</p> <p>The following applications must be submitted and approved to initiate a zone change. Applications must be submitted concurrently. There is a 25% discount for the least expensive application(s).</p> <p><b>Zoning Map Amendment (ZA):</b> ZA approval is required to change the mapped designation of the site from R-2 to R-1-B. The application is reviewed through a Type III review per MMC 19.1006, and the application fee is \$2,000. The approval criteria for ZA applications are in MMC 19.902.6.</p> <p><b>Transportation Facilities Review (TFR):</b> If a TIS is required, TFR approval will be required to evaluate the impacts of the zone change from R-2 to R-1-B. The application is reviewed through a Type II review per MMC 19.1005, and the application fee is \$1,000. The approval criteria for TFR applications are in MMC 19.703.3.</p> <p>For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application will be required for referral to other departments, the Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.</p>



Type III applications are quasi-judicial in nature and are decided by the Planning Commission at a public hearing. The Planning Commission hears land use applications on the second and fourth Tuesdays of every month, and completed applications need to be submitted to the Planning Department no later than 45 days prior to the target Planning Commission hearing. In general, staff recommends that applications be submitted one to two weeks before the 45-day deadline in order to ensure that there is time to make the applications complete if they are initially deemed incomplete. Once the Planning Commission renders a decision, there is a fifteen calendar-day appeal period. Building permits will be accepted for review only after the appeal period for all land use decisions has expired.

Type II applications are administrative in nature and are decided by the Planning Director after a public notice period. The timeline for review and approval is generally 30 – 45 days.

Land use application submission materials are listed below for your convenience. Please refer to the handouts distributed at the pre-application conference for more detailed information.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed "Submittal Requirements" form.
4. Completed and signed "Site Plan Checklist and Procedures" form.
4. 5 copies of an existing conditions and a proposed conditions site plan, both to scale. These two site plans can be combined onto one site plan. Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.
5. Detailed narrative describing compliance with all applicable code sections.

**Natural Resource Review:** Not required.

**Lot Geography:** The site consists of 9 tax lots and is generally rectilinear in shape, with an uneven eastern boundary.

**Planning Notes:**

- 1) Although residential buildings of the scale and height proposed in the concept plan would be permitted outright in the R-2 zone, the proposed zone change would increase permitted residential density on the site by almost 100%. Staff strongly suggests beginning discussions with the Historic Milwaukie and Lake Road NDAs prior to submittal of a zone change application. It may be helpful to acquire letters of support from adjacent or nearby property owners.
- 2) Even if a transportation impact study is not triggered by the proposed zone change, it may be useful to conduct the TIS prior to submitting the ZA application in order to address concerns about the traffic impacts of the additional density permitted in the R-1-B zone.
- 3) The City will consider all of the tax lots as a single site for the purposes of setbacks, lot coverage, minimum vegetation, etc.

4) Public notice signs will need to be posted on site prior to any hearing or decision on the Type III land use application. Notice of the application will be sent to property owners within 300 ft of the subject property. The applicant may wish to communicate with these property owners prior to submittal of the zone change application in order to identify any potential concerns.

5) A second preapplication conference will be required prior to development of the site. A Type III Community Service Use (CSU) application will be required prior to construction of the transitional housing facility. Multifamily development is subject to the design standards of MMC 19.505.3.

6) The preapplication conference is valid for purposes of submitting future land use applications as described in 19.1002.4. In general, a preapplication conference is valid for 2 years.

7) The Milwaukie Municipal Code is available online at <http://www.qcode.us/codes/milwaukie/>

### **ADDITIONAL NOTES AND ISSUES**

**County Health Notes:**

**Other Notes:**

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This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

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**BUILDING DEPARTMENT**

Tom Larsen - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

**ENGINEERING DEPARTMENT**

Gary Parkin - City Engineer - 503-786-7601

Brad Albert - Civil Engineer - 503-786-7609

Zach Weigel - Civil Engineer - 503-786-7610

Jason Rice - Civil Engineer - 503-786-7605

Matt Palmer - Associate Engineer - 503-786-7602

**COMMUNITY DEVELOPMENT DEPARTMENT**

Jeanne Garst - Administrative Supervisor - 503-786-7655

Marcia Hamley - Admin Specialist - 503-786-7656

Blanca Marston - Admin Specialist - 503-786-7600

Alicia Martin - Admin Specialist - 503-786-7600

**PLANNING DEPARTMENT**

Stephen Butler - Planning Director - 503-786-7652

Ryan Marquardt - Senior Planner - 503-786-7658

Brett Kelter - Associate Planner - 503-786-7657

Li Alligood - Associate Planner - 503-786-7627

Kari Svanstrom - Associate Planner - 503-786-7653

**CLACKAMAS FIRE DISTRICT**

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673



# Clackamas County Fire District #1

## Fire Prevention Office



### E-mail Memorandum

**To:** City of Milwaukie Planning Department  
**From:** Shawn Olson, Clackamas Fire District #1  
**Date:** 07/25/2013  
**Re:** 2316 Willard St, Multi-Family Housing

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This review is based upon documents submitted by the applicant. The comments we provide are intended as an advisory to the applicant until final design documents are submitted for formal review at the County. While the scope of this review is typically limited to fire apparatus access and water supply, the applicant must comply with all applicable Fire Code requirements. The following access and water supply requirements shall be addressed on the formal submittal.

#### Fire Apparatus Access

1. Fire department access roads shall be within 150 feet of all portions of a structure.
2. Dead end fire apparatus access roads longer than 150 feet in length, shall be provided with an approved turnaround.
3. "No Parking Fire Lane" signs shall be placed on one or both sides of a fire apparatus access road when road widths are less than 26 feet wide and 26 feet to 32 feet in width. Signs shall be placed on both sides of a fire apparatus access road when roads are less than 26 feet in width and on one side when roads are 26 feet to 32 feet in width. Red painted curbs can be used in lieu of signs.
4. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet.
5. Provide turning radius dimensions on submitted plans. The inside turning radius and outside turning radius for a 20 feet wide road shall be not less than 28 feet and 48 feet respectively, measured from the center point.
6. Buildings more than 30 feet in height shall have a fire apparatus access road designed for aerial apparatus with an unobstructed driving surface of 26 feet wide and comply with OFC D105.

## Water Supply

1. Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building on-site fire hydrants and mains shall be provided.
  - a. The distance may be increased to 600 feet for buildings equipped with an approved automatic sprinkler system.
2. The minimum number and distribution of fire hydrants available to a building shall not be less than listed in Table C 105.1. See page 9 for hydrant proximity to FDC (OFC Appendix C). **If a fire hydrant is required**, the hydrant shall be placed within 100 feet of a fire department connection. Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway.
3. The minimum fire flow and flow duration for buildings other than one and two-family dwellings shall be determined according to the OFC Appendix B. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.

**-Provide fire flow testing from a third party contractor upon final plan submittal-**



## Serah Breakstone

---

**From:** Albert, Brad [AlbertB@milwaukieoregon.gov]

**Sent:** Monday, August 26, 2013 11:33 AM

**To:** Serah Breakstone; Alligood, Li

**Subject:** RE: Northwest Housing pre-app question

Hi Serah,

I had our on call transportation engineer look into this matter and has been determined that a transportation impact study is not needed with the zone change application. Please let me know if you have any additional questions.

Thank you,

Brad Albert  
Civil Engineer

City of Milwaukie  
6101 SE Johnson Creek Blvd | Milwaukie, OR 97206  
T 503.786.7609 | C 503.734.4060  
Community Development 503.786.7600

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**From:** Serah Breakstone [mailto:sbreakstone@angeloplanning.com]

**Sent:** Monday, August 26, 2013 11:22 AM

**To:** Alligood, Li; Albert, Brad

**Subject:** Northwest Housing pre-app question

Li and Bradley,

I wanted to follow up with you regarding a comment in the Pre-app Conf Report (pre-app date was July 25, Project # 13-008PA). The public works section notes that the City will check to see if the TSP accounted for the land use in the Comprehensive Plan to determine whether or not a traffic impact study will be needed as part of this zone change application. Have you been able to make this determination yet? We are moving forward with the application and will need to clarify this issue as soon as possible.

Please feel free to give me a call or email to discuss if needed. Thanks for your help!

Serah

Serah Breakstone, AICP  
Angelo Planning Group  
921 SW Washington Street, Suite 468  
Portland, OR 97213  
503.227.3674

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

10/18/2013

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**From:** Albert, Brad  
**Sent:** Thursday, February 06, 2014 12:11 PM  
**To:** Alligood, Li  
**Cc:** Rice, Jason; Kolb, Philip  
**Subject:** FW: Land use review for potential zone change application -- 2316 SE Willard Street

Li,  
See the information below for the zone change application. At this time, 19.700 has been satisfied and no additional conditions are necessary. The future application for the redevelopment of the site will need a traffic impact study.  
Thank you,

Brad Albert  
Civil Engineer

City of Milwaukie  
6101 SE Johnson Creek Blvd | Milwaukie, OR 97206  
T 503.786.7609 | C 503.734.4060  
Community Development 503.786.7600

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**From:** Ray Delahanty [<mailto:rjd@dksassociates.com>]  
**Sent:** Thursday, August 15, 2013 11:13 AM  
**To:** Albert, Brad  
**Cc:** Chris Maciejewski  
**Subject:** Land use review for potential zone change application -- 2316 SE Willard Street

Hi Brad,

We have reviewed the City of Milwaukie's adopted transportation system plan (TSP) and related technical documentation to verify whether the land use assumed for the transportation analysis zone (TAZ) containing 2316 SE Willard Street is consistent with the City's comprehensive plan designation.

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 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 C/HD (Commercial/High Density) - Mixed Use. This designation allows and encourages a range of different uses including residential, commercial and office.

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:

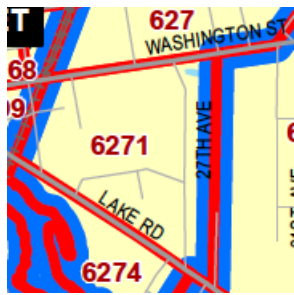
2005

76 households  
18 retail employees  
590 "other" employees (i.e., office, etc.)

2030

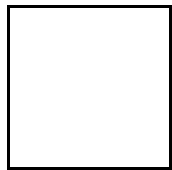
86 households  
22 retail employees  
795 "other" employees (i.e., office, etc.)

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



We find that the land use assumptions underlying sub-TAZ 6271 are consistent with the C/HD - Mixed Use comprehensive plan designation of the subject property, allowing for reasonable growth across a mix of residential and employment uses. Please let us know if you have further questions or comments on this matter.

Ray Delahanty, AICP  
Transportation Planner  
Ph: 503.243.3500 | Direct Line: 503.972.1217



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**From:** paul.hawkins@daimler.com  
**Sent:** Thursday, February 06, 2014 6:55 AM  
**To:** Alligood, Li  
**Subject:** ZA-13-02 (Zoning for NHA)

Li

Recently, representatives from the Northwest Housing Alternatives presented this project at the monthly meeting of the Lake Road Neighborhood Association. The documented need for their services far exceeds what is possible within the present building configuration. Support for this long overdo enhancement was unanimous.

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.



---

**From:** jean baker <jeanbaker.milw@gmail.com>  
**Sent:** Tuesday, February 11, 2014 2:34 PM  
**To:** Alligood, Li; Scott Barbur; sheparddioni; Ray Bryan; Zumwalt, Ed  
(PemCZum@comcast.net); jean baker  
**Subject:** Fwd: Historic Milwaukie 's Response to NWA Zone Change Application

The Historic Milwaukie Neighborhood Association has voted at our regular meeting to support it's Land Use Committee in opposing the application of the North West Housing Alternatives for a zone change on nine of their Willard Street properties and one adjacent property owned by private parties.

We believe it is a careless, uninformed and indifferent rush to accommodate this agency without the necessary facts required to make a determination that will stand as a credit to the community or those who granted approval.

We are being denied a full public review because, in part, the city attorney mistakenly sites this application as a comprehensive plan map amendment, which is totally inaccurate. And if it were such, the idea that the type of review which would have given us a voice should not have been arbitrarily withheld when the ordinance covering that issue says a type 5 review is called for.

The only conclusion left to us is that the city is using unwarranted bias which will ultimately injure NWA clients, our residents, and ultimately, the reputation and marketability of the city as it now attempts to make large strides into redevelopment.

Jean Baker, Chair  
Historic Milwaukie Neighborhood Association

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

**From:** jean baker <[jeanbaker.milw@gmail.com](mailto:jeanbaker.milw@gmail.com)>  
**Date:** Mon, Feb 10, 2014 at 5:54 PM  
**Subject:** Historic Milwaukie 's Response to NWA Zone Change Application  
**To:** sheparddioni <[sheparddioni@hotmail.com](mailto:sheparddioni@hotmail.com)>, Ray Bryan <[ray1bryan2@gmail.com](mailto:ray1bryan2@gmail.com)>, "Zumwalt, Ed (PemCZum@comcast.net)" <[PemCZum@comcast.net](mailto:PemCZum@comcast.net)>, jean baker <[jeanbaker.milw@gmail.com](mailto:jeanbaker.milw@gmail.com)>

The Historic Milwaukie Neighborhood Association opposes the approval of the application of NWA for the for an up-zone on their nine properties for the following reasons:

We find the Milwaukie zoning ordinance and Comprehensive plan which applicants site as authorities for granting their request to be inconsistent both within and between them in quoting densities, types of required reviews, and

inaccuracies. of mapping, The conflicts are sufficient enough to render them an unreliable source of authority for this application.

We further find an appearance of a bias by city officials in granting relief from reviews that are sited, but lack any documentation or actual justification for setting aside customary rules for evaluating developments, especially ones as large as this.

We, after considerable research and review, believe that the format the city has provided the applicant prevents residents of the neighborhood and Historic Milwaukie's Neighborhood Association from having the opportunity for input on the application which would have otherwise been possible.

We are strongly opposed to not having an opportunity for a review under Conditional Use rules which could have been done if the city had not granted special considerations to applicant. The redevelopment of nine properties without an opportunity for the community to speak for our interests and those of the potential new residents of this development is a slap in the face of Citizen Involvement and good land use planning which addresses change, stability, livability and transparent government.

We wish to meet with the planning staff to address these issues prior to the Planning Commission work sessions or hearings on this issue.

Jean Baker, Chair  
Historic Milwaukie Neighborhood Association

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**From:** Ray Bryan <ray1bryan2@gmail.com>  
**Sent:** Wednesday, February 12, 2014 7:26 AM  
**To:** Alligood, Li  
**Cc:** Ed Zumwalt; Dion.Shepard; jean baker  
**Subject:** NHA Application  
**Attachments:** Ray Bryan ZA-13-02.doc

Li,

Here are my comments on the NHA zoning change application ZA-13-02. I found that there was a lot of information to digest. I hope I got all my references to chapters and sections of the code correct, I will try to double check them before the hearing. Please let me know if you have any questions.

Thanks,

Ray



File: ZA-13-02

Zoning Map Amendment Application

Comments from Ray Bryan Historic Milwaukie NDA Land Use Board Member

According to Milwaukie City Code chapter 19.902.6 section A, this should be a type V review:

This application involves at least 10 properties, double the general requirement for a type V review and nearly meets the 2 acre alternative requirement for a type V review.

This change will nearly double the allowed density and potentially change the area from residential to 50% office and business. If approved the character of the neighborhood will be changed forever. The existing R-2 medium density designated by the Comprehensive Plan (Chapter 4 Objective 2 section 1) will be changed to R-1-B high density. Because the applicant is not submitting any development plans. There is a wide variety of new uses that this zoning change will allow.

Delving into the application I did find in Exhibit C: Pre-Application Summary, where the City Attorney apparently last summer did determine that this should be a type III review. Since that time a new application has been submitted and I have been told the attorney reviewed that as well. It would be helpful if City staff included the City Attorney's comments and reasoning with this application.

While exploring Exhibit C, I found on page 2 the Public Works Issues section. So far I have not found in the code where this information came from. There is a lot of code to read, I am sure it must be there somewhere?

As I read Chapter 19.7 of the Milwaukie Municipal code (19.702.1 section E): any action that intensifies the use of a property is subject to the requirements of that chapter. More on that later.

## **Commenting on the application criteria and NHA response:**

### **Project Description and Background**

The applicant is not submitting any development plans with this application. Much of this information is irrelevant. The planning commission will need to consider all potential R1-B uses and development when making their decision. The R-1-B zoning will allow up to 50% of the development to be office and business use and requires a conditional use for the shelter component of their plans.

I feel it necessary to point out some errors in the text of this section. A sentence in the 4<sup>th</sup> paragraph reads something like "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 allows the zoning to be changed to Mixed Use.

However, the current R-2 zoning is described in the Comp Plan text as medium density. Changing R-2 from medium density to high density would require a Comprehensive Plan text amendment.

This error is repeated several times in this application.

## **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 27<sup>th</sup> & Lake Rd being used as an office, and a commercial building on Lake Rd.

As mentioned by the applicant the site is located across Willard St. from Milwaukie High, also 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.

The predominant zoning of the area is R-2 medium density.

Expected changes..... There are several properties in the City of Milwaukie that are looking for development. These sites have sat vacant or underdeveloped for years.

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

NHA is doing a great job of helping the homeless or nearly homeless. We live up the hill from the Annie Ross shelter and see their clients making the trek to the Milwaukie Market Place. (Just as we did in the last ice storm) However we do not see the same family for very long because NHA finds them a permanent place to live. However, the shelter that is needed is not even allowed under the zoning change they have applied for. So this need is not met by the proposed amendment.

The applicant has shown that they need more office space and the applicant has stated that there is additional need for affordable housing in the area. The applicant has not shown that all of their needs are required to be located in a single location that happens to be a residential neighborhood.

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 be 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.

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

Quite honestly at first read this requirement does not make sense to me.

Is the concept to show there are not other suitable areas?

Or is the concept that alternative uses already exist so this should be allowed?

**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 applicant is not submitting any development plans, nor are they proposing any improvements to transportation infrastructure. The zoning change they are requesting intensifies the use of the property.

According 19.302.2 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 streets are crowded and precarious. They are filled with people going to work, parents dropping off their kids, student drivers and school buses. Walking to school is a challenge for all ages.

**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**

This zoning change requires an intensification of use. An intensification of use triggers a transportation impact study.

Again we see the same error repeated from the description and background section of the application. The applicant is mistaken to believe that the comprehensive plan text identifies R2 zoning as high density, it is medium density. The applicant states “city staff has confirmed that the adopted TSP accounted for the land uses associated with this Comprehensive Plan designation.” I would like to see this information.

The property in this zoning application is only accessible by local streets. The Comprehensive Plan 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.

According to Land Use Chapter 19.702.1 section E: Land use chapter 19.7 applies to a change or intensification of use that results in a new dwelling, increase in floor are or any projected increase in vehicle trips as determine by the engineering director.

Chapter 19.704 requires the engineering director to evaluate specific criteria to see if a Transportation Impact Study is required. This application makes only one reference to an “on call transportation person” that reviewed the zone change determined that a TIS was not required. I find no comment from the engineering director of the City of Milwaukie.

**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.

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

Title 1: Housing capacity will not be reduced if this application is denied.

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.” This means to me if approved this zoning change will result that is intensification, and as a result requiring a TIS.

Because 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 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.

Title 6: I hope to have more time to respond to this at the Planning Commission meeting. My first response to this section is that it was written by someone who never walked to a grocery from the properties and never walked a family of children to school. Residents who walk in the area know there are many barriers to walking.

Title 7:

I support a diverse range of housing types, social/economic ranges, ethnicities and other measures of diversity. This zoning application actually reduces the number of single

family and duplex alternatives available. These alternatives are vital for low income families not wanting to be renting their entire lives but want to buy starter homes, and build equity.

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

Comments at Planning Commission:

### Section 3: Summary

There is a lot of code to read and digest. I appreciate the NDA land use committees having a chance to comment on the application. I will have more comments at the public hearing.

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

---

**From:** Debby <debby.patten@gmail.com>  
**Sent:** Friday, February 14, 2014 12:37 PM  
**To:** Alligood, Li  
**Subject:** Re: ZA-13-02 Comments

The approval from Paul is the official comment from the Lake Road NDA. My comment is from me as a neighbor only. Thanks for checking!

Deb

Sent from my iPhone

On Feb 14, 2014, at 11:36, "Alligood, Li" <[AlligoodL@milwaukieoregon.gov](mailto:AlligoodL@milwaukieoregon.gov)> wrote:

Hi Debby,

Thanks for the comment.

We have also received comments from Paul Hawkins supporting the project. Should one of the comments be the official comment, or should I include both in the record?

Thanks,

Li Alligood, AICP  
Associate Planner

City of Milwaukie  
6101 SE Johnson Creek Blvd | Milwaukie, OR 97206  
T 503.786.7627 | F 503.774.8236  
Community Development 503.786.7600

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**From:** Debby Patten [<mailto:debby.patten@gmail.com>]  
**Sent:** Friday, February 14, 2014 11:33 AM  
**To:** Alligood, Li  
**Subject:** ZA-13-02 Comments

Hi, Li,

As a neighbor, I would like support the Historic Milwaukie NDA regarding their opinion on the proposed re-zoning.

Thanks,  
Debby Patten  
11880 SE 34th Ave

**Alligood, Li**

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**From:** Butler, Stephen  
**Sent:** Wednesday, February 19, 2014 9:56 AM  
**To:** Alligood, Li  
**Subject:** FW: Type 3 Hearing Determination

Per your request, Li.

Steve

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**From:** Monahan, Bill  
**Sent:** Tuesday, February 18, 2014 4:17 PM  
**To:** 'Peter Watts'; [danojordanramis@gmail.com](mailto:danojordanramis@gmail.com)  
**Cc:** Ted Naemura; Butler, Stephen; Bankhead, Teri; Tim Ramis  
**Subject:** RE: Tonight

Thanks, Peter.

Bill Monahan  
(503) 786-7501

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**From:** Peter Watts [<mailto:Peter.Watts@jordanramis.com>]  
**Sent:** Tuesday, February 18, 2014 2:09 PM  
**To:** Monahan, Bill; [danojordanramis@gmail.com](mailto:danojordanramis@gmail.com)  
**Cc:** Ted Naemura; Butler, Stephen; Bankhead, Teri; Tim Ramis  
**Subject:** RE: Tonight

Dan and Bill,

After reviewing the relevant facts, sections of the Milwaukie Code, and case law, Tim and I believe that the city should utilize a Type III hearing. The relevant code section 19.902.6.A.1 has general guidelines rather than hard criteria. There is ambiguity in the code. The application is for a total of 10 properties. Nine are owned by one entity, the tenth is owned by an unrelated couple. All properties are contiguous and the total acreage of the properties is 1.76 acres. If the properties were more than two acres, it might be appropriate to have a Type V hearing. However, because the properties are less than two acres, and because there are only two owners, a Type III hearing is the correct determination.

Peter

**PETER O. WATTS**

**Jordan Ramis PC** | Attorneys at Law | *Celebrating 50 years*  
Direct: 503-598-5547

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**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