



CITY OF MILWAUKIE

AGENDA

May 12, 2020

PLANNING COMMISSION

www.milwaukieoregon.gov

Zoom Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw) or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-50>) and follow the Zoom webinar login instructions.

1.0 Call to Order - Procedural Matters — 6:30 PM

2.0 Information Items

3.0 Audience Participation — This is an opportunity for the public to comment via Zoom or by email on any item not on the agenda

4.0 Public Hearings — Public hearings will follow the procedure listed on the reverse side

4.1 Summary: Riverway Lane Vacation Rental
Applicant: Richard and Frances Sturgis
Address: 10707 SE Riverway Ln
File: CU-2020-001
Staff: Brett Kelter, Associate Planner

5.0 Planning Department Other Business/Updates

6.0 Planning Commission Committee Updates and Discussion Items — This is an opportunity for comment or discussion for items not on the agenda.

7.0 Forecast for Future Meetings

May 26, 2020 1. Hearing Item: S-2018-001, Railroad Ave Subdivision
June 9, 2020 No agenda items are currently scheduled for this meeting.
June 23, 2020 No agenda items are currently scheduled for this meeting.

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 register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **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.
4. **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 fewer than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Robert Massey, Chair
Lauren Loosveldt, Vice Chair
Joseph Edge
Greg Hemer
John Henry Burns

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter, Associate Planner
Vera Koliass, Associate Planner
Mary Heberling, Assistant Planner
Dan Harris, Administrative Specialist II
Alicia Martin, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kelper, Associate Planner
Sebrina Mortensen, Planning Intern

Date: May 5, 2020, for May 12, 2020, Public Hearing

Subject **File:** CU-2020-001
Applicant/Owner: Richard and Frances Sturgis
Address: 10707 SE Riverway Ln
Legal Description (Map & Tax Lot): 1S1E35AA 04000
NDA: Historic Milwaukie

ACTION REQUESTED

Approve application CU-2020-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the establishment of a vacation rental in one of two duplex units at the site (10707 SE Riverway Ln).

BACKGROUND INFORMATION

The single-family dwelling on the subject property served as the primary residence of the applicants between 1992 and 2018. The current care needs of the applicants preclude them from continuing to permanently reside on the property, and they now reside in an assisted living facility in Keizer, Oregon. Since the applicants have moved out of the residence, their family has sought a way to maintain the applicants' ability to visit the property while generating income in order to support the applicants in their retirement.

In July 2019, the applicants were provided with a notice of violation after it was discovered that the main floor of the house was being marketed as a short-term rental, with a long-term renter in an unapproved dwelling unit in the basement. In August 2019, the applicants began the process of seeking a conditional use permit in order to establish a vacation rental on the property, as well as to officially establish the existing structure as a duplex.

The applicants have recently received the necessary approval to formally convert the existing house into a duplex (land use file #DEV-2020-003). The main level of the two-story dwelling, which is the unit proposed to operate as a vacation rental, includes 3 bedrooms, 1.5 bathrooms,

a living and dining area, a bonus room, and a kitchen. The lower level, which is the unit proposed to operate as a long-term rental, is a daylight basement that includes 2 bedrooms, 2 bathrooms, a living and dining area, and a kitchen.

A. Site and Vicinity

The site is located at 10707 SE Riverway Ln. The site contains a two-story duplex. A two-car garage and a large driveway/turn-around area provide off-street parking for the site. The side lot lines of the property are fully fenced.

The surrounding area consists of properties with single-family detached residential houses, multifamily apartments, and offices. The southwestern end of the property abuts the Willamette River (see Figure 1).

Figure 1. Site & vicinity (subject property outlined in bold yellow)



B. Zoning Designation

Residential R-2

C. Comprehensive Plan Designation

High Density Residential (HDR)

D. Land Use History

- **March 1987 (File #s LLA-87-01, VR-87-03, and CU-87-02):** A package of requests centered on adjusting the boundary between the subject property (tax lot 4000) and the adjacent property to the east (tax lot 4100, addressed as 10719 SE Riverway Ln). The adjustment included a variance to the lot width standard for tax lot 4100 to allow a 37.5-ft width instead of the required 50-ft minimum. This represented a widening of tax lot 4100, which was developed at that time with a smaller house that encroached onto tax lot 4000. The proposal included a plan to replace the existing house on tax lot 4100 and so also required Willamette Greenway review as a conditional use. The Planning Commission approved the project with a condition that the new house on tax lot 4100 follow the site plan presented as part of the application.
- **May 2020 (File #DEV-2020-003):** Development review to formalize the conversion of the existing single-family detached dwelling into a duplex (a use allowed outright in the R-2 zone), confirming that the applicable development standards were met. A condition of approval was established to require modifications to the front yard area to bring it closer into conformance with the applicable standards of MMC Subsection 19.607.1.D by reducing the area of the front yard used for parking and maneuvering.

E. Proposal

The applicant is seeking land use approval for the establishment of a vacation rental in the main level of the existing duplex on the subject site.

The project requires approval of the following application(s):

1. CU-2020-001 (Conditional Use)

KEY ISSUES

Summary

Staff has identified the following key issue(s) 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. Are there any impacts from the proposed vacation rental that need mitigation to ensure compatibility with neighboring properties?

Analysis

- A. Are there any impacts from the proposed vacation rental that need mitigation to ensure compatibility with neighboring properties?**

Establishing a vacation rental at the subject property could potentially create impacts that would require mitigation in order to ensure compatibility with neighboring properties. However, the applicants have proposed a range of measures designed to mitigate such impacts and maintain the residential character of the site.

Until recently, the applicants lived in the existing house and maintained relationships with their neighbors. By converting the house into a duplex, they are attempting to make it financially feasible to retain the property so their family can occasionally gather there and visit their friends in the neighborhood. And yet it is reasonable to assume that the establishment of a vacation rental in one of the duplex units will cause a range of visitors to come and go from the property in place of a more consistent resident. Neighbors may have concerns regarding the number of new visitors in the neighborhood; however, the size of the property and the fences on the side lot lines ensure that the neighboring properties will have sufficient privacy from vacation renters.

Concerns regarding traffic and parking may also arise from a new vacation rental unit on the property. Interestingly, trip-generation modeling suggests that the proposed vacation rental use will not generate more trips than a typical long-term residential use of the duplex unit, and it may even generate fewer trips depending on the frequency of rentals. However, it will cause more unfamiliar vehicles to enter the neighborhood, and there may be multiple cars parked on the property depending on the number of people in any given vacation

rental group. The applicants address parking concerns by designating one of the spaces in the two-car garage for use by vacation renters. The applicants also propose placing a limit on the number of cars associated with vacation renters that can be parked on the property. This would reduce the likelihood of visitors attempting to park on the narrow street and would limit the number of cars parked in the front yard area at any given time.

Concerns regarding noise and property maintenance may also arise as a result of a vacation rental on the site. Visitors may wish to hold large gatherings or parties while staying at the property, but the applicants have proposed limits on the number of guests allowed to occupy the vacation rental at one time in order to mitigate this potential impact. Vacation renters may also be less concerned about preserving the internal and external maintenance of the property than longer term residents. The applicants have developed a plan for continued maintenance of the property that includes utilizing the services of vendors with whom they have established relationships. The applicants also propose to install wi-fi cameras on the property in order to generally monitor the vacation rental activity. Management of the property will be provided by local relatives of the property owners and by long-term residents living in the other (lower level) duplex unit.

Staff's conclusion is that the applicants have proposed sufficient management measures for mitigating any impacts which may arise as a result of the proposed vacation rental.

CONCLUSIONS

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

1. Approve the application to establish a vacation rental in one of the two duplex units at the subject property.
2. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval:

- Confirm that the condition of approval for file #DEV-2020-003 related to bringing the front yard parking and maneuvering area closer into conformance with the applicable standards of MMC Subsection 19.607.1.D has been met.
- Plant two trees in the front yard of the subject property, one on each side of the existing driveway, to provide some screening of the driveway from the adjacent properties.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.302 Medium and High Density Residential Zones (incl. R-2)
- MMC Section 19.401 Willamette Greenway Zone

- MMC Section 19.402 Natural Resources
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.905 Conditional Uses
- MMC Section 19.1006 Type III Review

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

The Commission has 4 decision-making options as follows:

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

The final decision on this application, which includes any appeals to the City Council, must be made by July 10, 2020, 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 modifications was given to the following agencies and persons: City of Milwaukie Building, Engineering, Public Works, and Police Departments; Milwaukie City Attorney; Historic Milwaukie Neighborhood District Association (NDA) Chairperson & Land Use Committee (LUC); Clackamas Fire District #1 (CFD#1); NW Natural; and properties within 300 ft of the site.

The following is a summary of the comments received by the City. See Attachment 4 for further details.

- **Matt Amos, Fire Inspector, CFD#1:** No comments on the proposal, as it does not involve modifications to access or firefighting water supply.

ATTACHMENTS

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

	Early Web Posting	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation (stamped received February 28, 2020)				
a. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Property overview	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Correspondence appendix & timeline (including preapplication conference notes)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early Web Posting = Materials posted to the land-use application webpage 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.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-50>.

**Recommended Findings in Support of Approval
File #CU-2020-001, Sturgis Vacation Rental**

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

1. The applicants, Richard and Frances Sturgis, have applied for approval of a vacation rental as a conditional use within the duplex located at 10707 SE Riverway Ln. The subject site is in the Residential R-2 Zone. The land use application file number is CU-2020-001.
2. The applicants recently completed the development review process to convert the single-family home on the subject property into a duplex (file #DEV-2020-003). The applicants are seeking approval to establish a vacation rental in the main level of the newly established duplex as a conditional use.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.302 Medium and High Density Residential Zones (incl. R-2)
 - MMC Section 19.401 Willamette Greenway Zone
 - MMC Section 19.402 Natural Resources
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.905 Conditional Uses
 - MMC Section 19.1006 Type III Review

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 May 12, 2020, as required by law.

4. MMC Section 19.302 Medium and High Density Residential Zones (including R-2)

The subject property is zoned Residential R-2. MMC 19.302 establishes the allowable uses and development standards for the residential R-2 zone.

a. Permitted Uses

As per MMC Table 19.302.2, vacation rentals are considered conditional uses (CUs) and are allowed within the R-2 zone subject to the provisions of MMC Section 19.905.

The applicants propose to establish a vacation rental in the main level of the newly established duplex on the subject property. The proposed vacation rental is a conditional use and is subject to the provisions of MMC 19.905.

b. Development Standards

MMC Table 19.302.4 establishes development standards for the R-2 zone, including minimum lot size, density, and minimum vegetation.

The subject property is approved for use as a duplex, and the establishment of a vacation rental in one of the duplex units would not affect minimum lot size or density. No changes to the existing building are proposed in order to accommodate the vacation rental use, so there would be no impacts on landscaping or minimum vegetation. The off-street parking requirements are addressed in Finding 7.

No other R-2 development standards are applicable to the proposed vacation rental.

The Planning Commission finds that the proposed development meets the applicable standards of the underlying R-2 zone. This standard is met.

5. MMC Section 19.401 Willamette Greenway

MMC 19.401 establishes regulations to protect, conserve, enhance, and maintain the natural, scenic, historic, economic, and recreational qualities of lands along the Willamette River and major courses flowing into the Willamette River. MMC Subsection 19.401.5.B.10 provides that Willamette Greenway review is not required for a change of use of a building that does not substantially alter or affect the land or water upon which it is situated.

Establishment of the proposed vacation rental does not involve physical changes to the existing building or subject property and so would not substantially alter or affect the land or water upon which it is situated. As per MMC 19.401.5.B.10, Willamette Greenway review is not required for the proposed vacation rental.

The Planning Commission finds that the proposed development is exempt from review under MMC 19.401.

6. MMC Section 19.402 Natural Resources

MMC 19.402 regulates development that may adversely affect natural resource areas including riparian, wildlife, and wetland resources. MMC Subsection 19.402.4 designates activities that are exempt from natural resource review, including changes of use of existing legal structures that do not change the location or increase the footprint of any building within an HCA or WQR.

The proposed vacation rental represents a change in use in an existing legal structure. However, no physical changes to the dwelling or site are proposed and there would be no impacts to the designated HCA and WQR areas on the property. As per MMC Subsection 19.402.4.A.9, the regulations of MMC 19.402 are not applicable to the proposed vacation rental.

The Planning Commission finds that the proposed development is exempt from review under MMC 19.402.

7. MMC Chapter 19.600 Off-Street Parking and Loading

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

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600. In particular, MMC Subsection 19.602.3 requires existing off-street parking areas to be brought closer into conformance with the applicable standards of MMC 19.600 when changes of use occur.

The required off-street parking for the site and its existing use as a duplex is provided by a two-car garage with a large driveway and turnaround area in the front yard. The proposed vacation rental represents a change of use on the subject property. The proposed development is subject to review against the applicable provisions of MMC 19.600.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand.

MMC Table 19.605.1 establishes the minimum and maximum off-street parking quantity requirements for various uses. Although vacation rentals are not specifically mentioned in MMC Table 19.605.1, they are similar to bed and breakfast establishments and are subject to the same minimum and maximum off-street parking quantity requirements as that use.

For the proposed vacation rental unit, a minimum of one off-street parking space is required and a maximum of two off-street parking spaces are allowed. At least one additional parking space is required for the other residential unit within the duplex on the property, but there is no limit on the number of off-street parking spaces for the duplex as a whole. The applicants propose that each unit of the duplex would have a designated space in the existing two-car garage. The garage and large driveway provide adequate parking to support the proposed development.

c. MMC Section 19.607 Off-Street Parking Standards for Residential Areas

MMC Subsection 19.607.1 establishes standards for residential driveways and vehicle parking areas, including a limit on the percentage of front yard area used for parking (maximum of 50%) and a limit on the number of parking spaces allowed in the front yard (maximum of three).

The applicants' submittal materials state that the existing parking area in the front yard can accommodate four to six cars, and the existing driveway and parking area accounts for over 50% of the required front yard area. However, the development review application that formally established the existing single-family house as a duplex (file #DEV-2020-003) was approved with a condition requiring that the front yard area be brought closer into conformance with the applicable standards of MMC 19.607.1.D. A condition has been established to ensure that this condition of approval for DEV-2020-003 related to the front yard parking area is met prior to commencing operation of a vacation rental at the subject property.

As conditioned, this standard is met.

The Planning Commission finds that, as conditioned, the proposed development is consistent with the applicable standards of MMC 19.600. This standard is met.

8. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts. MMC Section 19.702 establishes the applicability of MMC 19.700, including intensifications of use that result in a projected increase in the number of vehicle trips. MMC Section 19.708 establishes requirements for transportation facilities, including street design standards.

MMC Subsection 19.702.1 establishes that the provisions of MMC 19.700 apply to intensifications of use that result in a new dwelling unit, an increase in gross floor area, or any projected increase in vehicle trips. The current proposal seeks to establish a vacation rental in an existing dwelling unit and does not include any physical changes to the existing structure. The operation of a vacation rental use is not projected to result in a higher number of vehicle trips than would be generated by the duplex use that allowed outright in the R-2 zone.

The Planning Commission finds that the regulations of MMC 19.700 are not applicable to the current application.

9. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes a process for evaluating certain uses that may be appropriately located in some zoning districts, if appropriate for the specific site on which they are proposed. Although conditional uses may provide needed services or functions in the community, they are subject to conditional use review because they may adversely change the character of an area or adversely impact the environment, public facilities, or adjacent properties. The conditional use review process allows for the establishment of conditional uses when they have minimal impacts or when identified impacts can be mitigated through conditions of approval. The review process also allows for denial when concerns cannot be resolved or impacts cannot be mitigated.

Approval of a conditional use does not constitute a zone change and is granted only for the specific use requested. Approval is subject to such modifications, conditions, and restrictions as may be deemed appropriate by the review authority.

MMC Subsection 19.905.2.A provides that the provisions of Section 19.905 apply to uses identified as a conditional use in the base zone in Chapter 19.300. MMC Subsection 19.905.3.A provides that the establishment of a new conditional use must be evaluated through a Type III review per Section 19.1006.

A vacation rental is allowed as a conditional use in the R-2 zone. The proposal to establish a vacation rental within one of the existing dwelling units on the subject property is subject to Type III review as a conditional use.

a. MMC Subsection 19.905.4 Approval Criteria

MMC Subsection 19.905.4.A establishes the following approval criteria for establishment of a new conditional use:

- (1) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

The subject property is approximately 0.44 acres (18,400 sq ft) and fronts on a private dead-end street. The property is located within close proximity to downtown Milwaukie and major transit connections such as McLoughlin Boulevard and OR 224. The back yard of the existing dwelling abuts the Willamette River, and WQR and HCA designations overlay natural resource areas on the property.

As proposed, the establishment of a vacation rental would not require any external renovations or physical changes to the existing main structure and would therefore not disturb the natural resources on the property. The site's proximity to the Willamette River, downtown Milwaukie, and major transit connections make it a desirable location for vacation renters who are seeking access to both Milwaukie and the Portland Metro region.

- (2) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

Nearby uses include single-family and multifamily residential dwellings, as well as offices. The site is located to the south of the Moda campus, which was formerly the site of Pendleton Woolen Mills.

Establishment of a vacation rental on the subject property may lead to a larger number of individuals coming to and from the property over time. However, the amount of off-street parking available on the site should ensure that neighbors are not affected by visitors parking on the street. The proposed vacation rental would be used by short-term renters for residential purposes and would not significantly affect the largely residential character of the area. Existing fences on the property's side lot lines also provide some privacy for the adjacent properties. The project would have no construction-related impact on nearby uses, as no external changes to the existing structure are proposed.

- (3) All identified impacts will be mitigated to the extent practicable.

No significant physical impacts are expected as a result of the proposed development. The establishment of a vacation rental within the existing duplex is not projected to create an increase in vehicle trips. Operation of the proposed vacation rental may draw visitors to the site in a more irregular fashion than would regular tenants, but the applicants have proposed a number of measures to ensure that the vacation rental would remain consistent with the residential character of the site.

The applicants have indicated that the property would be monitored and cared for by the long-term resident(s) in the lower level of the duplex, as well as by family members who live locally. Monitoring of the property via wi-fi cameras would give local family

members the ability to quickly respond to any negative impacts that might be result from the proposed vacation rental. The applicants note that they have established relationships with contractors that would respond to any needs for maintenance and cleaning on the property. As mentioned previously, fences along the side lot lines provide privacy for the adjacent properties.

- (4) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The applicants have proposed to place limitations on the number of individuals who can occupy the vacation rental at any given time. They have also proposed to place limitations on the number of cars allowed on the property at any given time, as well as to prohibit vacation renters from hosting parties or large events on the property. With these limitations, it is not anticipated that the proposed vacation rental would generate any noise, odors, or vibrations that would be greater than those resulting from other nearby residential uses.

- (5) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

As discussed throughout these findings, the proposed development complies with all applicable development standards and relevant requirements.

- (6) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

There are no specific Comprehensive Plan policies or objectives that provide clear guidance regarding whether a newly recognized vacation rental should be permitted within a given zone. Rather, the policies and objectives speak generally about maintaining the residential character of existing neighborhoods and opportunities for employment and home occupations.

Neighborhood Element:

The Neighborhood Element Goal Statement: “To preserve and reinforce the stability and diversity of the City’s neighborhoods in order to attract and retain long-term residents and ensure the City’s residential quality and livability.”

- Objective #1 –Policy #2: Improve standards for home occupations to ensure adequate parking and other compatibility measures are provided.

Economic Base and Industrial/Commercial Land Use Element:

- Objective #2 – Employment Opportunity: To continue to support a wide range of employment opportunities for Milwaukie citizens.

- Objective #2 – Policy #4: The City will support home occupations (income-producing activities in the home) as long as these activities do not detract from the residential character of the area.

The existing duplex would continue to exist in its current form and maintain its residential character, which is consistent with the surrounding homes and properties. No commercial elements such as signage or equipment operation are associated with the proposed vacation rental. The applicants have proposed measures to preserve the residential character of the site and to provide privacy for the neighboring properties. The site has sufficient parking to support the vacation rental in conjunction with normal residential use of the other duplex unit. The vacation rental also allows the opportunity for the applicants to generate a stream of income while they are away from the property. For these reasons, the proposal is consistent with the following goals, objectives, and policies of the Comprehensive Plan:

- (7) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

The existing water and sewer utilities that serve the subject property are sufficient to support the proposed uses within the dwelling on the site. Existing transportation facilities are also sufficient to support the proposed use.

The Planning Commission finds that the proposed vacation rental meets the approval criteria for conditional uses as established in MMC 19.905.4.A. This standard is met.

b. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 outlines the types of conditions that may be imposed by the Planning Commission as suitable and necessary to assure compatibility of the proposed use with other uses in the area and to minimize and mitigate potential adverse impacts. These include options such as limits on the hours, days, place, and manner of operation; additional yard requirements; requiring additional landscaping or screening of off-street parking areas; requiring screening or landscaping for the protection of surrounding properties.

As noted in Finding 7-c, parking and maneuvering areas currently account for over 50% of the front yard area and provide four to six parking spaces where only three are allowed. However, a condition of approval for the development review application that formalized the conversion of the existing house into a duplex (DEV-2020-003) required that the front yard area be brought closer into conformance with the standards of MMC 19.607.1.D. Although that requirement would do something to preserve the residential character of the subject property by reducing the front yard area available for parking, it would not necessarily result in additional screening of the new parking activity that would result from the proposed vacation rental. A condition has been established to require the planting of two trees in the front yard of the subject property, one on each side of the existing driveway, to provide some screening of the driveway from the adjacent properties.

As conditioned, the Planning Commission finds that the proposed vacation rental would be compatible with other uses in the area and that any potential adverse impacts would be sufficiently mitigated.

The Planning Commission finds that no additional conditions beyond those addressed here and elsewhere in these findings are necessary for approval of the proposed vacation rental.

c. MMC Subsection 19.905.9 Standards Governing Conditional Uses

As per MMC 19.905.9, a conditional use must comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

In particular, MMC Subsection 19.905.9.H establishes the following specific requirements for vacation rentals:

- (1) Prior to initial occupancy, the Building Official must verify that building code and fire code standards are satisfied.
- (2) With annual filing of MMC Title 5 Business Tax, the operator must send a notice to neighbors within 300 ft that includes the following information:
 - (a) Property owner contact information;
 - (b) Vacation rental operator and/or property manager contact information; and
 - (c) City of Milwaukie Police nonemergency telephone number.

Compliance with the requirements established by MMC 19.905.9.H is an ongoing obligation for the applicants.

As proposed, and as conditioned elsewhere in these findings, the Planning Commission finds that the proposed vacation rental meets the applicable standards of MMC 19.905.9.

The Planning Commission finds that, as conditioned, the proposed vacation rental meets the applicable standards of MMC 19.905 and is approvable as a conditional use.

10. The application was referred to the following departments and agencies on March 12, 2020:
 - Milwaukie Building Department
 - Milwaukie Engineering Department
 - Milwaukie Public Works Department
 - Milwaukie Police Department
 - Milwaukie City Attorney
 - Historic Milwaukie Neighborhood District Association (NDA), Chairperson and Land Use Committee (LUC)
 - Clackamas Fire District #1 (CFD#1)
 - NW Natural

In addition, public notice of the application with an invitation to comment was sent on April 22, 2020, to property owners and residents within 300 ft of the subject property.

The comments received are summarized as follows:

- **Matt Amos, Fire Inspector, CFD#1:** No comments on the proposal, as it does not involve modifications to access or firefighting water supply.

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**Recommended Conditions of Approval
File #CU-2020-001**

Conditions

Prior to commencing operation of a vacation rental at the subject property:

1. As per Finding 7-c, demonstrate that the condition of approval for file #DEV-2020-003 related to bringing the front yard parking area closer into conformance with the applicable standards of MMC Subsection 19.607.1.D has been met.
2. As per Finding 9-b, plant two trees in the front yard of the subject property, one on each side of the existing driveway, to provide some screening of the driveway from the adjacent properties.

Additional Requirements

1. As per MMC Subsection 19.905.9.H, the following requirements must be met:
 - a. Prior to initial occupancy, the Building Official must verify that building code and fire code standards are satisfied.
 - b. With annual filing of MMC Title 5 Business Tax, the operator must send a notice to neighbors within 300 ft that includes the following information:
 - (1) Property owner contact information;
 - (2) Vacation rental operator and/or property manager contact information; and
 - (3) City of Milwaukie Police nonemergency telephone number.

2. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon the approval of this application to establish a conditional use. The conditional use permit will include the following information:

- a. A description of the use that has been approved by the City.
- b. Restrictions and/or conditions of approval placed upon the use.
- c. Ongoing responsibilities required for the operation of the conditional use.
- d. Allowance for the transfer of rights and responsibilities upon change in ownership of either the use or the property containing the use.
- e. Procedures for review, revisions, and suspension of the conditional use permit.

The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

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ATTACHMENT 3 Exhibit A

2/26/2020

Conditional Use Request - 10707 SE Riverway Lane, Milwaukie, OR 97222 – Tax Lot - 11E35AA04000
Richard and Frances Sturgis Property

Request

Approval to establish unit A (main level of home) at 10707 SE Riverway Lane as a vacation rental. Unit B (lower level of home) would not be a vacation rental and the two car garage would be a shared space. Unit B would be leased to longer term tenants (i.e. 12 months+).

The Owners

10707 SE Riverway Lane is a single-family home that Richard and Frances Sturgis used as their primary residence from 1992 until early 2018. Richard and Frances were both born and raised in the Portland area. In early 2018, as a result of health considerations, Richard and Frances moved into a retirement facility in Tigard and more recently transitioned into an assisted living facility in Keizer. Care needs for Richard and Frances preclude them from living at the property in the future however the request to establish the property as a vacation home (with upper unit as a vacation rental and lower unit as a long term rental) will help provide necessary income while also allowing them to periodically visit and enjoy the property and life on the river.

The Property

The property is located along the Willamette river on a private drive behind the old Pendleton Woolen Mills building (now Moda). The main floor has 3 bedrooms, 1.5 baths, living and dining area, bonus room, and kitchen (see pictures and layout in separate document). The lower section has 2 bedrooms, 2.0 baths, living and dining area, and kitchen. A stairway connects the main and lower levels. The property has a two car garage. The border with neighbors (to the north and the south) is fully fenced. In addition to the garage, there is room for off-street parking of 4 to 6 cars.

Zoning Information

- Zone	R-2
- Tax Lot ID	11E35AA04000
- Address	10707 SE RIVERWAY LN
- Building Value	293,720
- Land Value	445,464
- Total Value	739,184
- Year built	1956
- Building Sqft	2,888
- GIS Acres	0.42
- Assessor Acres	0.44
- Taxmap	More info
- In Milwaukie?	Yes
- Last Update	11/8/2019, 11:16 AM

2/26/2020

Conditional Use Request - 10707 SE Riverway Lane, Milwaukie, OR 97222 – Tax Lot - 11E35AA04000
Richard and Frances Sturgis Property

- Neighborhood HISTORIC MILWAUKIE
- Zoning Code R-2
- Zoning Code Description MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES
- Zoning Link [More info](#)
- Garbage Hauler Waste Management of Oregon
- Garbage Hauler Contact [More info](#)
- Elementary School Milwaukie Elementary
- Milwaukie Water Service Area Yes
- Milwaukie Sewer Service Area Yes

Code Implications

- Section 19.302 - For the underlying R-2 zone the vacation rental is allowed as a Conditional Use
- Section 19.401 - Willamette Greenway overlay zone- No external changes are being proposed and that Willamette Greenway review is not needed.
- Chapter 19.600 - Off-street parking, to address the requirements for the vacation rental.

In addition to a two car garage the property has off street parking that could accommodate an additional 4+ cars. See area in red square below.



2/26/2020

Conditional Use Request - 10707 SE Riverway Lane, Milwaukie, OR 97222 – Tax Lot - 11E35AA04000
Richard and Frances Sturgis Property

- Chapter 19.702 -Does vacation rental generate more trips?

Our belief is that over the course of a year the average traffic (when compared to fulltime residents) would be lower due to vacancies and rental restrictions we have in place (i.e. no events or parties, limited number of vehicles, etc.) Note – From July 2019 through February 2020 the property was vacant for 90 days (out of a total of 242 days).

- Section 19.905, to address each of the approval criteria for Conditional Uses (in 19.905.4.A). You do need to touch clearly on each of the 7 approval criteria and explain how the proposal meets each one. And you need to specifically address the specific standards for vacation rentals as conditional uses, found in 19.905.9.H.

- o **19.905.4 Approval Criteria**

- A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

Response: The property is located on the Willamette river directly behind the Moda complex (formerly Pendleton woolen mills). Borders with single family residences upstream and downstream are fully fenced.



2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

Response - There will be no new construction or development at this time. While the property is zoned for higher density development our preference, for now, is to use the existing property without any major construction or modifications. By leasing the downstairs unit as a long-term rental and the

Conditional Use Request - 10707 SE Riverway Lane, Milwaukie, OR 97222 – Tax Lot - 11E35AA04000
Richard and Frances Sturgis Property

main level as a short term we believe we can generate needed income while retaining the benefits of periodic family use of the property and lower density usage. We do not expect any adverse neighborhood impacts from this approach as the net activity should be equal to or less than when my parents lived at the property and far less than building out the parcel in a manner that aligns with current zoning density allowances.

3. All identified impacts will be mitigated to the extent practicable.

Response - To ensure that the property is well managed and cared for (avoiding adverse impacts), we intend to use a three pronged strategy involving on-site managers (living in unit B), family members in the area (sister in Tigard/brother in Keizer, and an array of exterior wi-fi cameras (currently 5) that allow all family members to have visual access to the property 24/7 and via motion activated notifications. We also have established contractor relationships for managing all property related maintenance and cleaning needs.

4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

Response - None anticipated. We have strict limits on number of people who can stay at the property as well as a limit on cars and a no party/event policy. The external camera system referenced above, along with planned care-taker tenants in unit B, will help to ensure policies are complied with.

5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

Response - Yes.

6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

Response - As referenced above, proposed use is well below density levels allowed under R2 zoning.

7. Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

Response - As our proposed conditional use does not involve any development or redevelopment we do not anticipate any issues with section 19.700.

2/26/2020

Conditional Use Request - 10707 SE Riverway Lane, Milwaukie, OR 97222 – Tax Lot - 11E35AA04000
Richard and Frances Sturgis Property

- B. Minor modification of an existing conditional use shall be approved if the following criteria are met:
 1. The proposed modification will not significantly increase the intensity of the use at this location.

Response - See earlier comments related to 19.702.

2. The proposed modification will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

Response - See earlier comments.

3. The proposed modification will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

Response - See earlier comments

4. The proposed modification will comply with any conditions of approval from the original conditional use approval.

Response - Yes.

- **19.905.6 Conditional Use Permit**

The City will issue a conditional use permit upon the approval of an application to establish a conditional use or allow major modification of an existing conditional use. The Planning Director may decide if it is necessary to revise an existing conditional use permit after approval of a minor modification.

Response – N/A

- **19.905.9 Standards Governing Conditional Uses**

- H. Vacation Rentals - Operation of a vacation rental requires the following:
 1. Prior to initial occupancy, the Building Official shall verify that building code and fire code standards are satisfied.

We have requested an inspection and provided requested information regarding doors and window sizing. We have also paid a building inspection/permit fee.

2/26/2020

Conditional Use Request - 10707 SE Riverway Lane, Milwaukie, OR 97222 – Tax Lot - 11E35AA04000
Richard and Frances Sturgis Property

2. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 ft that includes the following information:
 - a. Property owner contact information;
 - b. Vacation rental operator and/or property manager contact information; and
 - c. City of Milwaukie Police nonemergency telephone number.

We will provide.

Benefits to Neighbors

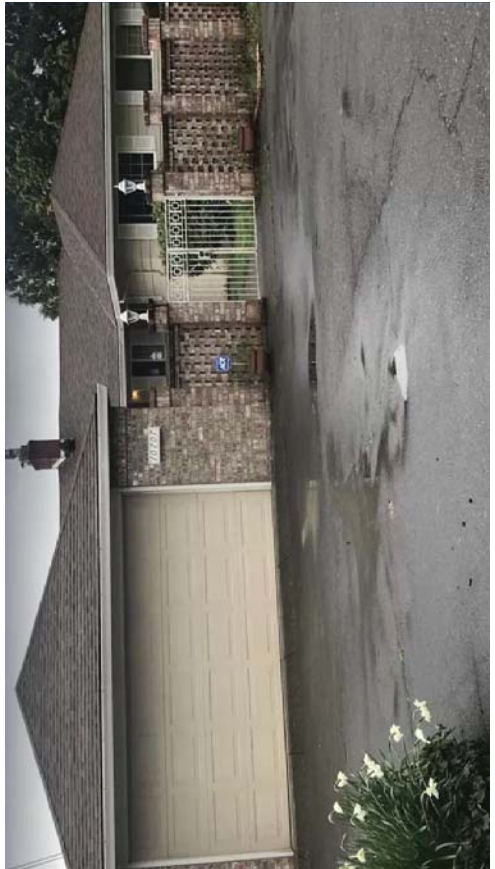
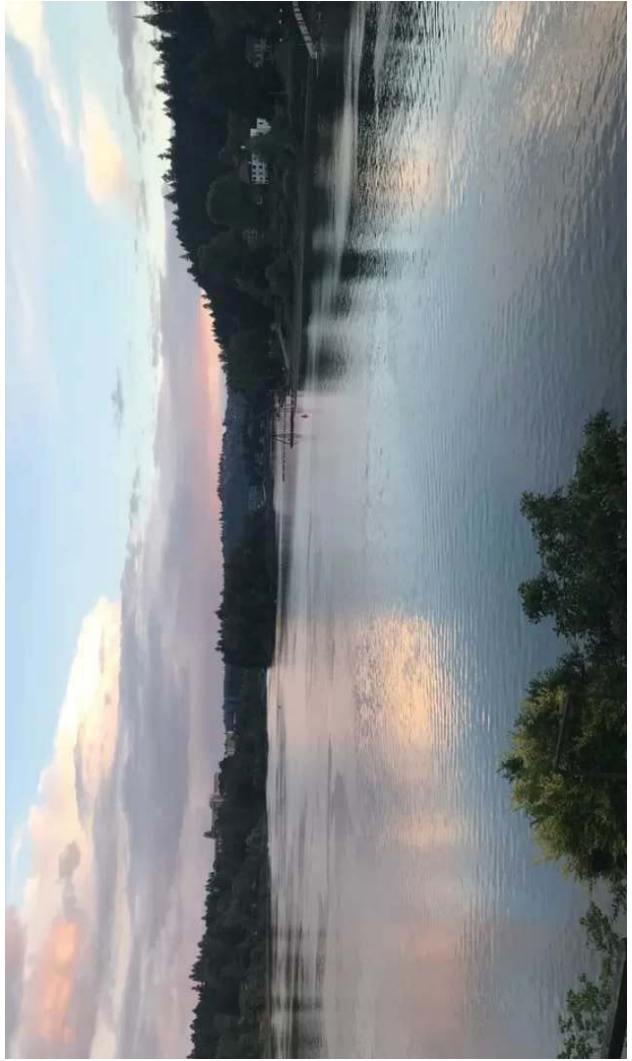
My parents (as well as my aunt who lived next door for 20+ years) established strong relationships with many of their Riverway neighbors. Establishing unit A as a vacation rental not only will allow more opportunities for my parents to return periodically for visits with neighbors, it also provides a place that neighbors could periodically rent out for visiting family members. Beyond the benefits to immediate neighbors, unit A would be a potential option for other Milwaukie residents who are hosting out-of-town guests.

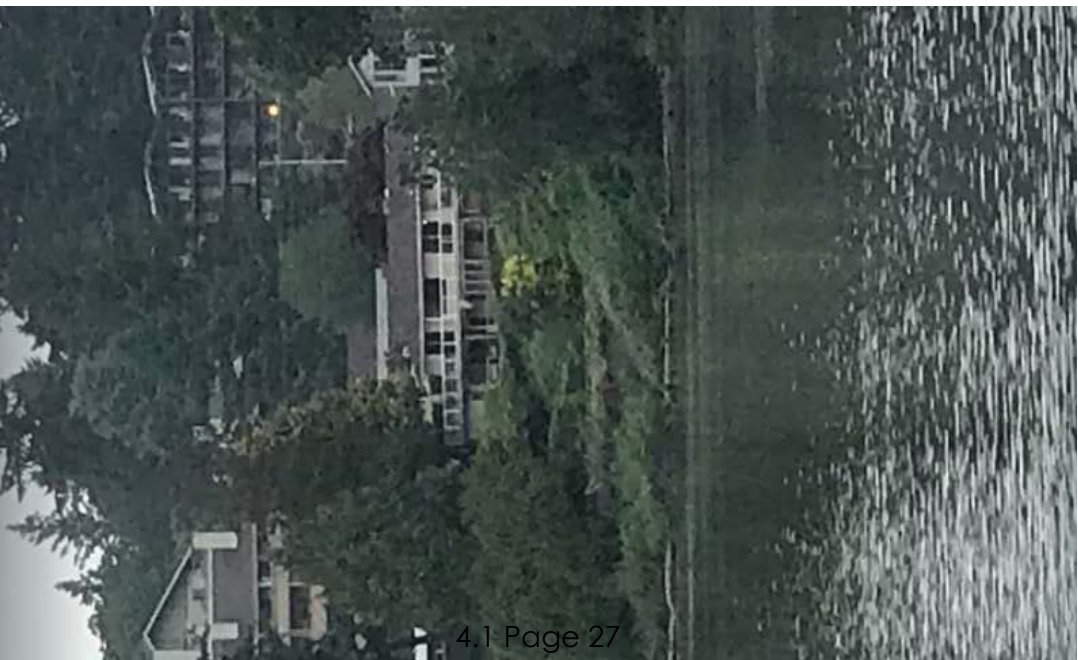
Benefits to Local Businesses

Vacation renters tend to depend more heavily on local businesses as they eat out more frequently and often need other resources during their visit.

Property Overview

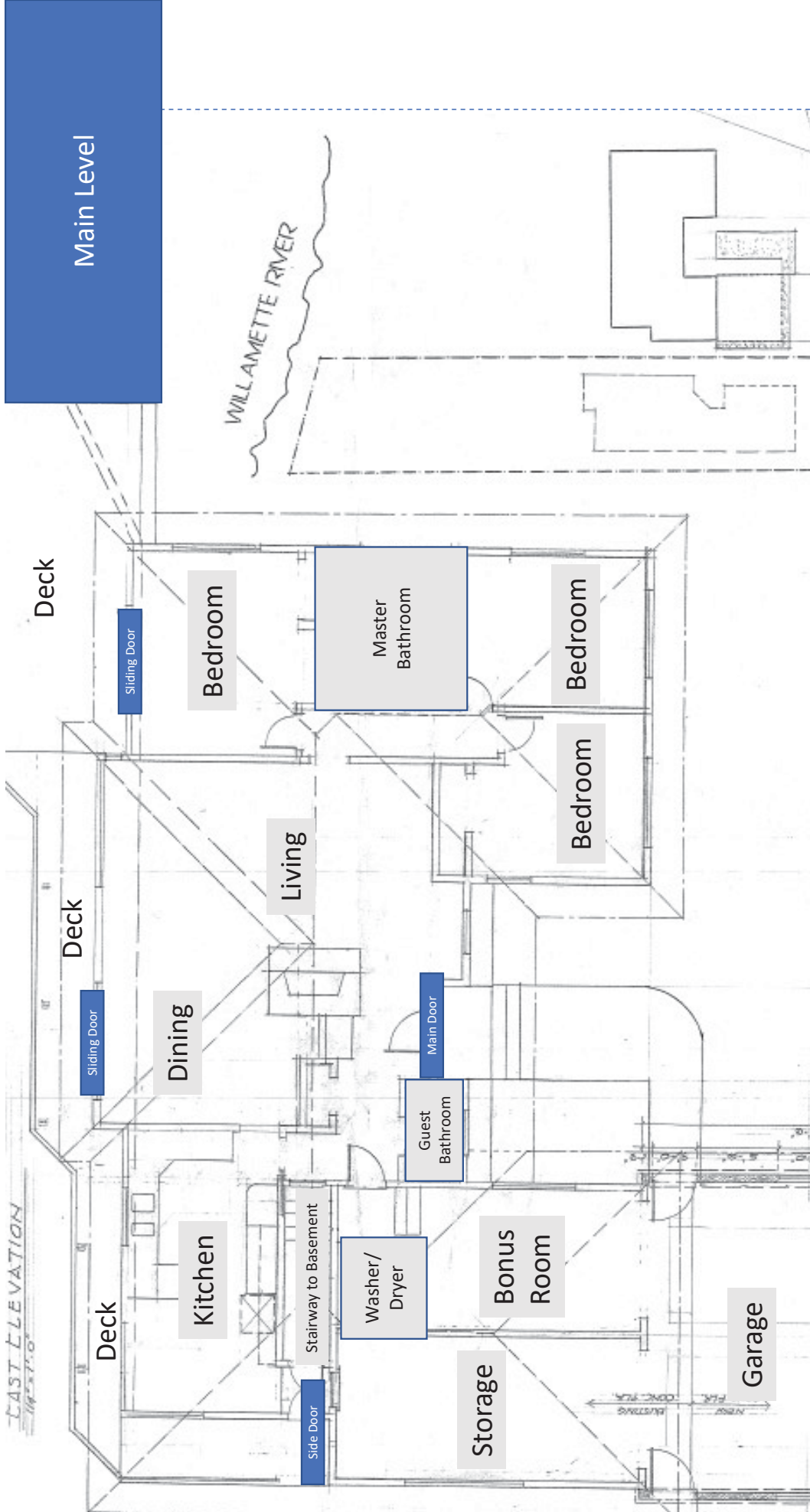
10707 SE Riverway Lane
Milwaukie, OR 97222





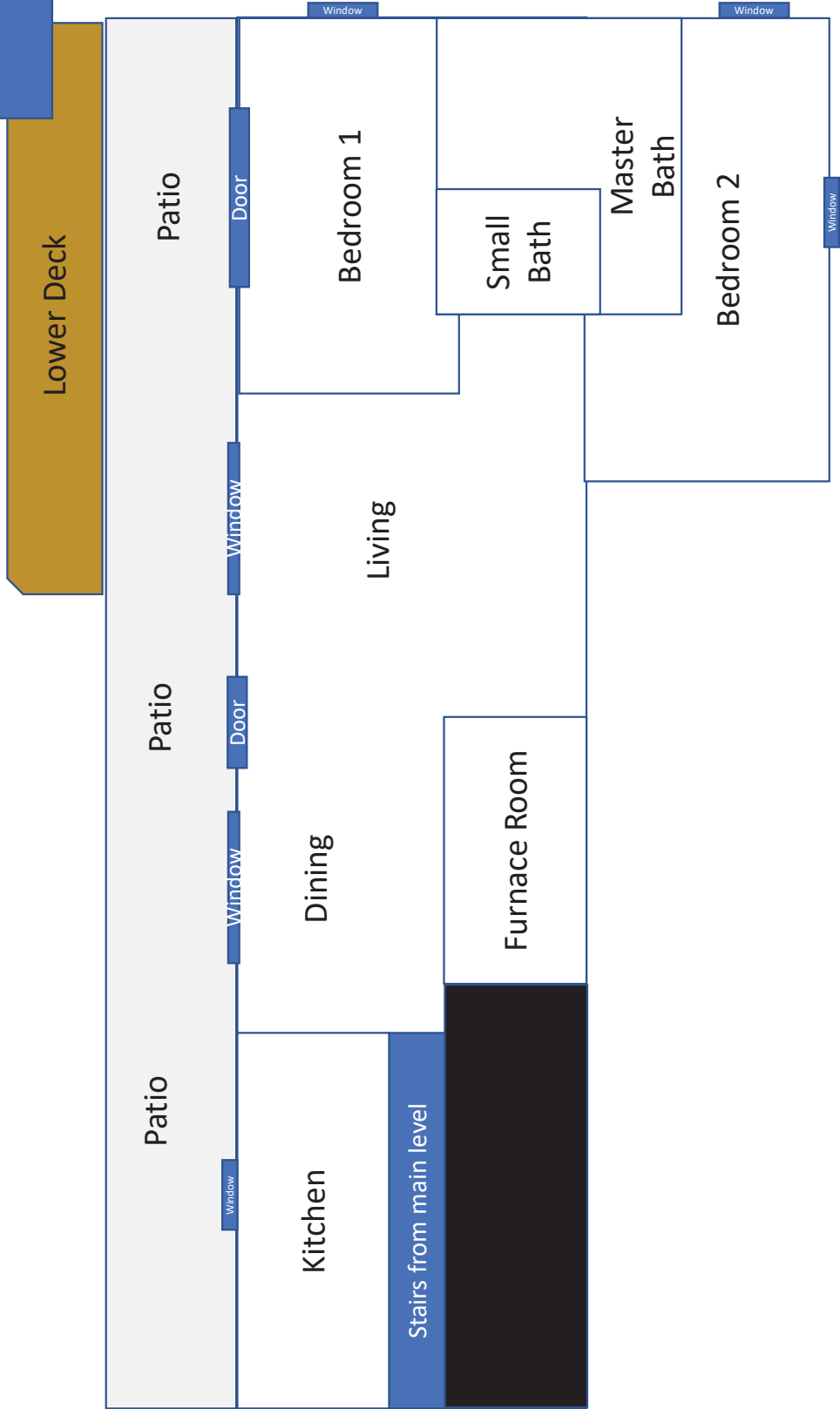




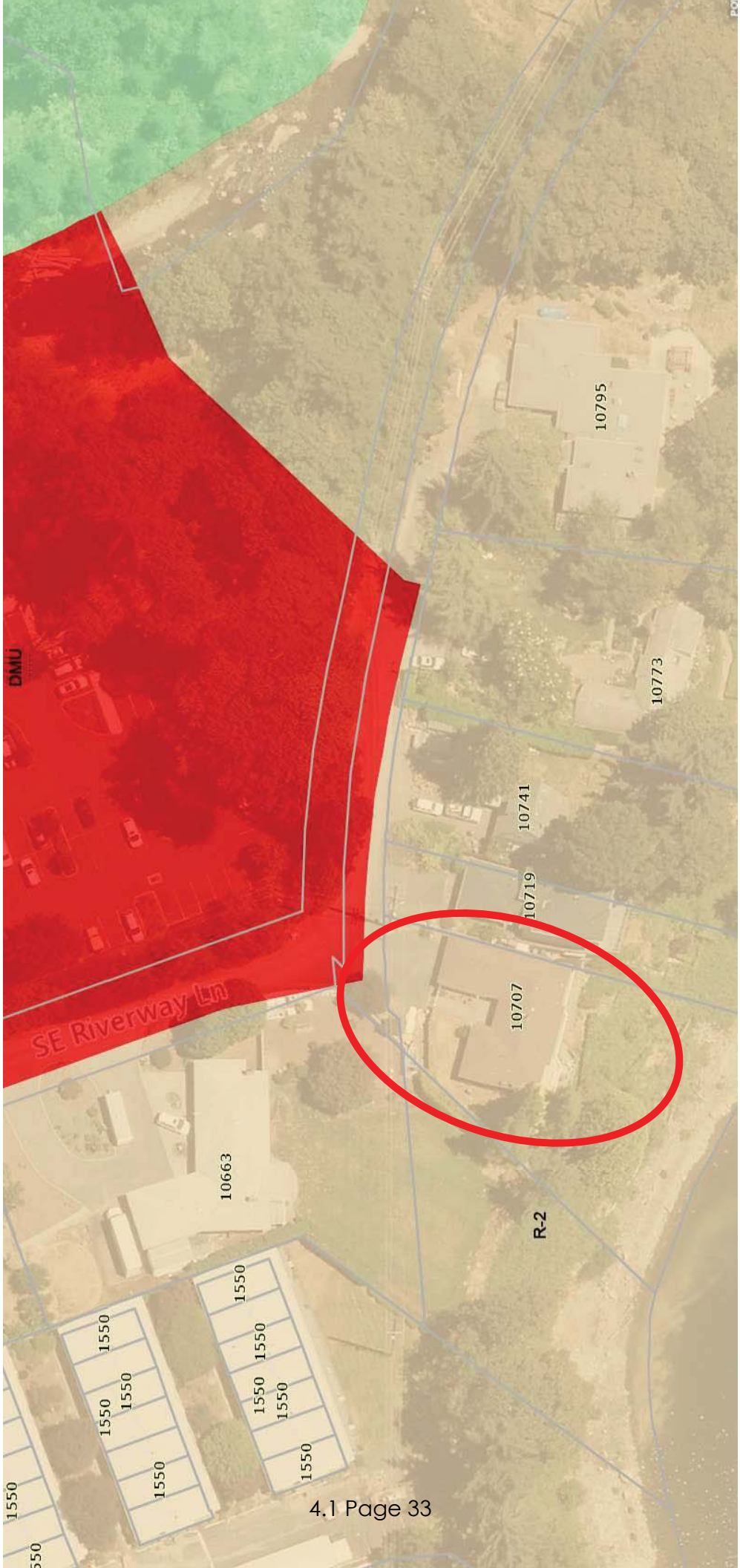


Main Level

Lower Level







DMU

SE Riverway Ln

10795

10773

10741

10719

10707

10663

R-2

1550

1550

1550

1550

1550

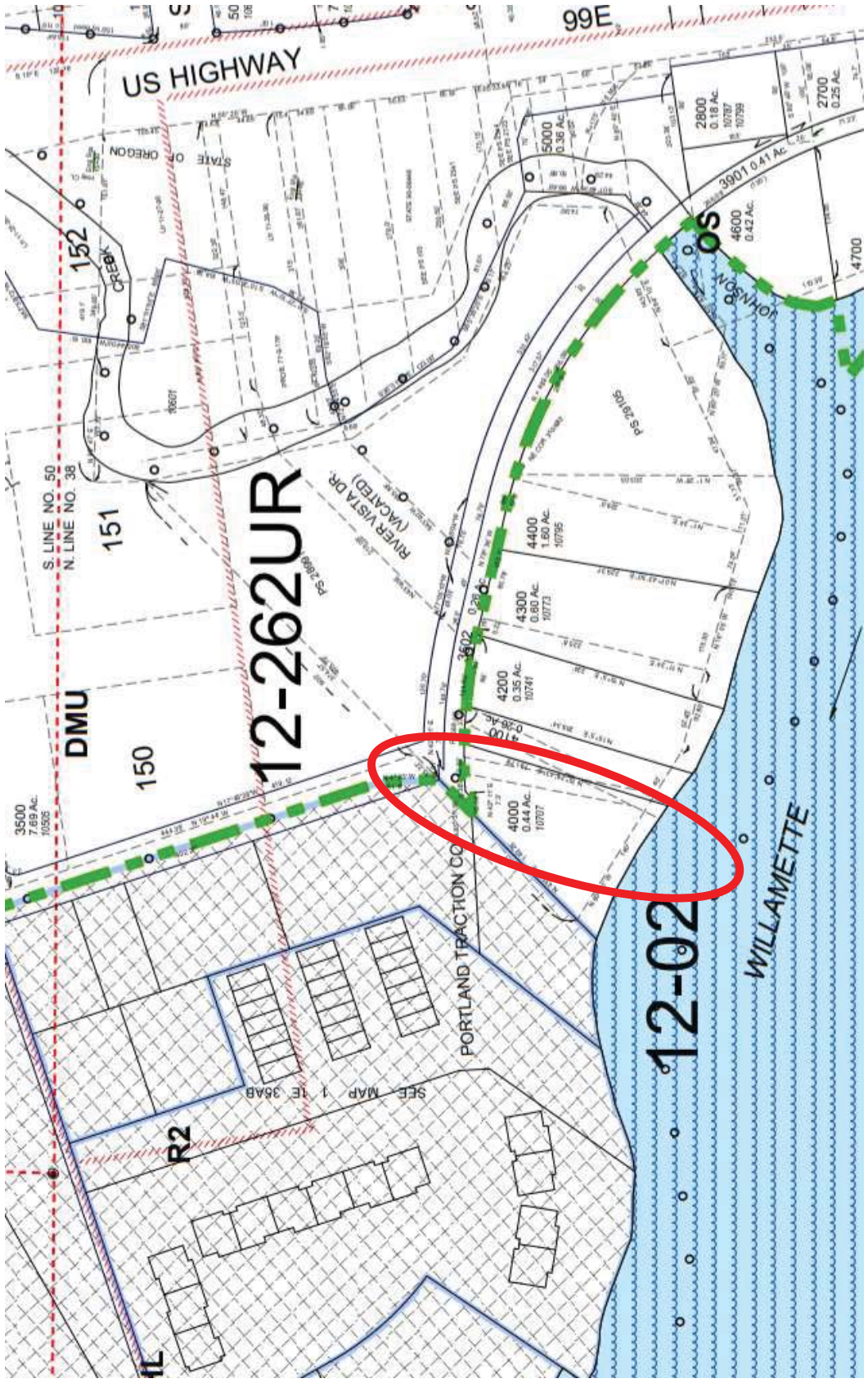
1550

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ATTACHMENT 3 Exhibit C

Appendix A- Timeline Summary

Date	Activity	Comments
July 2019	Initial Notice of Violation-Short Term Rental	
8.21.19	Pre-Application Conference	<ul style="list-style-type: none"> • Agreed to discontinue inclusion of basement unit in AB&B rental. • Committed to pursuing long-term tenant for basement unit.
9.12/.9	Submit forms for rental registration and building inspection. Also sent in check.	
10.1.19	Clarification from planning department	<ul style="list-style-type: none"> • Review of records revealed that property has not been permitted as a duplex. • Conditional use as a duplex would require paying SDC fees.
10.25.19	Sturgis E-mail to planning department	<ul style="list-style-type: none"> • Based on new information we communicated our desire to shift strategy and pursue vacation rental designation.
11.4.19	Correspondence	<ul style="list-style-type: none"> • Align on date for formal pre-application conference - 12/5/19.
11.18.19	Submit Pre-Application Form and Fee	
12.5.19	Pre-Application Conference	
12.12.19	Notification from Milwaukie Building Inspection	<ul style="list-style-type: none"> • Intent to issue permit. • Placed on hold a few days later pending completion of work being managed by planning department.
1.14.20	Milwaukie send pre-application conference report.	<ul style="list-style-type: none"> • A Conditional Use application will be required. • A Type III review and public hearing will be required.
2.26.20	Owner submits preliminary applications and documents to planning department for review.	<ul style="list-style-type: none"> • Owner intent is to obtain approval to use property as a duplex with lower unit rented using long term leases while the main level unit would be rented to short term guests via VRBO and Airb B&B.

Initial correspondence

Pre-App Meeting Correspondence

possible dates for pre-app meeting during week of Aug 19? Inbox x



Brett Kelver <KelverB@milwaukieoregon.gov>

Thu, Aug 8, 2019, 5:11 PM



to me ▾

Jeff,

I'm out of the office all day tomorrow (Friday) but wanted to see if I could tentatively set something up with you as a preapplication meeting during the week you'll be in town (Aug 19-23).

We have considerable flexibility on our end, depending on the availability of our meeting room. Are there any days or times that would work best for you while you're in town?

Let me know and I'll see what I can set up. Thank you!

BRETT KELVER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206



Jeff Sturgis <jrsturgis61@gmail.com>

Aug 16, 2019, 12:52 PM



to Brett ▾

Let's go with Wednesday at 1. Thanks.

Sent from my iPhone



Brett Kelver <KelverB@milwaukieoregon.gov>


Aug 16, 2019, 12:54 PM



to me ▾

Will do. Thanks! See you here at our office (6101 SE Johnson Creek Blvd) next Wednesday (8/21) at 1pm.

Correspondence following pre-application meeting

 **Jeff Sturgis** <jrsturgis61@gmail.com> Aug 30, 2019, 1:05 PM ☆ ↶ ⋮
to Brett ▾


Brett, thanks again for taking time to meet to discuss alternatives related to short term rentals and vacation home permits for my parents property at 10707 SE Riverway Lane. I wanted to provide an update that hopefully you can share with compliance. Per our discussion we have discontinued marketing the entire home on Air B&B and VRBO. We now just reflect the main floor as being available. As discussed we will honor existing bookings for the full house but will not take any new full house bookings. We are targeting having the basement rented by early November and in fact it may be my sister and brother-in-law who will be moving in.

I'm in the process of filling out the business registration application, rental registration application, and building inspection (structural permit) application. Most of the information is fairly straight forward however getting schematics / layouts its a bit more of a challenge. My parents moved out in early 2018 due to dementia, so locating drawings is proving a bit difficult. We may have to take measurements and submit a crude drawing. Will forward everything early next week along with any payments. We are hoping to receive the short term rental permit once the building department has completed their inspection.

Let me know if all this aligns with what we agreed upon and whether you need any additional information.

Thanks - Jeff

470-583-4386

 **Brett Kolver** <KolverB@milwaukieoregon.gov> Aug 30, 2019, 4:40 PM ☆ ↶ ⋮
to Tim, me ▾

Jeff,

Thanks for your note and update. I'll share the info with Tim Salyers, our code compliance coordinator.

I think your proposed plan of action sounds workable, and I'll keep an eye out for notice of your various submittals next week. I think the business registration and payment can happen online, and you'll want to use the Building Department's Accela system to electronically submit for approval of the short-term rental. The Building Department's short-term rental info page outlines the steps: <https://www.milwaukieoregon.gov/building/short-term-rentals-airbnb>

In the meantime, I still have it on my list to do some more background research on the permitting history at the property, so I can best understand how to move forward with you if/when you decide to pursue a vacation rental approval.

Thanks for checking in. I hope you have a good holiday weekend!

Sounds good.

Great.

You too.

Filing rental registration and inspection request.

Forms for 10707 SE Riverway Rental and Short Term Rental Permits Inbox x



Jeff Sturgis <jrsturgis61@gmail.com>
to Brett ▾

Thu, Sep 12, 2019, 9:32 AM ☆ ↶ ⋮

Brett, the online application system for Milwaukie is not functioning at this time so attached are the forms for getting the right permits for our rental property on Riverway lane. I've processed a check for the rental registration fee and the building permit/inspection. Please forward these forms to the appropriate folks. Let me know if anything else is needed. Thanks.



Brett Kelver <KelverB@milwaukieoregon.gov>
to me ▾

Sep 17, 2019, 12:16 PM ☆ ↶ ⋮

Thanks, Jeff. I'm coordinating with our administrative staff to get the info sent to the right places.

We received your check, and that plus the first page of your attachment we'll aim to send to the Finance folks.

The Building Department has been alerted to the structural permit info and I've asked that their staff get in touch with you if more is needed.

BRETT KELVER
Associate Planner





Rental Registration Application

CITY OF MILWAUKIE
 10722 SE Main Street
 Milwaukie, OR 97222
 503.786.7555

OWNER INFORMATION	
Owner Name Richard N Sturgis	Property Manager (if applicable) Jeff Sturgis
Owner Address 11330 Cranwood Cove	Address 11330 Cranwood Cove
City, State, Zip Roswell, GA 30075	City, State, Zip Roswell, GA 30075
Phone 470-583-4386	Phone 470-583-4386
E-mail	E-mail 1031.Propertymanagement@gmail.com
Mailing Address, City, State, Zip (if same as above, leave blank)	Contact

PROPERTY ADDRESS	PROPERTY TYPE
Example: 12345 SE Main St	<input type="checkbox"/> Residential <input type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Commercial
#1 10707 SE Riverway Lane - Upper	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Commercial
#2 S S - Lower	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Commercial
#3	<input type="checkbox"/> Residential <input type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Commercial
#4	<input type="checkbox"/> Residential <input type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Commercial
#5	<input type="checkbox"/> Residential <input type="checkbox"/> Duplex <input type="checkbox"/> Triplex <input type="checkbox"/> Apartment Complex <input type="checkbox"/> Commercial

If you own/manage more than five rental properties, please attach the required information

RENTAL DESCRIPTION	
Are any of the properties a short-term rental? Which number(s)? # 1	Are any of the properties a vacation rental? Which number(s)? No
Number of owners & employees (two part-time employees are equivalent to one full-time employee)	I hereby certify that I am an authorized agent of the business enterprise under application and that the information herein is true and accurate to the best of my knowledge.

RENTAL REGISTRATION	
1. Number of rental properties	Name (please print) Jeff Sturgis
2. Registration fee including one owner (\$146) (Commercial and triplex or larger rentals require one registration fee per property)	Title Property Manager
3. Cost per additional owner or employee (\$10)	Signature [Signature]
TOTAL DUE: \$146.00	Date 9/11/19

Mailed check to Brett K
for 305.06 to cover this and building permit

FOR OFFICE USE ONLY			
Date Paid	Amount Paid	Receipt #	Rental Registration #

Created 6/2019



MILWAUKIE BUILDING
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503.786.7623 | 503.786.7612
 building@milwaukieoregon.gov
 www.buildingpermits.oregon.gov

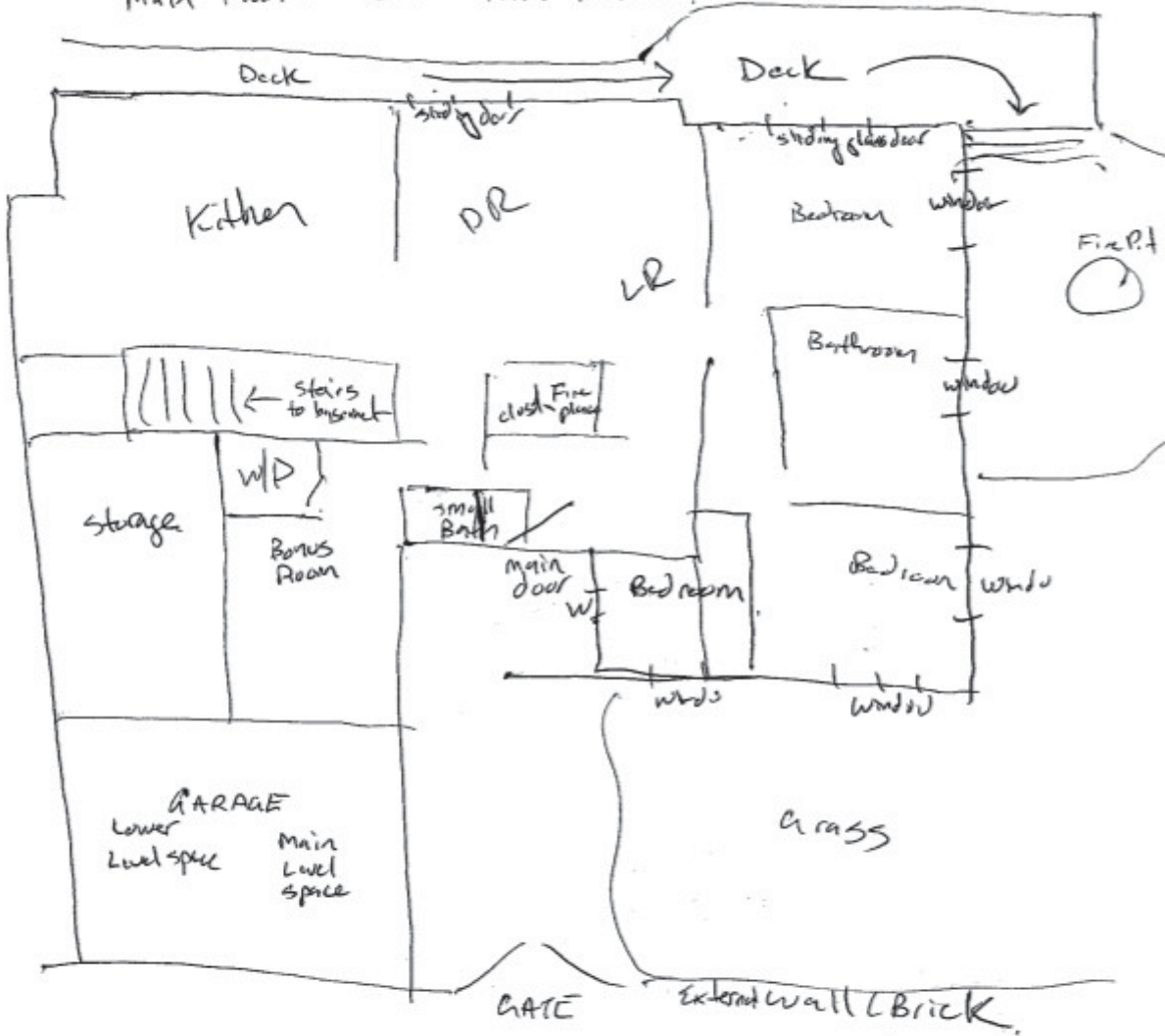
STRUCTURAL PERMIT APPLICATION

This permit is issued under OAR 918-460-0030. Permits expire if work is not started within 180 days of issuance or if work is suspended for 180 days.

CATEGORY OF CONSTRUCTION		
<input type="checkbox"/> Single Family	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Multi-Family
<input type="checkbox"/> Accessory Bldg		<input type="checkbox"/> Other:
TYPE OF WORK		
<input type="checkbox"/> New Construction		<input type="checkbox"/> Demolition
<input checked="" type="checkbox"/> Addition/Alteration/Replacement /other		
Description of work: Inspection for rental property.		
JOB SITE INFORMATION AND LOCATION		
Job site address: 10707 SE Riverway Lane		
City: Milwaukie	State: OR	ZIP: 97222
Subdivision:	Lot no.:	
PROPERTY OWNER		
Name: Richard N Sturgis		
Address: 11330 Cranwood Cove		
City: Roswell	State: GA	ZIP: 30075
Phone: 470-583-4386 Fax:		
Email: 1031.Propertymanagement.com		
This installation is being made on residential or farm property owned by a member of my immediate family or myself, and is exempt from licensing requirements under ORS 701.010.		
Homeowner Sign here: <i>[Signature]</i>		
CONTRACTOR		
Business name: No contractor		
Address:		
City:	State:	ZIP:
Phone:	Fax:	
Email:		
CCB license no.:		
APPLICANT IF DIFFERENT FROM ABOVE		
Name: Jeffrey R Sturgis		
Address: 11330 Cranwood Cove		
City: Roswell	State: GA	ZIP: 30075
Phone: 470-583-4386 Fax:		
Email: JRSTURGIS61@GMAIL.COM		
REQUIRED AUTHORIZED SIGNATURE		
Authorized Signature: <i>[Signature]</i>		
Printed name: Jeffrey R Sturgis		
Date: 9/11/19		

DEPARTMENT USE ONLY	
Permit Number:	
Date:	
VALUATION / CONSTRUCTION INFORMATION	
Required Data 1-2 Family Dwelling	
Permit fees are based on the value of the work performed. Indicate the value (rounded to the nearest dollar) of all equipment, materials, labor, overhead, and the profit for the work indicated on this application.	
Valuation:	
Number of bedrooms:	
Number of bathrooms:	
Total number of floors:	
New Dwelling area square footage:	
Garage / Carport area square footage:	
Covered Porch area square footage:	
Deck area square footage:	
Other structure area square footage:	
Required Data Commercial	
Valuation:	
Existing Building area square footage:	
New Building area square footage:	
Number of Stories:	
Type of Construction:	
Occupancy Groups:	
Existing:	
New:	
NOTICE	
All contractors and subcontractors are required to be licensed with the Oregon Construction Contractors Board under ORS 70 and may be required to be licensed in the jurisdiction in which work is being performed.	
BUILDING PERMIT AND RELATED FEES	
Building Permit Fee	\$
Plan Review Fee	\$
Fire & Life Safety Fee	\$
State Surcharge (12% of permit fee)	\$
Technology Fee (5% of permit fee)	\$
TOTAL FEES	\$

Main Floor - Short Term Rental



Building Inspection Correspondence

Additional Information is required for record # 601-19-001326-STR at 10707 SE RIVERWAY LN, MILWAUKIE, OR 97222 Inbox x



City of Milwaukie MilwaukieNoReply@accela.com via email.merchantransact.com
to 1031.propertymanagement ▾

Thu, Sep 26, 2019, 12:36 PM



Additional information is required to process your permit application **601-19-001326-STR** at job site address **10707 SE RIVERWAY LN, MILWAUKIE, OR 97222**. Please see the comments below for details.

Workflow Task: Building Review

Comment: Which portion of the house are you renting? Are you renting the entire house? Please provide window sizes in the bedrooms. If they are below grade, please provide window well info. I'll email you a handout with examples.

If you have questions, please contact **Stephanie Marcinkiewicz** at 503-786-7636 or building@milwaukieoregon.gov.

Your record is available online for tracking by clicking here:

<https://aca.oregon.accela.com/oregon/Cap/CapDetail.aspx?Module=Building&TabName=Building&capID1=19CAP&capID2=00000&capID3=0013F&agencyCode=MILWAUKIE>

Thank you.

MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206
503-786-7636

601-19-001326-STR - Egress Window Handout Inbox x



Stephanie Marcinkiewicz <MarcinkiewiczS@milwaukieoregon.gov>
to 1031.propertymanagement@gmail.com ▾

Thu, Sep 26, 2019, 12:38 PM



Good morning! This is the information we're looking for. If you have any questions, please let me know.

Thank you!
Stephanie

Stephanie Marcinkiewicz
Inspector / Plans Examiner
503.786.7636
City of Milwaukie
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206



JR Sturgis <1031.property.management@gmail.com>
to Stephanie, 1031.propertymanagement@gmail.com

Oct 19, 2019, 12:16 PM ☆ ↩ ⋮

Stephanie, here are the window measurements. Let me know what else you need. Thanks. Feel free to call or text me at 4705834386.
Upstairs Master bedroom: Slider, right side 31 x 32, 45.5 inches off the floor; Sliding door 73 x 32.

Main Bathroom: 31 x 16, 45 inches off the floor

Bedroom #1 (Coral color): 31 x 32, 45.5 inches off the floor - times two

Bedroom #2 (Green color): 31 x 32, 45.5 inches off the floor; 31 x 14, 45.5 inches off the ground

TV Room: 67 x 19, 52 inches off the floor

Downstairs Master: 15 x 13.5, 72 inches off the floor, window well 18 x 20.75 x 71; Sliding doors 74.5 x 30.5 - times two

Downstairs room: tilt opening (15 inches) 30 x 18, 72 inches off the floor - times two , window well 18 x 23 x 70.

Let me know if you have any questions.

--

Sent from my iPhone



Additional Information and Correspondence -

follow-up on unit status of 10707 SE Riverway Ln Inbox x



Brett Kolver <KolverB@milwaukieoregon.gov>

Tue, Oct 1, 2019, 7:20 PM



to me ▾

Jeff,

I've been meaning to follow-up from our in-person meeting here in our offices a few weeks back but didn't get back to it until now, as I've got your short-term rental application in the queue for review.

I'm trying to remember what we talked about with regard to the history of the basement improvement and the formal or informal establishment of an independent unit down there. (For us, a kitchen facility, with either 220 electric wiring for a stove/oven or a gas connection for a stove/oven, is what makes something an independent unit.)

I finally did some checking with the County Assessor's office and confirmed that their records show the property to have only a single-family house, just 1 dwelling unit and no additional unit in the basement. I also looked at our building permit records and found only a 1998 permit for installing a woodstove and a 2016 note about a small addition for a bedroom and deck extension. We have a 1987 conditional use review for a lot line adjustment and lot width variance approved to allow a new home to be built on 10719 SE Riverway Ln adjacent to the east. But I don't see any record of approval for a duplex at the site.

Can you remind me of any other info you might have for this property, in terms of when the basement might have been physically set up as a separate dwelling unit?

I want to be able to outline options for you on this, and I'd like to be as consistent with whatever I said before as possible.

At the moment, if we can't verify that the basement is a legal independent dwelling unit, the options would appear to be (1) formally establish it as a duplex, which would involve paying the associated System Development Charges (SDCs) or (2) disable the kitchen facility in the basement by getting a permit to physically remove whatever electric or gas connection there may be for that.

It might be helpful to talk briefly over the phone to help refresh my memory and to discuss the options. If that's the case, please feel free to call me at your convenience (if you miss me at my desk, please leave a message about when's a good time to call you back).

Thank you,

BRETT KOLVER

Associate Planner
City of Milwaukie
o: 503.786.7657 f: 503.774.8236
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206



Brett Kolver <KolverB@milwaukieoregon.gov>

Oct 8, 2019, 12:30 PM



to me ▾

Checking back on this. I am holding off on my review and sign-off of the associated building permit until I hear back from you on this and can sort out the rest of the research on this end.

BRETT KOLVER

Associate Planner



Jeff Sturgis <jrsturgis61@gmail.com>

Oct 8, 2019, 1:36 PM



to Brett ▾

See my comments below. We are current measuring window sizes in response to request from building permit group.

Sent from my iPhone

I also looked at our building permit records and found only a 1998 permit for installing a woodstove and a 2016 note about a small addition for a bedroom and deck extension. We have a 1987 conditional use review for a lot line adjustment and lot width variance approved to allow a new home to be built on 10719 SE Riverway Ln adjacent to the east. But I don't see any record of approval for a duplex at the site.

Can you double check records. My grandmother purchased the property in the mid 1980's. To your point they subdivided in 1998 and my aunt built a house. My parents moved in in 1992. Prior to the move they added a two car garage on the front of house. I can't imagine that was done without a building permit. Also prior to moving in in 1992 the basement was remodeled to include a kitchen (second kitchen for home) so a care giver could live in the home to care for my grandmother. So the improvements made to help position the home for my grandmother it also set it up to potentially be a duplex in the future. As my parents moved in in 1992 and lived their until early 2018 the home was never rented out. My nephew lived their throughout 2018 and 1st half 2019.

Can you remind me of any other info you might have for this property, in terms of when the basement might have been physically set up as a separate dwelling unit?

See above.

I want to be able to outline options for you on this, and I'd like to be as consistent with whatever I said before as possible.

At the moment, if we can't verify that the basement is a legal independent dwelling unit, the options would appear to be (1) formally establish it as a duplex, which would involve paying the associated System Development Charges (SDCs)

We want to move towards getting the basement established as a separate dwelling unit

or (2) disable the kitchen facility in the basement by getting a permit to physically remove whatever electric or gas connection there may be for that.

It might be helpful to talk briefly over the phone to help refresh my memory and to discuss the options. If that's the case, please feel free to call me at your convenience (if you miss me at my desk, please leave a message about when's a good time to call you back).

Let me know if this helps. Can schedule call for later in week if needed. Thanks

...



Brett Kelter <KelterB@milwaukieoregon.gov>
to me ▾

Oct 8, 2019, 5:52 PM ☆ ↩ ⋮

Thanks, Jeff, those are helpful reminders.

To be clear, you say the lot was divided in 1988 (not 1998?) and your parents moved into the 10707 house in 1992, that sometime between 1988 and 1992 they added on a 2-car garage—is that correct?

BRETT KELVER
Associate Planner

...


 **Jeff Sturgis** <jrsturgis61@gmail.com> Oct 8, 2019, 5:56 PM ☆ ↶ ⋮
to Brett ▾
1988 should be 1987. I was referring to the conditional use permit which is when my aunt built a house next door

We have a 1987 conditional use review for a lot line adjustment and lot width variance approved to allow a new home to be built on 10719 SE Riverway Ln adjacent to the ea


Sent from my iPhone
⋮

 **Brett Kelver** <KelverB@milwaukieoregon.gov> Oct 8, 2019, 7:48 PM ☆ ↶ ⋮
to me ▾
Jeff,


I wasn't able to access the document you sent a link to. Can you try again when you have a chance, and maybe send it as a PDF? Thanks!
⋮

 **Jeff Sturgis** <jrsturgis61@gmail.com> Oct 8, 2019, 8:22 PM ☆ ↶ ⋮
to Brett ▾
Which document are you referring to? I didn't send one today (that I know of).

Sent from my iPhone

 **Brett Kelver** <KelverB@milwaukieoregon.gov> Oct 8, 2019, 8:25 PM ☆ ↶ ⋮
to me ▾
It looked like you sent a link to something, where you referenced the 1987 lot line adjustment (highlighted in yellow, below).

I can look in our records for this, just thought you might have had a document on hand that I could look at.
⋮

 **Jeff Sturgis** <jrsturgis61@gmail.com> Oct 8, 2019, 8:35 PM ☆ ↶ ⋮
to Brett ▾
No. I had tried to copy and paste a section from your email that referenced the lot line adjustment. I'll be in Portland in early November and can try and locate the drawings my Dad did (he is an architect) for the garage addition. Those drawings, if I can find them, would most likely reference construction date.

Sent from my iPhone
⋮



Brett Kelder <KelderB@milwaukieoregon.gov>
to me ▾

Thu, Oct 24, 2019, 7:28 PM ☆ ↶ ⋮

Jeff,

I've taken a look back at our records for the property at 10707 SE Riverway Ln and want to give you an update on what I understand the options to be for your proposal to use the property as a short-term rental.

Although I [did find the 1993 permit for the garage addition](#), I did not find any record that officializes the installation of the second kitchen in the basement. Perhaps you have access to some documentation of that, though I'm not sure it would make much difference in the context of what you're trying to achieve with the short-term rental idea, since you noted earlier that the original intent of the second kitchen was for a caregiver (and not as a rental space per se).

If you want to keep the second kitchen, I can think of 2 options:

1. Officially establish the structure as a duplex, which is an outright permitted use in the underlying R-2 zone. However, you would need to pay the required System Development Charges (SDCs) for the new unit, which could be several thousand dollars. And short-term rentals are not allowed in duplex situations where the unit being rented is not occupied 270 days of the year by a primary resident. (I don't know that I mentioned this earlier when we spoke—I was reminded of this limitation when I brought up the issue at a staff meeting today.)
2. Record a deed restriction stipulating that the second kitchen will not be used as part of a separate dwelling unit. However, this would make it highly unlikely that we could approve a short-term rental at the site, unless you could demonstrate that the basement did not have its own entrance and that whomever was occupying the basement would in fact be sharing the upstairs space for entry/exit. If the basement can effectively be an independent unit, then the required deed restriction would not be possible.

Another option could be to officially decommission the stove/oven in one or the other of the kitchen areas, which would mean getting the necessary permits to remove a 220 electrical circuit or the gas line serving the kitchen to be decommissioned. Our current interpretation of what makes a "kitchen facility" is this 220-electric or gas connection, which still leaves the possibility of plugging in hot plates, microwaves, and other conventional appliances. If either the short-term or long-term tenants could deal with that kind of "kitchenette" facility, then that might be a way to move forward.

At the moment, I can't think of other options, but we might be able to brainstorm on it. I'll be out of the office all next week at a training (Oct 28 through Nov 1), but if it would help to talk or meet after then or when you're out here in early November (as you mentioned), maybe we can come up with something else.

In the meantime, I'm going to officially change the status of my Planning Review for your permit to something like "Additional Info Needed," to reflect the need for us to figure out how you want to proceed.

I hope this makes sense, and I apologize that it's taken me this time to come back around to having capacity to delve more into this. It's been a busy summer and start to fall.

Let me know if you have questions—I expect to be in the office all day Friday after an early morning appointment and meeting.

BRETT KELVER

Associate Planner
City of Milwaukie
o: 503.786.7657 f: 503.774.8236
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

Additional Information is required for record # 601-19-001326-STR at 10707 SE RIVERWAY LN, MILWAUKIE, OR 97222 Inbox x



City of Milwaukie MilwaukieNoReply@accela.com via email.merchanttransact.com
to 1031.propertymanagement

Fri, Oct 25, 2019, 3:31 PM

Additional information is required to process your permit application **601-19-001326-STR** at job site address **10707 SE RIVERWAY LN, MILWAUKIE, OR 97222**. Please see the comments below for details.

Workflow Task: Planning Review

Comment: There is no evidence of an official approval of the second kitchen facility in the existing house. The owner (Jeff Sturgis) has been informed in a separate email of several options for resolving the issue and moving forward. (Brett Kolver, Associate Planner)

If you have questions, please contact **Brett Kolver** at 503-786-7657 or kolverb@milwaukieoregon.gov.

Your record is available online for tracking by clicking here:

<https://aca.oregon.accela.com/oregon/Cap/CapDetail.aspx?Module=Building&TabName=Building&capID1=19CAP&capID2=00000&capID3=0013F&agencyCode=MILWAUKIE>

Thank you.

MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206
503-786-7623
building@milwaukieoregon.gov



JR Sturgis <1031.property.management@gmail.com>
to Brett, 1031.propertymanagement@gmail.com

Fri, Oct 25, 2019, 4:30 PM

Both emails work. Based on the new information I think we may need to pivot and pursue vacation home status. I'm finalizing the timing for more trip to PDX. Once confirmed I'll let you know so hopefully we can schedule a meeting. If we get the home approved as a vacation home are we allowed to have two kitchens as long as we aren't running it as a duplex? I've seen other homes (non duplexes) in Oregon with two kitchens. Any info you have on that will be helpful. Thanks.

Sent from my iPhone



Brett Kolver <KolverB@milwaukieoregon.gov>
to me, 1031.propertymanagement@gmail.com

Fri, Oct 25, 2019, 6:42 PM

Jeff,

I think the Conditional Use review that is necessary for approval of a vacation rental would address the question of whether you needed to formally establish it as a duplex (and pay associated SDCs and make or pay for any needed street improvements) or establish a deed restriction saying it would function as a single dwelling unit.


I think you could get approval for a vacation rental in either scenario, but in this case I would want to see what the Planning Commission thought about there effectively being 2 units there already. I could see a decision requiring you to establish it as a duplex, and I could see an allowance for operating it as a single dwelling unit even though it might have separate entrances, since there would be a full-time tenant in one unit and the other more occasionally used for the vacation rental.

Once you know your travel plans, let me know and we'll try to arrange a time to have you stop by and talk this through. In the meantime, the house should probably just be used as a single unit.

BRETT KELVER
Associate Planner




Correspondence Related to Pre-Application Conference – 12.5.19

 **JR Sturgis** <1031.property.management@gmail.com> Sat, Nov 2, 2019, 1:48 PM ☆ ↩ ⋮
to Brett, 1031.propertymanagement@gmail.com ▼

I have formed up my plans for coming to Portland and will be there 12/5 through 12/8. Would definitely like to move forward with pursuing vacation home status. If awarded then we wouldn't need duplex designation. It would just be one home that we would rent out as well as use periodically as a family. Let me know if there is anything we can get started on before my trip. Given the new information we will leave the basement vacant until we reach a resolution. Thanks.

Sent from my iPhone

...

 **Brett Kelter** <KelterB@milwaukieoregon.gov> Mon, Nov 4, 2019, 1:20 PM ☆ ↩ ⋮
to me, 1031.propertymanagement@gmail.com ▼


Thanks for the note, Jeff.

We should probably schedule a formal preapplication conference for the conditional use application that will be needed for a vacation rental. Is there a chance you'll be in town on Thursday, Dec 5 in time for a 10am meeting that day, or is that the day you are flying in?

It would be ideal if you could be available for that 10am window on Thursday, for the best chance at getting someone from each of the key departments to be available. If that won't work, we can try to find another time when you'll be here.

Let me know and we'll see about getting something lined up.


...

 **JR Sturgis** <1031.property.management@gmail.com> Mon, Nov 4, 2019, 2:29 PM ☆ ↩ ⋮
to Brett, 1031.propertymanagement@gmail.com ▼

I can make that work. Let me know if there is any more information I can bring to help expedite the process. Thanks.

Sent from my iPhone

...

 **Brett Kelter** <KelterB@milwaukieoregon.gov> Mon, Nov 4, 2019, 2:44 PM ☆ ↩ ⋮
to me, 1031.propertymanagement@gmail.com ▼


Good! If Thursday, Dec 5, will work, then let's have you go ahead and fill out the standard preapplication conference form and pay the \$200 fee, and we'll get that date set aside for you. <https://www.milwaukieoregon.gov/planning/preapplication-appointment-form>

If you'll provide a simple narrative describing what you'd like to do (including how the vacation rental would operate, how often, how many guests, where they would park, etc.) and outlining any questions you have about process, cost, possible conditions, etc., that will help. Also, it would be good to include a simple site plan and floor plan showing what part of the house would be used for the vacation, available parking.


These appointments are first-come, first-served, so it would be ideal if you could make this arrangement by the end of this week that would help us nail down the meeting date/time for Dec 5.


Let me know if you have additional questions. You can contact our Administrative front desk to make the \$200 payment over the phone with a card.

...

 **Brett Kelver** <KelverB@milwaukieoregon.gov> Mon, Nov 4, 2019, 5:11 PM ☆ ↩ ⋮
to me, 1031.propertymanagement@gmail.com ▾
Actually, I just heard from a colleague that another big pre-app is lining up for the 10am slot on 12/05. Are you available at 9am that day? We can do your pre-app first at 9am and then be out of the way for the larger pre-app afterwards. Let me know if 9am will work.
⋮

 **JR Sturgis** <1031.property.management@gmail.com> Mon, Nov 4, 2019, 6:16 PM ☆ ↩ ⋮
to Brett ▾
That works. Thanks.
Sent from my iPhone
⋮

 **Brett Kelver** <KelverB@milwaukieoregon.gov> Mon, Nov 4, 2019, 7:39 PM ☆ ↩ ⋮
to me ▾
Perfect. Thanks! We'll keep you penciled in at 9am on Dec 5 and will look for your submittal soon to make it official.
⋮

 **Brett Kelver** <KelverB@milwaukieoregon.gov> Tue, Nov 5, 2019, 5:06 PM ☆ ↩ ⋮
to me, 1031.propertymanagement@gmail.com ▾
Jeff,
Sorry for the back-and-forth—the 10am slot just opened back up on Dec 5 (the other pre-app has been rescheduled), so we'd like to shift your pre-app back to 10am. Does that still work for your schedule?
⋮

 **JR Sturgis** Nov 5, 2019, 5:39 PM ☆
That works. Sent from my iPhone

 **Brett Kelver** <KelverB@milwaukieoregon.gov> Nov 5, 2019, 6:01 PM ☆ ↩ ⋮
to me, 1031.propertymanagement@gmail.com ▾
Great, thanks again for being flexible.
⋮

No problem!

My pleasure.

You're welcome!

RE: note on pre-app coordination Inbox x



Brett Kelver <KelverB@milwaukieoregon.gov>
to Jeff, 1031.propertymanagement@gmail.com

Fri, Nov 8, 2019, 8:08 PM ☆ ↶ ⋮

Sorry, I thought I had sent a note to you about this, but I'm not finding a copy in my records here and I may be confusing this with another project.

We need a pre-app form filled out and sent back to us (https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/40761/preapppptrequest_form.pdf) with a description of what you'll be proposing and some simple site- and floor-plans to illustrate how things will work. You should also raise or note any questions you may have about the process, potential conditions or other requirements, timeline for a decision, etc. You'll also need to pay the \$200 pre-app conference fee to hold the spot.

I'm sorry it looks like I didn't already send what I thought I had regarding this information. I expect we can get this lined up next week. Thanks for your quick response.

BRETT KELVER
Associate Planner

From: Jeff Sturgis <jrsturgis61@gmail.com>
Sent: Friday, November 08, 2019 4:59 PM
To: Brett Kelver <KelverB@milwaukieoregon.gov>
Subject: Re: note on pre-app coordination

Let me know what you need to make it official. I have it on my calendar. Thanks.



Brett Kelver <KelverB@milwaukieoregon.gov>
to Jeff, 1031.propertymanagement@gmail.com

Nov 13, 2019, 12:51 PM ☆ ↶ ⋮

Jeff,

Checking in to see if you're on target this week to send the pre-app request form and some materials to officialize the Dec 5 pre-app. You can make a payment by card over the phone for the \$200 conference fee as well.

BRETT KELVER
Associate Planner



Jeff Sturgis <jrsturgis61@gmail.com>
to Brett, 1031.propertymanagement@gmail.com

Nov 13, 2019, 1:14 PM ☆ ↶ ⋮

Also, for the building permit app we provided a rough drawing and window measurements. Let me know if you need more than that. Thanks.

Sent from my iPhone



Brett Kelver <KelverB@milwaukieoregon.gov>
to Jeff, 1031.propertymanagement@gmail.com

Nov 13, 2019, 1:40 PM ☆ ↶ ⋮

For our pre-app conversation, I think the drawings you provided earlier should be fine. We may recommend that a full site plan and building elevations be provided with the actual application submittal, but that's something we can talk about at the pre-app.

With that said, keep in mind that one of the purposes of the pre-app is to help you get a good idea of what you'll need to have in your application submittal. The more info and material you can provide at this stage, the more we can give you feedback on it now instead of potentially having the application get delayed in our completeness review.

I think it would help to get a simple narrative from you that describes your proposal—how and how often the vacation rental would operate, clarify which spaces would be used for the vacation rental versus the long-term rental, parking arrangements, etc. Also, the narrative doc can list out whatever questions you have that you'd like to get answered about the process, costs, timeline, possible conditions, etc.

Since what I think will happen here is that we'll need to have the house be officially approved as a duplex to allow the second kitchen and separate dwelling unit, we'll probably end up refunding the earlier building permit application fee for the short-term rental, but then you'll need a separate new permit and inspection to officialize the duplex unit. It will need to be inspected to be approved as a separate unit. There may be some other one-time impact fees as well—but we can get into all that when we talk on Dec 5.





MILWAUKIE PLANNING
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503.786.7600
 planning@milwaukieoregon.gov

Preapplication Request Form

File #: _____

Meeting Date: 12/5/19 Time: _____ Location: 6101 SE Johnson Creek Blvd Today's Date: 11/18/19

Applicants and representatives are expected to present a detailed explanation of their proposal at the conference.

The purpose of the preapplication conference is to acquaint the applicant or applicant's representative with the requirements of the municipal code in preparation for submission of a land use application, including relevant approval criteria, development standards, and procedures. The preapplication conference is not an exhaustive review of all potential issues or requirements. Furthermore, the information provided by the City is not binding, and it does not preclude the City from raising new issues or identifying additional requirements during the land use review process. (MMC 19.1002 Preapplication Conference)

Although the primary purpose is as stated above, preapplication conferences may also be used as part of a due diligence process to obtain a higher degree of certainty about a property development. An applicant is not required to be the property owner to request a preapplication conference.

SITE INFORMATION:

Site Address: 10707 SE RIVERWAY LANE Map & Tax Lot(s): _____ Zone: _____

PROPOSAL (brief description):

DESIGNATE PROPERTY AS A VACATION HOME

APPLICANT:

Project Contact Name: JEFFREY R STURGIS Company: _____
 Mailing Address: 11330 CRAWWOOD COVE ROSWELL, GA Zip: 30075
 Phone(s): 470-583-4386 Email: _____
 # of Expected Attendees: 2
 Owner Architect Contractor
 Representative Engineer Other: _____

REQUESTED MEETING TYPE:

- Preapplication Meeting—1st meeting free; 2nd meeting \$50; Subsequent meetings \$100/mtg.**
 - Optional meeting with 2 City staff. No meeting notes are provided by staff.
 - Staff will coordinate meeting date and time once Submittal Information (listed on reverse) is received.
- Preapplication Conference—\$200**
 - Optional or required meeting with 3 or more staff. Meeting notes are provided by staff 2 weeks after the conference.
 - City staff from the Planning, Building, Engineering, and Public Works departments usually attend. Other public agencies (such as the Fire District) may attend as necessary.
 - Appointment times are Thursdays from 10:00 a.m.–11:00 a.m.
 - Appointments are scheduled on a first-come, first-served basis. Preapplication Requests must be submitted during counter hours, and by 12:30 p.m. every Thursday for the first appointment available.
 - Appointments must be made no less than **three weeks** before the desired meeting date for **Major projects** (e.g. commercial, industrial, multi-family, subdivisions) and no less than **two weeks** in advance of the desired meeting date for **Minor projects*** (e.g. single family, ADUs, partitions).
- Transportation Impact Study Review—\$100**
 - Mandatory second meeting if the project requires a Transportation Impact Study (TIS).
 - To be scheduled after completion of a TIS by the applicant's engineer.

IMPORTANT INFORMATION ON REVERSE SIDE

PREAPPLICATION REQUEST CHECKLIST:

Once submitted, application materials and applicant information become public record as well as constitute permission for staff to access the site in preparation for the meeting/conference.

Preapplication Meeting: Please submit 3 hard copies of the required information.

Minimum Requirements:

- Completed Request Form and accompanying fee (if any)
- Preliminary site plan and building plans, showing existing and proposed features. (Plans do not need to be professionally prepared, just accurate and reliable.)
- A detailed narrative description of the proposal that clearly identifies the location, existing and proposed uses, and any proposed construction.
- A list of all questions or issues the applicant would like the City to address.

Preapplication Conference: Please submit 8 hard copies and 1 electronic copy of the required information. Please refer to the [Development Project Checklist](#) for a list of items that may be applicable to your project.

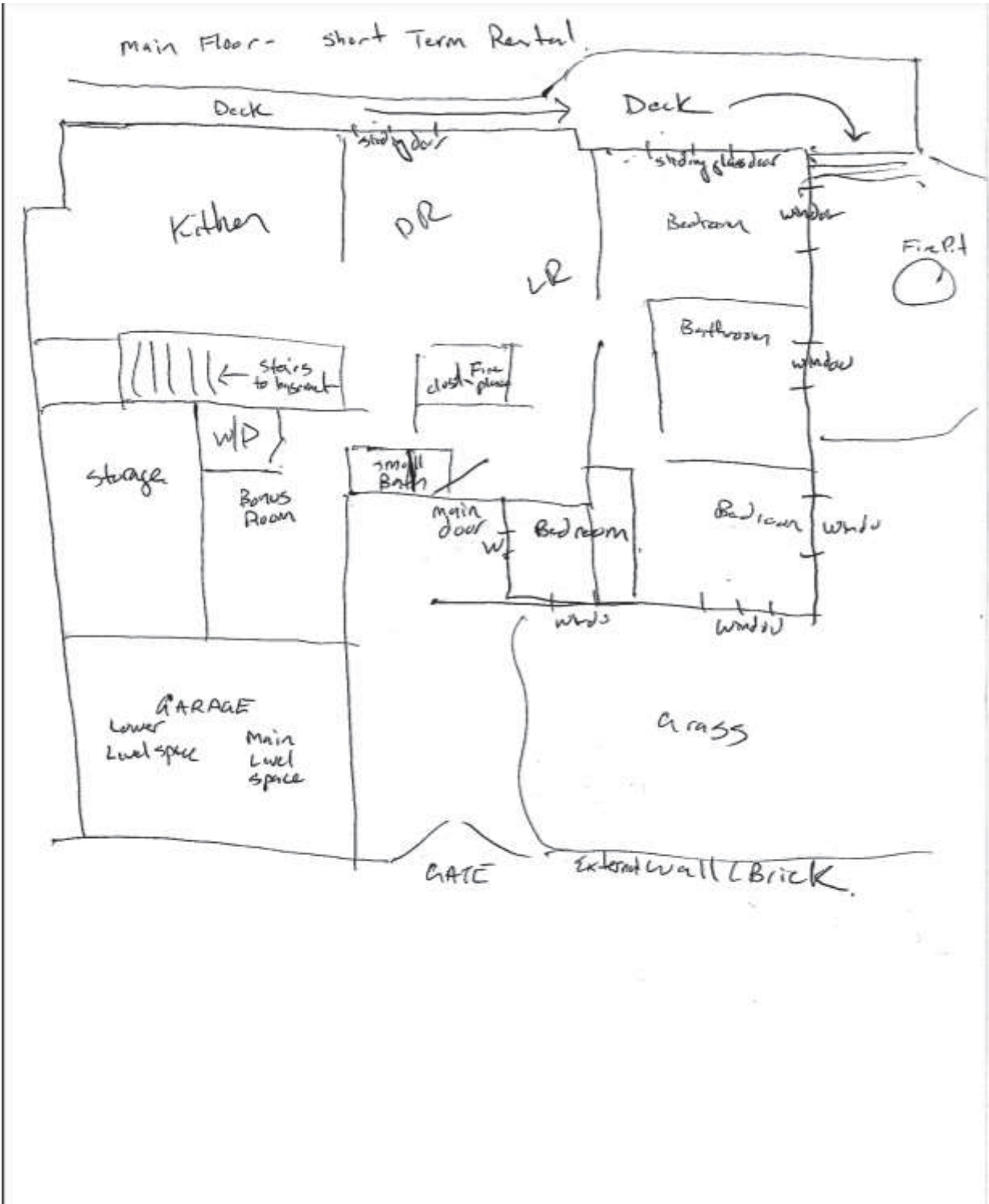
Minimum Requirements

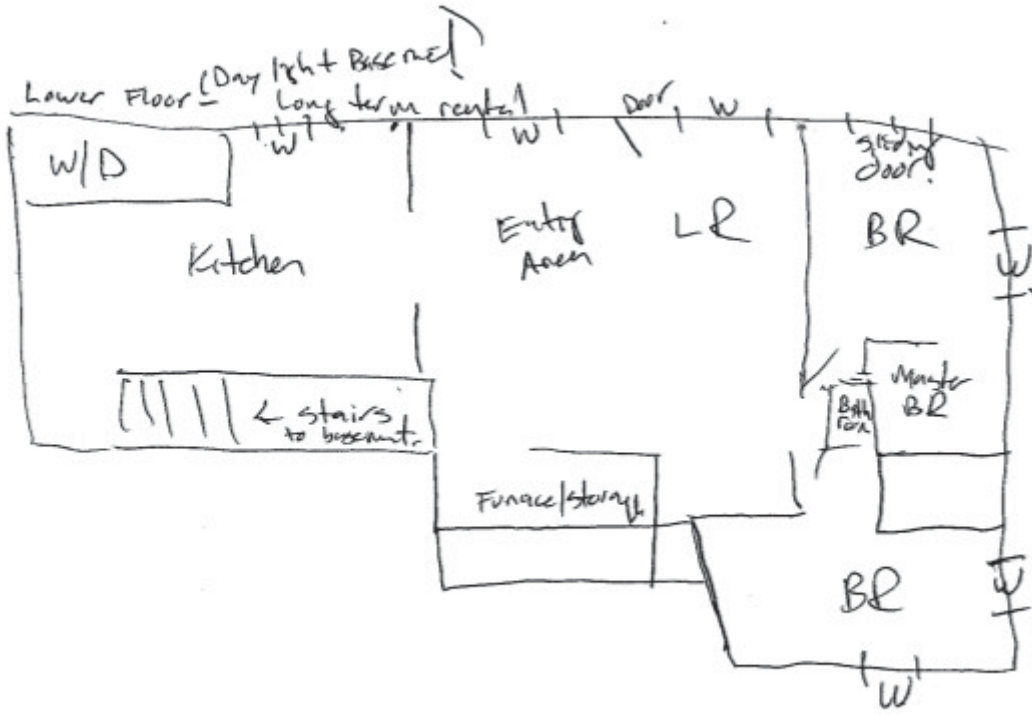
- Completed Request Form and accompanying fee.
- Narrative: A detailed description of your proposal and any specific questions you have. Include a brief description of the physical context of the site, including a map showing the site and surrounding properties.
- A list of all questions or issues the applicant would like the City to address.
- Proposed elevations
- Site/Plot Plan (8½ x 11 or 11 x 17) that includes (if applicable)
 - Parcel and building setback dimensions
 - Existing and proposed structures
 - Location and dimension of existing and proposed easements, access, and driveways
 - Location of existing and proposed utilities: storm, sanitary sewers, and water (including size of service and street location)
 - Width of adjacent right-of-way
 - Existing streets abutting the property
 - Vehicle and bicycle parking layout (including calculation of required number of spaces, based on use and square footage of building)
 - Slope map (if slope is 25% or more)
 - Significant tree locations (all trees with a caliper over 6 inches)
 - Proposed stormwater detention system with topographic contours
 - Location of onsite and adjacent natural resources
 - Circulation system for vehicles, pedestrians, and bicycles

For Office Use Only:

***Project Type:** Minor Developments (e.g. single family, ADUs, partitions): 2 weeks required for review
 Major Developments (e.g. commercial, industrial, multi-family, subdivisions): 3 weeks required for review

Routing: File Planning (2) Engineering (2) Building
 Development Manager Public Works Fire CD Director (development)







Milwaukie Planning Department

6101 SE Johnson Creek Blvd
Milwaukie, OR 97206
503-786-7630
Fax: 503-774-8236
planning@milwaukieoregon.gov

Transaction Receipt

601-19-000118-PLNG

IVR Number: 601004887057

Receipt Number: 18011

Receipt Date: 11/26/19

www.milwaukieoregon.gov

Worksite address: 10707 SE RIVERWAY LN, MILWAUKIE, OR 97222

Parcel: 11E35AA04000

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
11/26/19	200.00 Amount	Pre-application Conference	110-000-4480	\$200.00	\$200.00

Fee Notes: 19-019PA

Payment Method: Check number: 7196 Payer: Jeffrey Sturgis Payment Amount: \$200.00
 Transaction Comment: 19-019PA
 Jeffrey Sturgis
 11330 Crawford Cove
 Roswell, GA 30075

Cashier: Dan Harris **Receipt Total:** **\$200.00**


Other Correspondence – December - January

 **Stephanie Marcinkiewicz** <MarcinkiewiczS@milwaukieoregon.gov> Dec 12, 2019, 12:18 PM ☆ ↶ ⋮
to me ▾

Good morning Richard! I have finished this review, however your windows do not meet current code. I spoke to our Building Official and she said as long as they are existing windows that have not been altered and are in bedrooms that have always been bedrooms, they would be fine. We can check that at inspection. You should see an email come through today that says your permit is ready to be issued.


Thank you and have a great day!

⋮

 **Stephanie Marcinkiewicz** <MarcinkiewiczS@milwaukieoregon.gov> Dec 12, 2019, 12:23 PM ☆ ↶ ⋮
to Harmony, me ▾

Hi again Richard! I just went to sign off and apparently Brett with our Planning Division is waiting for additional information so we can't release the permit until he's finished, but my part is done. When Brett signs off, you should receive an email from us to pay for your permit so we can issue that for you.

Thank you!
Stephanie

 **Brett Kelver** <KelverB@milwaukieoregon.gov> Wed, Dec 18, 2019, 1:11 PM ☆ ↶ ⋮
to Jeff, me ▾

Jeff,

Apologies for not getting back to you sooner with more info after our Dec 5 pre-app conference. I hope you had safe travels home.

We should be finalizing the formal pre-app notes by the end of this week and will email them to you.

In the meantime, I believe I had promised to send you some links to the basic forms and info you might need for the application. Here's a starting list:

- Land Use Application form = <https://www.milwaukieoregon.gov/planning/land-use-application>
- Submittal Requirements form = <https://www.milwaukieoregon.gov/planning/submittal-requirements>
- Planning Commission Hearings schedule for 2020 = https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning_commission/page/46731/hrgsched2020applicant.pdf. The actual hearing dates are in the far-right column and the dates by which an application needs to be deemed complete to hit the respective hearing dates are in the far-left column. Note that, because our completeness review can take up to 30 days, you'll want to add another month to the completeness dates in the far-left column in order to figure out by when you'd want to submit the application if you're trying to hit a particular hearing date.

I'm also attaching PDFs of both the application materials and notice of decision for a similar Conditional Use for vacation rental that was processed last year (file #CU-2018-001). This application did not include even a simple site plan and/or floor plan, which I would recommend you provide with your application just to help paint a clearer picture. I also think an application would be improved by addressing the approval criteria of MMC 19.905.4.A as well as the specific considerations for vacation rentals in MMC 19.905.9.H. But this might at least give you an idea of one way you could structure your narrative and customize it to fit your situation.

Please let me know if you have problems with any of the links above or questions about the pre-app notes once they are finalized. I'll be out of the office most of the week of Christmas (in on Mon 12/23, out the rest of the week) but am here this week and all of New Year's week except Jan 1, so give a call or send an email as needed.

Disclaimer

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

2 Attachments



Preapplication Conference Report for 10707 SE Riverway Ln (19-019PA) Inbox x



Daniel Harris <HarrisD@milwaukieoregon.gov>

Tue, Jan 14, 6:59 PM ☆ ↶ ⋮

to me, jrsturgis61@gmail.com, Brett, Samantha, Alex, stevendorman3@msn.com, k1ein23@comcast.net, jeanbaker.milw@gmail.com, mlpark2001@gmail.com, ray1br

Good Afternoon,

Preapplication conference report 19-019PA concerning the property at 10707 SE Riverway Ln is available at the link below. A physical copy of this report has been mailed to the applicant.

Please note that this report has been published without notes from the fire district. No notes had been made available at the time the report was published. An updated version of this report will be published once those notes have been provided to the City of Milwaukie.

<https://www.milwaukieoregon.gov/planning/19-019pa>

With respect,

DAN HARRIS

Administrative Specialist II, Community Development

he/him/his

City of Milwaukie

o: 503.786.7600 d: 503.786.7634

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206



January 14, 2020

Jeff Sturgis
11330 Crawford Cove
Roswell, GA 30075

Re: Preapplication Report

Dear Jeff:

Enclosed is the Preapplication Report Summary from your meeting with the City on December 5, 2019, concerning your proposal for action on property located at 10707 SE Riverway Ln.

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,

Dan Harris
Administrative Specialist II

Enclosure

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
503-786-7600 | www.milwaukieoregon.gov



CITY OF MILWAUKIE
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503.786.7600
 planning@milwaukieoregon.gov
 building@milwaukieoregon.gov
 engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 19-019PA

This report is provided as a follow-up to the meeting that was held on 12/5/2019 at 10:00 AM

The Milwaukie Municipal Code is available here: www.qcode.us/codes/milwaukie/

APPLICANT AND PROJECT INFORMATION							
Applicant:	Jeffrey Sturgis Applicant Role: Owner's Representative						
Applicant Address:	11330 Crawford Cove, Roswell, GA 30075						
Company:	N/A						
Project Name:	N/A						
Project Address:	10707 SE Riverway Ln Zone: R-2						
Project Description:	Establish second unit on property as vacation rental.						
Current Use:	N/A						
Applicants Present:	Jeffrey Sturgis, Richard Sturgis						
Staff Present:	Brett Kelter, Associate Planner; Alex Roller, Engineering Technician II						
PLANNING COMMENTS							
Zoning Compliance (MMC Title 19)							
<input checked="" type="checkbox"/>	<table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">Use Standards (e.g., residential, commercial, accessory)</td> <td>A short-term rental is allowed as an accessory use to a primary use (such as a single dwelling unit) in the R-2 zone, where the unit is rented for periods less than 30 days in length and the primary residence is occupied by the owner or operator for no less than 270 days per year. A vacation rental is allowed as a conditional use, where the unit is rented for periods less than 30 days in length and there is no primary occupant (i.e., the owner/operator occupies the unit for less than 270 days per year).</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td> <table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">Dimensional Standards</td> <td>The development standards for the R-2 zone are provided in MMC Table 19.302.4. The applicant has not proposed any exterior physical changes to the existing structure.</td> </tr> </table> </td> </tr> </table>	Use Standards (e.g., residential, commercial, accessory)	A short-term rental is allowed as an accessory use to a primary use (such as a single dwelling unit) in the R-2 zone, where the unit is rented for periods less than 30 days in length and the primary residence is occupied by the owner or operator for no less than 270 days per year. A vacation rental is allowed as a conditional use, where the unit is rented for periods less than 30 days in length and there is no primary occupant (i.e., the owner/operator occupies the unit for less than 270 days per year).	<input checked="" type="checkbox"/>	<table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">Dimensional Standards</td> <td>The development standards for the R-2 zone are provided in MMC Table 19.302.4. The applicant has not proposed any exterior physical changes to the existing structure.</td> </tr> </table>	Dimensional Standards	The development standards for the R-2 zone are provided in MMC Table 19.302.4. The applicant has not proposed any exterior physical changes to the existing structure.
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Dimensional Standards	The development standards for the R-2 zone are provided in MMC Table 19.302.4. The applicant has not proposed any exterior physical changes to the existing structure.						
Land Use Review Process							
<input checked="" type="checkbox"/>	<table border="0" style="width: 100%;"> <tr> <td style="width: 25%;">Applications Needed</td> <td>The proposal to establish a vacation rental will require a Conditional Use application, which requires Type III review and a public hearing with the Planning Commission. If the applicant wishes to simply establish the existing structure as a duplex, no land use application is required. The applicant would simply coordinate with the Building</td> </tr> </table>	Applications Needed	The proposal to establish a vacation rental will require a Conditional Use application, which requires Type III review and a public hearing with the Planning Commission. If the applicant wishes to simply establish the existing structure as a duplex, no land use application is required. The applicant would simply coordinate with the Building				
Applications Needed	The proposal to establish a vacation rental will require a Conditional Use application, which requires Type III review and a public hearing with the Planning Commission. If the applicant wishes to simply establish the existing structure as a duplex, no land use application is required. The applicant would simply coordinate with the Building						

		<p>Department to arrange whatever inspections are necessary to verify that the structure meets applicable codes and standards for a duplex.</p> <p>If the applicant wishes to maintain the second kitchen as accessory, to formalize the existing structure as a single-family detached dwelling, a covenant must be recorded with the Clackamas County Recorder that stipulates the additional cooking facility will not be used as part of a separate dwelling unit.</p>
<input checked="" type="checkbox"/>	Review Type	<ul style="list-style-type: none"> • Conditional Use = Type III
<input checked="" type="checkbox"/>	Fees	<ul style="list-style-type: none"> • Type III application = \$2,000
<input checked="" type="checkbox"/>	Application Process	<p>The applicant should submit 5 complete copies of all application materials for the City's initial review. Large-format plans are not necessary; 11x17 size is adequate, with an electronic version of all submittal materials. Additional hard copies may be required for referral and review by other agencies—staff will provide a final number as part of the completeness review. A determination of the application's completeness will be issued within 30 days.</p> <p>Once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Public notice will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. At least 14 days before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. Staff will prepare a report with analysis of the proposal and a recommendation for decision that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission.</p> <p>Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p>
Overlay Zones (MMC 19.400)		
<input checked="" type="checkbox"/>	Willamette Greenway	The subject property is located within the Willamette Greenway overlay zone (MMC Section 19.401), but since the proposed activity does not constitute a change of use or intensification of use as defined in MMC Subsection 19.401.4, the provisions of the Willamette Greenway overlay are not applicable.
<input checked="" type="checkbox"/>	Natural Resources	The subject property includes designated Water Quality Resource (WQR) and Habitat Conservation Area (HCA) near the river, but since the proposed activity does not involve any physical changes to the site or disturbance of WQR or HCA, the provisions of the Natural Resources overlay zone (MMC Section 19.402) are not applicable.
<input type="checkbox"/>	Historic Preservation	
<input type="checkbox"/>	Flex Space Overlay	
Site Improvements/Site Context		
<input checked="" type="checkbox"/>	Landscaping Requirements	<p>Minimum vegetation for the R-2 zone is 15% of lot area. As per MMC Subsection 19.302.5.C, at least half of the minimum vegetation area must be suitable for outdoor recreation by residents and not have extreme topography or dense vegetation that precludes access. As per MMC Subsection 19.302.5.D, at least 40% of the front yard must be vegetated.</p> <p>Although the existing front yard area is only approximately 20% landscaping and is nonconforming with respect to the front yard landscaping standard, the overall site provides well over 15% landscaping and the proposed activity does not involve any physical changes to the site.</p>

<input type="checkbox"/>	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	
<input type="checkbox"/>	Connectivity to surrounding properties	
<input type="checkbox"/>	Circulation	
<input type="checkbox"/>	Building Design Standards (MMC 19.505)	
<input type="checkbox"/>	Downtown Design Standards (MMC 19.508)	
Parking Standards (MMC 19.600)		
<input checked="" type="checkbox"/>	Residential Off-Street Parking Requirements	<p>Single-family dwellings, including detached houses and duplexes, require a minimum of 1 off-street parking space per unit.</p> <p>MMC Section 19.607 establishes parking standards for residential areas, including dimensional and location requirements and restrictions. Required parking spaces cannot be located in the required front yard. Uncovered parking and maneuvering areas cannot cover more than 50% of the front yard area, and no more than 3 spaces can be provided in the required front yard. Driveways must align with the approved driveway approach, with widening allowed as per MMC Subsection 19.607.1.E.</p>
<input type="checkbox"/>	Multi-Family/Commercial Parking Requirements	
Approval Criteria (MMC 19.900)		
<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	
<input checked="" type="checkbox"/>	Conditional Use (MMC 19.905)	<p>Conditional Use review is needed for establishment of a vacation rental in the R-2 zone.</p> <p>The approval criteria for new conditional uses are provided in MMC Subsection 19.905.4.A. MMC Subsection 19.905.5 establishes the types of conditions that may be imposed to assure compatibility and mitigate any adverse impacts. For vacation rentals, Subsection 19.905.9.H provides other considerations that the Planning Commission must factor in to the decision.</p> <p>Note that if the conditional use is approved, the City will prepare a simple Conditional Use Permit (as per MMC Subsection 19.905.6) that must be recorded with the Clackamas County Recorder to bind it to the property and preserve the approval even if there is a change of ownership in the future.</p>
<input type="checkbox"/>	Development Review (MMC 19.906)	
<input type="checkbox"/>	Variance (MMC 19.911)	
Land Division (MMC Title 17)		
<input type="checkbox"/>	Design Standards	
<input type="checkbox"/>	Preliminary Plat Requirements	

<input type="checkbox"/>	Final Plat Requirements (See Engineering Section of this Report)	
Sign Code Compliance (MMC Title 14)		
<input type="checkbox"/>	Sign Requirements	
Noise (MMC Title 16)		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
Neighborhood District Associations		
<input checked="" type="checkbox"/>	Historic Milwaukie	Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Historic Milwaukie NDA.
	Choose an item.	
	Choose an item.	Historic Milwaukie NDA Chair Ray Bryan historicmilwaukienda@gmail.com Regular meeting—second Mondays, 6:30pm, Libbie's Restaurant @ 11056 SE Main St
Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
ENGINEERING & PUBLIC WORKS COMMENTS		
Public Facility Improvements (MMC 19.700)		
<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	Chapter 19.700 of the Milwaukie Municipal Code, herein referred to the "Code", applies to partitions, subdivisions, new construction and modification and or expansions of existing structures or uses that produce a projected increase in vehicle trips. This Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner. This property does not front on public right-of-way, so no frontage improvements are required.
<input checked="" type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	No transportation impact study is required.
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)	
<input type="checkbox"/>	Agency Notification	

	(MMC 19.707)	
<input type="checkbox"/>	Transportation Requirements (MMC 19.708)	
<input type="checkbox"/>	Utility Requirements (MMC 19.709)	
Flood Hazard Area (MMC 18)		
<input type="checkbox"/>	Development Permit (MMC 18.04.100)	
<input type="checkbox"/>	General Standards (MMC 18.04.150)	
<input type="checkbox"/>	Specific Standards (MMC 18.04.160)	
<input type="checkbox"/>	Floodways (MMC 18.04.170)	
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	
<input type="checkbox"/>	Erosion Control (MMC 16.28)	
<input type="checkbox"/>	Tree Cutting (MMC 16.32)	
Public Services (MMC 13)		
<input checked="" type="checkbox"/>	Water System (MMC 13.04)	Applicant did not indicate the want to install a separate water meter for the basement duplex unit. If a new meter is wanted, then there would be additional system development charges (SDC's) in the amount of \$1,984 for a 1/2" meter would be required, as well as an install fee of \$897.
<input type="checkbox"/>	Sewer System (MMC 13.12)	
<input type="checkbox"/>	Stormwater Management (MMC 13.14)	
<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	The addition of a new dwelling unit triggers the payment of system development charges (SDC's). Below are the required SDC's based on the current Fee Schedule. Transportation: 640.00 Milwaukie Sewer: 359.00 County Sewer: 4,710.00
<input type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	
Public Places (MMC 12)		
<input type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	

<input type="checkbox"/>	Access Requirements (MMC 12.16.040)	
<input type="checkbox"/>	Clear Vision (MMC 12.24)	
Additional Engineering & Public Works Notes		
BUILDING COMMENTS		
<p>All drawings must be submitted electronically through www.buildingpermits.oregon.gov</p> <p>New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx.</p> <p>All building permit applications are electronic and can be applied for online with a valid CC8 license number or engineer/architect license at www.buildingpermits.oregon.gov. Each permit type and subpermit type are separate permits and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.</p> <p>Note: Plumbing and electrical plan reviews (when required) are done off site so two (2) paper copies will be required for those reviews only. Paper copies should be delivered to our office for processing.</p> <p>Site utilities require a separate plumbing permit. This permit will require plumbing plan review so two (2) paper copies will be required for this review. Paper copies should be delivered to the Building Division office for processing. The grading plan submitted to the Engineering Department does not cover this review.</p> <p>If you have any building related questions, please email us at building@milwaukieoregon.gov.</p>		
Additional Building Notes		
N/A		
OTHER FEES		
<input type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *12% (.12)
<input type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
<input type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)
FIRE DISTRICT COMMENTS		
Matt Amos, Fire Inspector for Clackamas Fire District 1 has indicated that the district has no comments for this proposal.		

COORDINATION WITH OTHER AGENCIES

Applicant must communicate directly with outside agencies. These may include the following:

- Metro
- Trimet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS

State or County Approvals Needed

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | Boiler Approval (State) | |
| <input type="checkbox"/> | Elevator Approval (State) | |
| <input type="checkbox"/> | Health Department Approval (County) | |

Arts Tax

- | | | |
|--------------------------|----------------------------|--|
| <input type="checkbox"/> | Neighborhood Office Permit | |
|--------------------------|----------------------------|--|

Other Right-of-Way Permits

- | | | |
|--------------------------|--|--|
| <input type="checkbox"/> | Major: | |
| <input type="checkbox"/> | Minor: | |
| <input type="checkbox"/> | Painted Intersection Program Permits: | |
| <input type="checkbox"/> | artMOB Application | |
| <input type="checkbox"/> | Traffic Control Plan (Engineering) | |
| <input type="checkbox"/> | Parklet: | |
| <input type="checkbox"/> | Parklet Application/ Planning Approval | |
| <input type="checkbox"/> | Engineering Approval | |
| <input type="checkbox"/> | Building Approval | |
| <input type="checkbox"/> | Sidewalk Café: | |

<input type="checkbox"/>	Tree Removal Permit:	
Infrastructure/Utilities		
<p>Applicant must communicate directly with utility providers. These may include the following:</p> <ul style="list-style-type: none"> • PGE • NW Natural • Clackamas River Water (CRW) • Telecomm (Comcast, Century Link) • Water Environmental Services (WES) • Garbage Collection (Waste Management, Hoodview Disposal and Recycling) 		
Economic Development/Incentives		
<input type="checkbox"/>	Enterprise Zone:	
<input type="checkbox"/>	Vertical Housing Tax Credit:	
<input type="checkbox"/>	New Market Tax Credits:	
<input type="checkbox"/>	Housing Resources:	
PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE		

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 a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. 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

BUILDING DEPARTMENT

Samantha Vandagriff	Building Official	503-786-7611
Harmony Drake	Permit Specialist	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

ENGINEERING DEPARTMENT

Steve Adams	City Engineer	503-786-7605
Dalton Vodden	Associate Engineer	503-786-7617
Alex Roller	Engineering Tech II	503-786-7695

PLANNING DEPARTMENT

Dennis Egnor	Planning Director	503-786-7654
David Levitan	Senior Planner	503-786-7627
Brett Kelver	Associate Planner	503-786-7657
Vera Kollas	Associate Planner	503-786-7653
Mary Heberling	Assistant Planner	503-786-7658

COMMUNITY DEVELOPMENT DEPARTMENT

Leila Aman	Community Development Director	503-786-7616
Alison Wicks	Development Programs Manager	503-786-7661
Alicia Martin	Administrative Specialist II	503-786-7600
Tempest Blanchard	Administrative Specialist II	503-786-7600
Dan Harris	Administrative Specialist II	503-786-7600

CLACKAMAS FIRE DISTRICT

Mike Boumann	Lieutenant Deputy Fire Marshal	503-742-2673
Izak Hamilton	Fire Inspector	503-742-2660

check-in on 10707 SE Riverway Ln vacation rental Inbox x



Brett Kelver

to me, Jeff ▾

Tue, Jan 21, 2:00 PM



Jeff,

Hope your new year is off to a good start! Just touching base to see where you're at with respect to pulling together an application submittal for Conditional Use to establish the vacation rental. Let me know when you get a chance. Thank you!

BRETT KELVER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206



Jeff Sturgis

to Brett, me ▾

Jan 21, 2020, 5:40 PM



Have been traveling a fair bit but just printed everything you sent and plan on sending in our documents within next week. Will reach out if I have questions. Thanks.

Sent from my iPhone

On Jan 21, 2020, at 2:00 PM, Brett Kelver <KelverB@milwaukieoregon.gov> wrote:



Brett Kelver

to Jeff, me ▾

Jan 21, 2020, 6:35 PM



Ok, sounds good. Will keep an eye out. Thanks!

BRETT KELVER

Associate Planner



Brett Kelver

to Jeff, me ▾

Wed, Feb 12, 6:25 PM (11 days ago)



Jeff,

Just checking back to see if you have an updated timeline for application submittal on the vacation rental. Let me know if you have any additional questions.

BRETT KELVER

Associate Planner

From: Jeff Sturgis <jrsturgis61@gmail.com>

Sent: Tuesday, January 21, 2020 2:40 PM

To: Brett Kelver <KelverB@milwaukieoregon.gov>

Cc: JR Sturgis <1031.property.management@gmail.com>

Subject: Re: check-in on 10707 SE Riverway Ln vacation rental

Have been traveling a fair bit but just printed everything you sent and plan on sending in our documents within next week. Will reach out if I have questions. Thanks.



JR Sturgis <1031.property.management@gmail.com>

to Brett, Jeff ▾

Wed, Feb 12, 6:58 PM (11 days ago)



Planning on being in Portland in two weeks and can drop off the forms and proposal. Started working on it but life has been busy.

Sent from my iPhone

Brett Kelter

Feb 12, 2020 7:41 PM (11 days ago)

to me

Understood. Bringing something in when you're in town sounds like a good plan. Give me a heads up when you are in town and have some idea of when you'll stop by, and I'll coordinate with you as much as possible to get things going.

Keep our counter hours in mind—Monday, Tuesday, and Wednesday from 9am to 12noon and 1pm to 3pm; and Thursday and Friday, 8:30am to 12:30pm (no other afternoon hours on Thurs/Fri).

See you in a couple weeks!

BRETT KELVER

Asst. Code Planner

...

Conditional Use Request Documents Inbox X

🔍 📄 🗑️

JR Sturgis <1931_propertymanagement@gmail.com>

Feb 12 PM (2 hours ago)

to Brett

Brett, attached are draft documents in support of our conditional use request for 10707 SE Riverway. Can you review and let me know what changes need to be made before we finalize printed copies and begin to schedule review meetings. Thanks,

4 Attachments

📎 🗑️



Brett Kelter

Feb 12 PM (1 hour ago)

to me

Thanks, Jeff. I'll take a quick look and get back to you ASAP.

BRETT KELVER

...

Brett Kelter

Feb 12 PM (35 minutes ago)

to me

Jeff,

Thanks for sending the draft materials in advance of your submittal. Generally, it looks like you have the components all pulled together, though I have a couple of suggested adjustments and tweaks that may smooth the completeness review process.

On the land use application page itself, on the line for Map & Tax Lot(s), where you have 4000 (the tax lot number), you could plug in the map number as well (1S1E35AA). This is a small item, and if it's not easy to fill that Map number in at this point, we can note it on the submittal form when it comes in.

The place to focus on revisions is in the narrative:

- To be clear, you don't need Conditional Use approval per se to establish the structure as a duplex, as it's an outright permitted use in the R-2 zone. You do need to formally/officially make it a duplex, but that will need to be done through the Building Department—they'll likely require a structural permit(s) and need to verify that

A37

the structure is up to code (including for plumbing and electrical standards, as well as for egress), and there will be some one-time System Development Charges (SDCs) to pay. But the Conditional Use approval is needed to establish a vacation rental in one of the units. This may seem like a technicality, but I think it's important to be clear that the land use approval is only needed for the vacation rental, and that's what the Planning Commission will be focusing on—not whether the structure can function as a duplex. I would suggest revising the narrative slightly to reflect this fact.

- The narrative should also address all of the relevant code sections, which include the following:
 - Section 19.302, for the underlying R-2 zone, to note that the vacation rental is allowed as a Conditional Use
 - Section 19.401, for the Willamette Greenway overlay zone, to confirm that no external changes are being proposed and that Willamette Greenway review is not needed
 - Chapter 19.600, for off-street parking, to address the requirements for the vacation rental as a lodging place, like a bed and breakfast
 - Chapter 19.700, for public facility improvements, to address the applicability section (19.702) and whether the vacation rental is understood to generate more trips (Alex in Engineering could address that question) and whether 19.700 applies to the proposal
 - Most importantly, Section 19.905, to address each of the approval criteria for Conditional Uses (in 19.905.4.A). You do need to touch clearly on each of the 7 approval criteria and explain how the proposal meets each one. And you need to specifically address the specific standards for vacation rentals as conditional uses, found in 19.905.9.H.

At this point I would say that, while we can take in the application and start our completeness review, you should know that we'll probably eventually deem the application incomplete unless we received a revised narrative that addresses each of the approval criteria in 19.905 as well as some address of the other code sections noted above. Since we have 30 days to do the completeness review, and since it might be more convenient for you to at least submit the materials in person while you're in town (and pay the application fee and provide the required 5 hard copies for initial review), I think we'd be amenable to letting you turn in what you have now to get the review process going and then provide additional or revised narrative while we start in on the completeness review.

Does that all make sense? The supporting materials (photos, floorplans, pre-app notes and correspondence) all make a good part of the submittal—it's the narrative that needs more thoroughness and detail in addressing specific code sections.

I should be in the office most of the week this week if you'd like to arrange to call or stop by if it's more helpful to talk directly about this.

I hope this helps. Thanks for sending the materials for preliminary review—I think it's helpful for both parties!

BRETT KELVER

Associate Planner

Land use application

- On the land use application page itself, on the line for Map & Tax Lot(s), where you have 4000 (the tax lot number), you could plug in the map number as well (1S1E35AA).

Narrative

Change conditional use application to reference vacation rental not duplex.

- But the Conditional Use approval is needed to establish a vacation rental in one of the units. This may seem like a technicality, but I think it's important to be clear that the land use approval is only needed for the vacation rental, and that's what the Planning Commission will be focusing on—not whether the structure can function as a duplex. I would suggest revising the narrative slightly to reflect this fact.
- The narrative should also address all of the relevant code sections, which include the following:
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RE: Referral comments for CU-2020-001 (vacation rental at 10707 SE Riverway Ln)

Amos, Matt <Matt.Amos@clackamasfire.com>

Tue 4/7/2020 10:34 AM

To: Brett Kelter <KelterB@milwaukieoregon.gov>**This Message originated outside your organization.**

Good morning Brett,

Clackamas Fire has no comments for this proposal. The scope of the project does not involve modifications to access or firefighting water supply.

Thank you,

Matt Amos

Fire Inspector | Fire Prevention

direct: 503.742.2661

main: 503.742.2600

*To Safely Protect & Preserve
Life & Property***CLACKAMAS FIRE DISTRICT #1**www.clackamasfire.com

From: Brett Kelter <KelterB@milwaukieoregon.gov>**Sent:** Friday, April 3, 2020 6:05 PM**To:** Amos, Matt <Matt.Amos@clackamasfire.com>; Ray Bryan <ray1bryan2@gmail.com>;
stevendorman3@msn.com; k1ein23@comcast.net; Mike Park <mlpark2001@gmail.com>;
jeanbaker.milw@gmail.com**Subject:** Referral comments for CU-2020-001 (vacation rental at 10707 SE Riverway Ln)

Hello,

I hope this finds you all safe and well. This note is to Matt at the Fire District and the members of the Historic Milwaukie NDA Land Use Committee, asking you to send me any comments you might have on the proposed conditional use to establish a vacation rental in one of the duplex units at 10707 SE Riverway Ln.

The webpage for this application, where you can find the application materials, is here: <https://www.milwaukieoregon.gov/planning/cu-2020-001>.

The public hearing with the Planning Commission was originally scheduled for April 28 but has been shifted to May 12 due to cancellations in March resulting from the COVID-19 response. (We will update the website in the coming week.)

Referral comments were originally due on March 26, but we have another week or so since the hearing has been pushed back. If you could get any comments back to me by Monday, April 13, I would

appreciate it. We expect the next several Planning Commission hearings to be held online and not in person.

Please let me know if you have any questions about the application.

Take care out there, and please stay safe!

Brett Kelter

Associate Planner

he/him/his

City of Milwaukie

Tel. (503) 786-7657

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