



AGENDA
MILWAUKIE PLANNING COMMISSION
Tuesday, June 13, 2017, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

2.1 April 11, 2017

3.0 Information Items

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

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

5.1 Summary: ADU Variance

Applicant: Sarah Roller

Address: 11630 SE 27th Ave

File: VR-2017-004, ADU-2017-001

Staff: Keith Liden

5.2 Summary: 29th Ave Triplex

Applicant: Casey Colton, Stone Creek Building

Address: Tax Lot 11E36BA01101 on 29th Ave

File: DEV-2017-006, VR-2017-002

Staff: Mary Heberling

5.3 Summary: Eagle & 21st Development

Applicant: Bradley Smith

Address: 2024/2026 SE Eagle St, 11923 SE 21st Ave

File: WG-2017-002, VR-2017-005

Staff: Brett Kolver

5.4 Summary: Railroad Ave Subdivision

Applicant/Owner: Simon Lofts, Sustainable Infill Development/Francar LLC

Address: 4217/4219 SE Railroad Ave

File: S-2017-002, VR-2017-001, VR-2017-006, ZA-2017-002, CPA-2017-001

Staff: Vera Kolas

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

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

9.0 Forecast for Future Meetings:

June 27, 2017

1. Public Hearing: PD-2017-001 13333 SE Rusk Rd *continued from 5/25/17*
2. Worksession: NMIA Framework Plan and Implementation Strategy

July 11, 2017

1. Public Hearing: S-2017-002 4217/4219 SE Railroad Ave *continue tentative*
2. Worksession: Vision/Comprehensive Plan Update

Milwaukie Planning Commission Statement

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

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

Public Hearing Procedure

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

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

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

Milwaukie Planning Commission:

Greg Hemer, Chair
Adam Argo, Vice Chair
Shannah Anderson
John Burns
Sherry Grau
Scott Jones
Kim Travis

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kever, Associate Planner
Vera Kolas, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II
Avery Pickard, Administrative Specialist II

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, APRIL 11, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Shannah Anderson
John Burns
Sherry Grau
Scott Jones
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
Brett Kelper, Associate Planner
Tim Ramis, City Attorney

COMMISSIONERS ABSENT

Adam Argo

1.0 Call to Order – Procedural Matters*

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

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes

2.1 February 14, 2017

It was moved by Commissioner Burns and seconded by Commissioner Travis to approve the February 14, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Chair Hemer welcomed new Planning Commissioner to-be Scott Jones, who introduced himself, and noted his service on the Design and Landmarks Committee and his professional architectural background.

Denny Egner, Planning Director, noted Mr. Jones would be officially appointed at next Tuesday's City Council meeting. He reminded the Commissioners to complete their ethics filings paperwork

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings – None

6.0 Work session Items

6.1 Summary: Land Use Approval Criteria
Staff: Denny Egner

Mr. Egner presented the staff report via PowerPoint, with additional comments from the city attorney. He reviewed the types of land use decisions, from Type I Administrative to Type V Legislative, as well as the related approval criteria for each type.

Mayor Mark Gamba, 1651 SE Lava Drive, noted the Commission's objective was to reflect and adjudicate the community's values and commitment to socially- and environmentally-responsible uses of its resources as reflected in the Comprehensive Plan, even if the Plan was 20 years out of date. He said:

- The City was reliant on the Commission to be aware of the direction the City was headed when considering land use decisions, partly because the Code and Comprehensive Plan were outdated. The Variance and Conditional Use criteria allowed for a project or development to proceed if it satisfied the community's interests and goals.
- The Commission had the prerogative and the power to deny an application for a variance if the Commissioners were not comfortable with the project.
- He encouraged the Commissioners to conduct site visits for quasi-judicial applications to see the context of the applicant's request and mitigation possibilities. Understanding the entirety of a project could enable the Commission to recommend solutions not presented by staff or the applicant.

Chair Hemer stated that the Council needed to proactively address enacting legislation desired by the community and not put the Planning Commission in the position of trying to make rules that did not exist, such as saving trees when there was no tree ordinance. As a judicial branch, the Commission needed guidance from Council about alternative choices when trying to apply conflicting community values.

Mayor Gamba agreed, and added that was why Council was pushing to do a new Comprehensive Plan and associated Municipal Code amendments. He described the difficulties of writing new code, such as the tree ordinance, and added that code amendment projects should be initiated as a result of community outreach. The Commission should keep in mind the long-term impacts of development approvals on the community.

Staff addressed several questions about sections of the Land Use Criteria. Discussion topics included amendments to the Comprehensive Plan and Municipal Code; the federal Religious Land Use and Institutionalized Persons Act (RLUIPA); Community Service and Conditional Uses; and Variances.

Key additional discussion items included:

- Staff would explore options regarding site visits for land use applications and how to coordinate with the applicant. Considerations included preventing a quorum to occur during a site visit as well as applicant liability concerns. Posting a public notice on the site did not constitute permission for the public to access the site.
- The Commission discussed the option of proposing conditions prior to the hearing which would give staff and the applicant time to consider other solutions, as opposed to negotiating during a hearing.
 - Staff reminded that the conditions generally had to be related to the recommended findings and the criteria. Proposing a solution in advance of the hearing could be considered pre-judgment.
 - Suggestions and questions should be sent only to staff and not to the entire Commission. During the hearing process, answers to Commissioner questions should

occur before the record was closed, so that all the evidence was in the record before deliberations began.

- Changes to an established Community Service Uses were considered modifications to an existing Community Service Use. The Commission could impose conditions on the operation or deny the application by making findings that the site was not appropriate for the new use. Each case was fact-specific to that case, including the specifics of how the use articulated its mission.
- Conditional Uses were not permitted outright because the City did not necessarily want or need particular uses throughout the community.
 - The Conditional Use review process allowed the City to limit uses, such as mini-storages, and to allow for public input.
 - No threshold existed in the criteria about limiting a Conditional Use, but the Commission could consider factors such as suitability and whether the community had a greater vision for the subject property.
 - Conditional Uses and their locations were designated years ago and should be revisited in the Code update.
 - Staff noted that some Comprehensive Plan policies were criteria and some were aspirational or explanatory statements. In a LUBA challenge, the City would have to show that the text of the standard applied to a Conditional Use application was written as if it were criteria. Staff could help in clearly identifying policies as criteria or aspirational statements.

Mayor Gamba noted:

- The King Road subdivision application was revised by Council which found a reasonable connection between the accessway variance and the issue of clear-cutting the trees, which led to a discretionary decision related to impacts to surrounding properties.
- As part of the Variance Request process, the variance alternatives analysis was required to have the applicant demonstrate that they had looked at the impacts and benefits.
- The Natural Resources Review criteria required applicants to also demonstrate that their alternative was the least damaging.
- It was suggested for staff to review the criteria applicable to a future application as part of training the new Commissioners. **Staff** replied the Natural Resources Review criteria would be reviewed in two weeks in anticipation of an upcoming hearing.
- The Willamette Greenway Overlay criteria requiring protection of views was unclear with respect to which views should be protected. The code needed to be clarified to update the language and specify that it protects public views from public properties.
 - Staff would verify if the Design and Landmarks had any jurisdiction regarding Willamette Greenway development per their bylaws.

7.0 Planning Department Other Business/Updates

7.1 Second Tuesday Planning Commission meeting start time.

Mr. Egner explained the second Tuesday Planning Commission meeting start-time overlapped with the City Council Tuesday study session, which meant the Commission meeting could not be televised until 7 pm.

Chair Hemer supported a 6:30 pm Commission meeting start time when the Planning Commission had public hearings.

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

Commissioner Anderson announced the next Vision Advisory Committee meeting would be May 5th at 6:30 pm at City Hall.

Mr. Egner said he would add the Natural Resources Review criteria to the April 25th agenda.

Chair Hemer stated he would recuse himself from the third public hearing on May 9th due to a conflict of interest and he intended to testify at the hearing. He announced the details regarding the Arbor Day Celebration on April 22nd and noted the plant sales being held by the Friends of the Library, Annie Ross House, and Milwaukie Garden Club on May 13th.

9.0 Forecast for Future Meetings:

- | | |
|----------------|---|
| April 25, 2017 | 1. Worksession: NMIA Review of Framework Plan and Implementation and Strategy |
| May 09, 2017 | 1. Public Hearing: CSU-2017-002 Harrison St Dance Studio
2. Public Hearing: WG-2017-001 Riverway Ln Addition
3. Public Hearing: HR-2017-001 Railroad Ave Demolition |

Meeting adjourned at approximately 8:36 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair



To: Planning Commission

Through: Dennis Egner, Planning Director

From: Keith Liden, Temporary Planner

Date: June 6, 2017, for June 13, 2017, Public Hearing

Subject: **File:** VR-2017-004 and ADU-2017-001
Applicant: Sarah Roller
Owner(s): Randall Scott Griffith
Address: 11630 SE 27th Avenue
Legal Description (Map & Tax Lot): 1S1E36CA01800
NDA: Lake Road and Historic Milwaukie (west side of SE 27th Ave.)

ACTION REQUESTED

Approve applications VR-2017-004 and ADU-2017-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the conversion of an existing accessory building into an accessory dwelling unit with a building footprint of 880 sq ft where a maximum of 800 sq ft is permitted.

BACKGROUND INFORMATION

The property is located on the east side of SE 27th Avenue and north of Lake Road (see Figure 1). The applicant proposes conversion of an existing 880 sq ft garage building, which currently serves as an office and guest house, into an accessory dwelling unit (ADU). A variance is requested because the resulting ADU would be 880 sq ft where the maximum building footprint allowed for an ADU is 800 sq ft.

Figure 1. Property and Existing Development**A. Site and Vicinity**

The site is located at 11630 SE 27th Avenue. The 0.65-acre site contains a single-family residence, which is designated as a contributing historic resource in the Milwaukie Comprehensive Plan. This designation is recognized on the city's zoning map. The driveway and the one-story accessory building proposed for conversion into an accessory dwelling unit are on the north side of the residence. The driveway includes adequate space to park over four vehicles. SE 27th Avenue is paved with curbs and sidewalks on both sides.

The surrounding area consists of single family homes to the north, south, and west. A parking lot and two baseball fields are immediately to the east. The neighborhood is characterized by a mix of uses including schools, medium density residential, and religious institutions.

B. Zoning Designation

R-2 Residential Zone

C. Comprehensive Plan Designation

HD – High Density

D. Land Use History

City records indicate the following relevant permit activity:

- Building permit (601-16-001691) for the existing guesthouse as permitted in MMC 19.503.1.A.
- The home office is a permitted home occupation (MMC 19.507) and it has a business registration.

E. Proposal

The applicant is seeking land use approvals for the following:

1. A variance to allow the creation of an accessory dwelling unit with a building footprint of 880 sq ft where a maximum footprint of 800 sq ft is permitted. This request is subject to a Type III review.
2. An accessory dwelling by converting an existing office/guest house. The dimensions and building footprint of the existing building are proposed to be maintained.

The project requires approval of the following applications:

1. Type III Variance
2. Type II Accessory Dwelling Unit

KEY ISSUES

Summary

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

- A. Is the proposed variance reasonable and appropriate?
- B. Does the proposed ADU meet relevant requirements?

Analysis

A. Is the proposed variance reasonable and appropriate?

As noted in the application summary, the applicant proposes to convert an existing detached accessory building, which is currently used as a guest house and office into a detached ADU. The existing building has an 880-square foot footprint and the MMC allows a maximum of 800 sq ft. The applicant and the circumstances of this case have demonstrated that the effort and cost of reducing the size of the existing building would not have a corresponding benefit for the neighborhood. Therefore, granting a variance to exceed the maximum building footprint by 10% is reasonable and appropriate.

B. Does the proposed ADU meet relevant requirements?

Other than the building footprint standard, the proposed exceeds all other applicable standards pertaining to building height and setback, lot coverage, minimum vegetation, and the specific criteria for ADUs in MMC 19.910.1.

CONCLUSIONS

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

1. Approve the variance. This will result in an accessory dwelling unit that exceeds the maximum building footprint standard by 80 sq ft.
2. Approve the accessory dwelling unit. This results in the continued use of the existing accessory building by maintaining its current dimensions.
3. Adopt the attached Findings and Conditions of Approval.

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

- No expansion of the building footprint beyond 880 sq ft.
- Repairing or replacing the existing public sidewalk and driveway apron to meet current city and ADA requirements.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.302 Medium and High Density Residential Zones
- MMC 19.403 Historic Preservation Overlay Zone
- MMC 19.600 Off-Street Parking and Loading
- MMC 19.700 Public Facility Improvements
- MMC 19.910.1 Residential Dwellings
- MMC 19.911 Variances
- MMC 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 these applications, which includes any appeals to the City Council, must be made by August 28, 2017, in accordance with the Oregon Revised Statutes and the

Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Community Development Director, Engineering Department, Building Official, Lake Road and Historic Milwaukie Neighborhood District Associations (NDA), and the Clackamas Fire District #1. The following is a summary of the comments received by the City. See Attachment 5 for further details.

- **Richard Nasiombe, Associate Engineer, Milwaukie Engineering Department:** because the site and SE 27th Avenue are fully improved, the only notable conditions pertain to bringing the public sidewalk and driveway apron on the street frontage up to current city and ADA standards.
Staff Response: The Engineering Department requirements are reflected in the proposed conditions of approval in Attachment 2.
- **Lake Road NDA:** Paul Hawkins indicated via email that the proposal appeared to be appropriate, and he supports the application.
Staff Response: The Lake Road NDA response is consistent with the staff findings in support of the application.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. 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 dated April 11, 2017.				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan/Aerial Photo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Floor plan	<input checked="" type="checkbox"/>	<input 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 PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

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

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

E-Packet = packet materials available online at www.milwaukieoregon.gov/planning/planning-commission-171.

**Recommended Findings in Support of Approval
File #VR-2017-004 and ADU-2017-001, Sarah Roller**

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

1. The applicant, Sarah Roller, has applied for approval to establish an Accessory Dwelling Unit (ADU) at 11630 SE 27th Avenue. This site is in the R-2 Zone. The land use application file number is VR-2017-004 and ADU-2017-001.
2. The applicant proposes conversion of an existing accessory building into an accessory dwelling unit with a building foot print of 880 square feet where a maximum of 800 square feet is permitted.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.302 Medium and High Density Residential Zones
 - MMC 19.403 Historic Preservation Overlay Zone
 - MMC 19.600 Off-Street Parking and Loading
 - MMC 19.700 Public Facility Improvements
 - MMC 19.910.1 Residential Dwellings
 - MMC 19.911 Variances
 - MMC 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on June 13, 2017, as required by law.
5. MMC 19.302 Medium and High Density Residential Zones
 - a. MMC 19.302.2 establishes uses allowed in the R-2 zone. An accessory dwelling unit is a permitted use subject to a Type II review for compliance with MMC 19.901.1 Accessory Dwelling Units.
 - b. MMC 19.302.4 has several applicable development requirements. The standards are met as shown in Table 1.

Table 1. Overview of Compliance with Development Standards

Residential Zone R-2 Development Standards			
Standard	Required	Existing/Proposed	Staff Comment
1. Minimum Lot Size	7,000 sq. ft. (duplex) 5,000 sq. ft. (other lots)	Existing 26,000 sq. ft. parcel to remain	<i>Complies with standard.</i>
2. Minimum Lot Width	50 ft. (all other lots)	Existing 130 ft. width will remain	<i>Complies with standard.</i>
3. Minimum Lot Depth	80 ft. (all other lots)	Existing 200 ft. depth will remain	<i>Complies with standard.</i>

Residential Zone R-2 Development Standards			
Standard	Required	Existing/Proposed	Staff Comment
4. Minimum Street Frontage (std. lot)	35 ft. (standard lot)	Existing 130 ft. width will remain	<i>Complies with standard.</i>
5. Minimum Yard Requirements for Primary Structures	Front: 15 ft. Side: 5 ft. Rear: 15 ft.	Front: >40 ft. Side: >15 ft. Rear: >80 ft.	<i>Complies with standards.</i>
6. Maximum Building Height for Primary Structures	3 stories or 45 ft. whichever is less	Existing house is 2 stories and less than 45 ft.	<i>Complies with standard.</i>
7. Side Yard Height Plan Limit	25 ft. at 5 ft. from side lot line	Existing building locations and heights to remain the same	<i>Complies with standard.</i>
8. Maximum Lot Coverage	45%	Existing building coverage for house and accessory structure <20%	<i>Complies with standard.</i>
9. Minimum Vegetation	15%	Vegetated area not devoted to buildings or driveway coverage >70%	<i>Complies with standard.</i>
10. Density	11.6-17.4 min./max. units per acre	Other than an ADU, no additional development is proposed.	<i>Legal, pre-existing use.</i>

- c. MMC 19.302.5 B.3. allows for a 5% increase in the allowed lot coverage for Detached Accessory Dwelling Units. As noted in Table 1, the existing lot and buildings substantially exceed this minimum standard.

The Planning Commission finds that the criteria of Chapter 19.300 are met.

6. MMC 19.403 Historic Preservation Overlay Zone

The Historic Preservation Overlay Zone is applied to the subject property on the city's zoning map. However, only the residence is designated as a historic resource – not the detached accessory structure.

The alteration and development requirements in MMC 19.403.5 only apply to the historic and not other development on the property.

This portion of the MMC does not apply to the proposed ADU in the existing accessory building.

The Planning Commission finds that these criteria are not relevant to the ADU application.

7. MMC Chapter 19.600 Off-Street Parking and Loading

- a. MMC 19.605.1 (Table 19.605.1) a property containing an ADU and primary dwelling must have 2 spaces. There is no maximum standard.

The property has sufficient paved space adjacent to the driveway for a minimum of 4 vehicles. This criterion is met.

The Planning Commission finds that the criteria of MMC Chapter 19.600 are met.

8. MMC 19.700 Public Facility Improvements

- a. MMC 19.702 establishes standards for applicability.

The proposed ADU is a new dwelling unit, and therefore, the provisions of MMC 19.700 apply.

- b. MMC 19.703.1 requires a preapplication conference. However, if the Engineering Director determines the application is not complex, this requirement may be waived.

The preapplication conference was waived.

- c. MMC 19.703.2 requires a Transportation Impact Evaluation. However, because of the minor nature of this proposal, Engineering Director determined in accordance with MMC 19.704.1 that such an evaluation is not warranted.

The Transportation Impact Evaluation requirement was waived.

- d. MMC 19.703.3 provides the approval criteria pertaining to necessary transportation and infrastructure to support new development.

The Engineering director has determined that the proposed ADU is sufficiently served to satisfy the requirements in this MMC section, with the exception of current sidewalk and ADA standards. These will be satisfied through compliance with recommended Conditions of Approval 2.c. and 2.d.

- e. MMC 19.705 requires provision of transportation facility improvements, which are “roughly proportional” to the potential impacts of the development, and that the Engineering Director shall conduct this analysis.

The Engineering Director has determined that the only improvements necessary relate to bringing the existing public sidewalk and driveway apron along the property frontage into to compliance with current city standards.

The requirements of this MMC section will be met as required by recommended Conditions of Approval 2.c. and 2.d.

- f. MMC 19.705 requires provision of transportation facility improvements, which are “roughly proportional” to the potential impacts of the development, and that the Engineering Director shall conduct this analysis.

The Engineering Director has determined that the only improvements necessary relate to bringing the existing public sidewalk and driveway apron along the property frontage into to compliance with current city standards. The requirements of this MMC section will be met as required by recommended Conditions of Approval 2.c. and 2.d.

- g. MMC 19.708.1 requires compliance with general street design standards. Of the standards in this section, the relevant subsections are addressed below:

- (1) MMC 19.708.1.A. Access Management requires compliance with MMC 12.16.040 by reference. This MMC section has requirements for accessway design, location, and number.
- (2) MMC 19.708.1.B. Clear Vision requires compliance with MMC 12.24 by reference.

The Engineering Directors finds that with the exception of needing ADA design for the driveway apron (addressed by Conditions of Approval 2.d and 2.e), the existing accessway satisfies MMC standards for location, spacing, and vision clearance as required by MMC 19.708.1, 12.16, and 12.24.

- h. MMC 19.708.2 establishes street design and improvement standards.

The Engineering Director has determined that the applicable standards are met with the exception of the sidewalk, which will be addressed by Conditions of Approval 2.c. and 2.d.

The requirements of this MMC section will be met as required by recommended Conditions of Approval 2.c. and 2.d.

- i. MMC 19.708.3 requires sidewalks along public street frontages. Subsection MMC 19.708.3.A.2 requires sidewalks to comply with Americans with Disabilities Act (ADA) requirements.

The Engineering Director has determined that the existing sidewalk and driveway apron will need to be replaced in order to meet city and ADA requirements. The requirements of this MMC section will be met as required by recommended Condition of Approval C.

- j. MMC 19.708.4 establishes bicycle facility standards.

The Engineering Director has determined that bicycle facilities are not required on this portion of SE 27th Avenue.

- k. MMC 19.708.5 establishes standards for pedestrian and bicycle paths.

The property is not within a designated path corridor, and therefore, this MMC section does not apply.

- l. MMC 19.708.6 establishes standards for transit facilities.

SE 27th Avenue is not classified as a transit route, and therefore, this MMC section does not apply.

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

- 9. MMC 19.910.1 Residential Dwellings

- a. MMC 19.910.1 establishes the review process and standards for ADU applications.

The applicant proposes convert an existing detached accessory building with a building footprint of 880 square feet into a detached ADU.

The Planning Commission finds that the request is subject to a Type II review, which is applicable to detached ADU applications. This is being reviewed in conjunction with the Type III review of the variance application to exceed the maximum ADU building footprint of 800 square feet.

- b. MMC 19.910.1 D. 2. establishes criteria for approving a detached ADU request through a Type II review.
- (1) The standards in Subsection 19.910.1.D.1. are met
These criteria are addressed in report Section 7. c. below.
- (2) The ADU is compatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.
This criterion is met because the building proposed to house the ADU has been on the property for years. The exterior siding, architectural style, and color are consistent with the house on the property. Due to the substantial setbacks from surrounding homes and its ability to satisfy all MMC standards (except for the 800 sq. ft. maximum footprint), the proposed ADU will be compatible with surrounding residences and development.
- (3) The massing of the ADU and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.
This criterion is met because the proposed ADU is a 1-story building, and the closest adjoining residence to the north is over 40 feet away.
- (4) There will be an appropriate level of screening for nearby yards and dwellings
This criterion is met because there is a significant distance between the proposed ADU and the closest residential property to the north. In addition, there is significant mature vegetation on the subject property and adjoining property to provide visual screening.
- c. MMC 19.910.1 D. 1. includes supplemental criteria to MMC 19.910.1.D.2 for approving a detached ADU request through a Type II review.
- (1) An ADU is an allowed use in the base zone and any applicable overlay zones or special areas.
This criterion is met because an ADU is permitted in the R-2 Zone, and there are no overlay zones that prohibit ADUs.
- (2) The primary use of property for the proposed ADU is a single-family detached dwelling
This criterion is met because the property has one single-family residence as the primary use.
- (3) One ADU per lot is allowed.
This criterion is met because the proposed ADU would be the only one on the subject property.
- (4) The standards in Subsection 19.910.1.E are met
These criteria are addressed in report Section 9.d. below.
- (5) The proposal complies with all other applicable standards of this title.
This criterion is satisfied because it meets or exceeds all applicable standards as demonstrated in the findings of this report. The one standard, which is not met, pertaining to maximum building footprint is addressed under the variance provisions in MMC 19.911.

- d. MMC 19.910.1 E. 4. establishes criteria for approving a detached ADU request.

Table 2. Detached ADU Standards Summary

Detached ADU Standards (from MMC Table 19.910.1.E.4.b.)			
Standard	Required	Proposed	Staff Comment
1. Maximum Structure Footprint	800 sq. ft.	880 sq. ft.	<i>Exceeds standard requiring variance approval.</i>
2. Maximum Structure Height	25 ft.	1 story / <25 ft.	<i>Complies with standard.</i>
3. Required Side and Rear Yard	5 ft.	>40 ft.	<i>Complies with standard.</i>
4. Required Front Yard	10 ft. behind front yard or minimum of 40 ft. from front lot line	>40 ft.	<i>Complies with standard.</i>

- e. MMC 19.910.1 E. 4.c. contains 5 design standards of which a detached ADU must comply with 2 of them.

Because this a conversion of an existing structure established prior to December 1, 2012, MMC 19.910.1.E.4.e. is excused from meeting the design standards. The design standards do not apply in this case.

- f. MMC 19.910.1.E.4.d. contains privacy standards.

This ADU is not subject to the privacy standards in MMC 19.910.1.E.4.d.(2) because it is over 20 feet away from side and rear lot lines (MMC 19.910.1.E.4.d.(2)). This criterion is met.

The Planning Commission finds that the relevant criteria are met.

10. MMC Chapter 19.911 Variances

- a. MMC 19.911.3 establishes the appropriate review process for variance applications.

The applicant proposes to increase the maximum allowable building footprint for an ADU of 800 square feet to 880 square feet. This MMC section requires a Type III Variance review for this kind of modification to the standards.

The Planning Commission finds that the request is subject to a Type III Variance review.

- b. MMC 19.911.4 establishes criteria for approving a variance request.

The applicant has chosen to address the discretionary relief criteria of MMC 19.911.4.B.1.

- (1) Discretionary relief criteria

- (a) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The existing detached accessory building to be converted to a detached ADU has an 880-square foot footprint. The applicant has shown that reducing the size of the existing building to meet the 800-square foot standard would be difficult and costly. A variance would enable the creation of a new ADU at a reasonable cost. Because of the low profile of the existing building, which has been on the property for many years, its conversion to an ADU is expected to be compatible with surrounding development. This criterion is met.

- (b) The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

- (i) The proposed variance avoids or minimizes impacts to surrounding properties.

The proposed variance avoids creating adverse impacts for surrounding properties. The proposed ADU easily exceeds the building height, setback, and lot coverage requirements of the R-2 Zone. The change in use of the existing building from a guest house and office to an ADU will have no appreciable change in the character of activity on the property. This criterion is met.

- (ii) The proposed variance has desirable public benefits.

The proposal will create a modest public benefit by providing additional housing opportunity and by meeting the current density requirements of the R-2 Zone. This criterion is met.

- (iii) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The existing built and natural environment will not be affected by this proposal because the building, driveway, and parking will not be changed and all landscaped areas will be unaffected. This criterion is met.

- (c) Impacts from the proposed variance will be mitigated to the extent practicable.

As noted herein, the building and site improvements are already in place. In addition, the use of the building will be minor in terms of activities on the property and traffic. This criterion is met.

The Planning Commission finds that these criteria are met.

11. MMC Chapter 19.1006 Type III

Notice has been provided in accordance with MMC Subsection 19.1006.3 Type III Public Notice. A public hearing was held on June 13, 2017 as required by law.

The Planning Commission finds that the appropriate procedure has been followed for this application.

12. The application was referred to the following departments and agencies on May 2, 2017:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Milwaukie Community Development Director

- Clackamas County Fire District #1
- Lake Road and Historic Milwaukie Neighborhood District Association Chairpersons

The comments received are summarized as follows:

- Paul Hawkins indicated via email that the proposal appeared to be appropriate, and he supports the application.
- The Milwaukie Engineering Department memorandum dated May 25, 2017 (attached). The Engineering Department supports the application subject to conditions.

Recommended Conditions of Approval
File #VR-2017-004 and ADU-2017-001, Sarah Roller

Conditions of Approval

1. The site shall be used in a manner as proposed and approved through this land use action and as submitted in materials date stamped by the City on April 11, 2017. This includes:
 - a. Conversion of the existing detached accessory building into an accessory dwelling unit.
 - b. Not expanding the building footprint of the accessory dwelling unit to be larger than 880 square feet.
2. Prior to occupancy permit approval for the accessory dwelling unit, the following shall be resolved in coordination with the Engineering Department:
 - a. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - b. Pay all required fees for the public improvements.
 - c. Replace all existing sidewalk not in conformance with the American with Disability Act (ADA) in accordance with the City of Milwaukie Public Works Standards.
 - d. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) in conformance with the City of Milwaukie Public Works Standards.
 - e. Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development, unless otherwise approved.
3. The site and use shall be modified from the original proposal only as described in these conditions of approval. All other modifications shall be through a formal modification process per MMC 19.804.
4. Pursuant to Subsection 19.1001.7.E, this land use approval will expire if not utilized within 4 years from the date of approval.
5. Prior to final inspection of any building permit, the following shall be resolved:
 - a. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - b. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 - c. Construct and receive Engineering Department inspection for all required public improvements.
6. The level of use approved by this action shall be permitted only after issuance of a certificate of occupancy.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in

the Milwaukie Municipal Code and Public Works Standards that are required at various point in the development and permitting process.

7. Prior to commencement of any earth-disturbing activities, the applicant shall obtain an erosion control permit.
8. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: V12-2017-004; ADU-2017-001

Review type*: I II III IV V

☐ CHECK ALL APPLICATION TYPES THAT APPLY:		
<input type="checkbox"/> Amendment to Maps and/or Ordinances: <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion	<input type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking <input type="checkbox"/> Planned Development <input type="checkbox"/> Preliminary Circulation Plan	<input checked="" type="checkbox"/> Residential Dwelling: <input checked="" type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input checked="" type="checkbox"/> Variance: <input type="checkbox"/> Building Height Variance <input type="checkbox"/> Use Exception <input type="checkbox"/> Variance <input type="checkbox"/> Willamette Greenway Review <input type="checkbox"/> Other: _____ Use separate application forms for: <ul style="list-style-type: none"> • Annexation and/or Boundary Change • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal

RESPONSIBLE PARTIES: Sarah Roller

APPLICANT (owner or other eligible applicant—see reverse): Sarah Roller

Mailing address: 2679 SE Davies Ct Milw. OR Zip: 97267

Phone(s): 971 563 2409 E-mail: lander_007@hotmail.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: Zip:

Phone(s): E-mail:

SITE INFORMATION:

Address: 11630 SE 27th Ave Map & Tax Lot(s): 11E36CA01800

Comprehensive Plan Designation: Contributing Historic Zoning: R-2 Size of property: .65 acre

PROPOSAL (describe briefly): Convert garage into an ADU. Garage currently serves as an office and guest house.

SIGNATURE: Sarah Roller

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Sarah Roller Date: 7-10-17

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukee Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	RECEIVED APR 11 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$		\$		
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:	

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

*After discount (if any)



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below):
 - a. **Base zone standards** in Chapter 19.300.
 - b. **Overlay zone standards** in Chapter 19.400.
 - c. **Supplementary development regulations** in Chapter 19.500.
 - d. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 - e. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: <http://www.milwaukieoregon.gov/communityservices/neighborhoods-program>.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) Sarah Roller, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

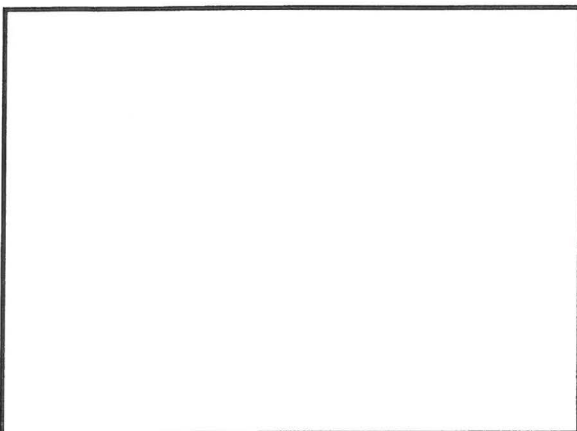
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: Sarah Roller

Date: April 10, 2017

Official Use Only

Date Received (date stamp below):



To whom it may concern,

I hereby authorize Sarah Roller to apply for an ADU, associated variance, and permits to convert the garage at 11630 SE 27th Ave, Milwaukie, OR 97222 into an ADU.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randall Scott Griffith". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Randall Scott Griffith

April 10, 2017

ADU Land Use Application: 11630 SE 27th Ave., Milwaukie, OR 97222 TLID: 11E36CA01800

Description:

Existing property is a single-family house on a .65 acre lot in the R-2 zone. The site also has a detached single story garage that was constructed approximately 60 years ago. The garage is currently an office space and a newly constructed guest house. The proposal is to convert the entire garage into an ADU for a family member to live in. The existing structure is 880 Square feet, which is larger than allowed in 19.910.1.E.4.a (800 sq ft max). Also, the existing building footprint is also 880, which is larger than allowed in 19.910.1.E.4.b (also 800 sq ft). I am applying for a variance (via type 3 review) to both 19.910.1.e.4.a&b. The ADU will have a full kitchen, bath and laundry in a studio style layout. The ADU will not change the street facing appearance of the garage or increase the size of the structure. The only visible alteration will be the addition of windows to the sides and rear of the building.

Detailed Statement:

19.300 - Base Zone Standards: An ADU is outright allowed via a type II review in R-2 zoning, per MMC 19.302.2.

19.400 - Overlay Zone Standards: Is a contributing property to the historic preservation overlay, but the garage doesn't apply, only the main structure.

19.500 - Supplementary Development Regulations: Accessory structure is pre-existing, and is not being externally altered. Not further non-conforming.

19.600 - Off-street Parking and Loading Standards and Requirements: Per 19.605.1, property is required to have two off street parking spaces. Property already has 2 off street parking spots that are paved with asphalt.

19.700 - Public Facility Standards and Requirements: Property frontage is 128 ft and improvements are present. Existing curb tight sidewalk is 5' wide. Driveway approach is not currently ADA compliant. Also, a portion of sidewalk is above the minimum 2% cross slope. All non-compliant sidewalk and driveway approach will be replaced before final approval of ADU.

19.911.4 Approval Criteria

We are meeting the discretionary relief criteria requirements demonstrated below:

- a. The alternative to this variance would be deconstructing the front or back of the building, and reconstructing the wall 4 ft inside of the original location of the wall. This would almost double the cost and add significant time to the project.
- b. The impacts to surrounding properties are as minimal as possible. This is the conversion of an existing building, with very minimal external changes. The only visible change to this property will be the addition of one extra vehicle, the 4 new windows that won't be seen from the street.
- c. There will be no additional impacts of the increased size ADU vs the 800 sq ft maximum. Impacts on the utility and transportation network will be mitigated through system development charges, and the alteration of the non-ADA compliant driveway approach.

27TH AVE

Garage/
ADU

House

28TH AVE

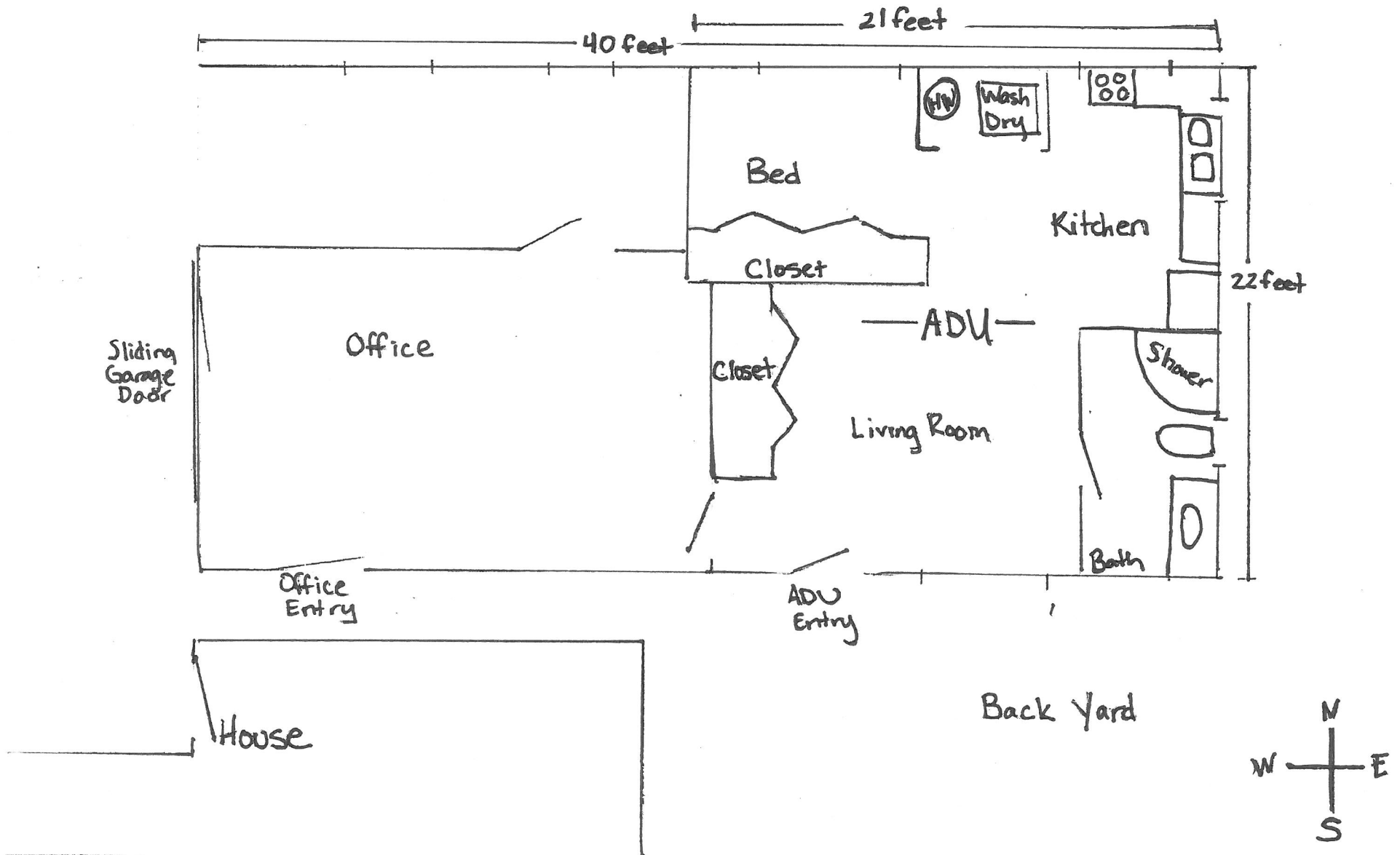
SXIL



11630 SE 27th AVE

Tax ID: 11E36CA01800

ADU Application



MEMORANDUM

TO: Keith Liden, Temporary Planner
THROUGH: Charlies Eaton, Director of Engineering
FROM: Richard Nasiombe, Associate Engineer
RE: Variance & Accessory Dwelling Unit – 11630 SE 27th Ave
DATE: May 25th, 2017

Convert an existing garage into an accessory dwelling unit (ADU).

1. MMC Chapter 12.08 – Street & Sidewalk Excavations, Construction, and Repair

- A. This will apply to all construction that is completed in the right-of-way. The public improvement process will follow MMC 12.08.020.

The proposed development, is consistent with MMC 12.08.020

2. MMC Chapter 12.16 – Access Management

- A. MMC Chapter 12.16.040 establishes standards for access (driveway) requirements.

12.16.040A: requires that all properties be provided street access with the use of an accessway.

The proposed development, is consistent with MMC 12.16.040A.

12.16.040C: Accessway Locations

1: Double Frontage

MMC 12.16.040.C.1 does not apply to the proposed development

2: Limiting driveway access from arterials and collectors.

MMC 12.16.040C.2 does not apply to the proposed development

3: Distance from property line

The proposed development, is consistent with MMC 12.16.040C.3

4: Distance from Intersection

a: Proposed development will facilitate the required 45 ft accessway spacing from intersections.

The proposed development, is consistent with MMC 12.16.040.C.4.a.

The proposed development, is consistent with 12.16.040.C.4.b

MMC 12.16.040.C.4.c & d does not apply to the proposed development

12.16.040D: Number of Accessway Locations

1: Safe access

Applicant has proposed the minimum number of accessway locations.

The proposed development, is consistent with MMC 12.16.040.D.1

2,3 & 4: Does not apply to this development, as only 1 accessway is proposed.

12.16.040E & 12.16.040F: Accessway Design - ADA standards & Width

Proposed driveways will conform to 12.16.040.E & 12.16.040.F through Condition of Approval D.

3. MMC Chapter 19.700 – Public Facility Improvements

MMC Chapter 19.700 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to convert existing garage to an accessory dwelling unit. The modification triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

A. MMC Section 19.702 establishes standards for applicability

19.702.1 General

The proposed development is a new dwelling unit

The proposed development, is consistent with MMC 19.702.1

B. MMC Section 19.703 Approval Criteria

19.703.1 Preapplication Conference

Requirement for conference has been waived

19.703.2 Application Submittal

The engineering director has determined that the development will not require a Transportation Impact Evaluation in Accordance with MMC 19.704.1 therefor a Transportation Facilities Review in accordance with MMC 19.703.2 will not apply.

19.703.3 Approval Criteria

The proposed development, is consistent with the applicable subsections of MMC 19.703.3 as Conditioned through condition of approval C & D.

The application complies with all other requirements of 19.703.3.

C. MMC Section 19.705 requires that transportation impacts of the proposed development be mitigated.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements as conditioned through conditions of approval C & D.

- D. MMC Section 19.708.1 requires all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

19.708.1.A – Access Management

Access requirements shall comply with access management standards contained in Chapter 12.16.

19.708.1.B – Clear Vision

Clear vision requirements shall comply with clear vision requirements contained in Chapter 12.24.

The proposed development is consistent with MMC 19.708.1 as conditioned through conditions of approval E.

- E. MMC Section 19.708.2 establishes standards for street design and improvement.

The existing street design is in conformance with 19.708.2

- F. MMC Section 19.708.3 requires sidewalks to be provided on the public street frontage of all development.

The proposed development has the existing sidewalks along the entire frontage.

19.708.3.A.2 American with Disabilities Act (ADA) requirements for public sidewalks shall apply where there is a conflict with city standards. The proposed development shall comply with MMC 19.708.3.A.2

The proposed development is consistent with MMC 19.708.3 as conditioned through conditions of approval C.

- G. MMC Section 19.708.4 establishes standards for bicycle facilities.

Bicycle facility improvements are not required for the proposed development, therefore MMC 19.708.4 does not apply to the proposed development.

- H. MMC Section 19.708.5 establishes standards for pedestrian and bicycle paths.

The proposed development is not on a designated bicycle path corridor, therefore Section 19.708.5 does not apply to the proposed development.

- I. MMC Section 19.708.6 establishes standards for transit facilities.

SE 27th Avenue fronting the proposed development is not classified as a transit route in the Milwaukie TSP. Therefore, transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

Recommended Conditions of Approval

1. Prior to approval of the final plat, the following shall be resolved:
 - A. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - B. Pay all required fees for the public improvements.
 - C. Replace all existing sidewalk not in conformance with the American with Disability Act (ADA) in accordance with the City of Milwaukie Public Works Standards.
 - D. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) in conformance with the City of Milwaukie Public Works Standards.
 - E. Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development, unless otherwise approved.

From: paul.hawkins@daimler.com
Sent: Thursday, May 11, 2017 6:22 AM
To: keith.liden@gmail.com
Subject: VR-2017-004 & ADU-2017-001

Keith,

After viewing the proposed ADU, this appears to be a viable use of an existing structure with off street parking and generous property setbacks. I would support this conversion.

Thank you,
Paul Hawkins,
Lake Road Neighborhood Association

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.



To: Planning Commission

Through: Dennis Egner, Planning Director

From: Mary Heberling, Assistant Planner

Date: June 6, 2017, for June 13, 2017, Public Hearing

Subject: **File:** DEV-2017-006, VR-2017-002
Applicant: Casey Colton, Stone Creek Building
Address: Taxlot 1101 on SE 29th Ave.
Legal Description (Map & Tax Lot): 11E36BA1101
NDA: Historic Milwaukie

ACTION REQUESTED

Approve application DEV-2017-006, VR-2017-002 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the construction of a triplex with two driveways located closer together than the 150 ft driveway separation that is required for multifamily buildings.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is located at Taxlot 1101 on SE 29th Ave (see Figure 1). The 0.25-acre site is a vacant lot next to the parking lot of the funeral home on SE Harrison St to the north. Next door to the south is a single-family residence. There is a small pond and rock landscape area towards the middle and back of the site.

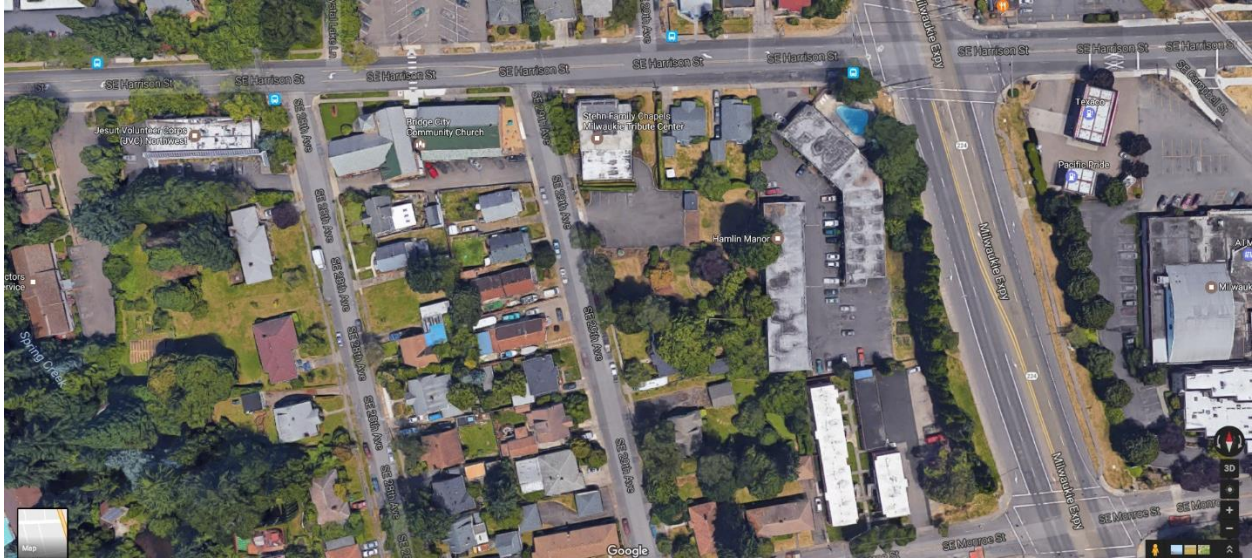


Figure 1

The surrounding area consists of predominately residential uses in the R-2 zone. On SE Harrison St there is a funeral home, offices, and a church nearby, which are all also R-2. The site is also surrounded by R-1, R-1-B, GMU, and M zones (see Figure 2).



Figure 2

B. Zoning Designation

R-2 – Medium and High Density Residential Zone

C. Comprehensive Plan Designation

HD – High Density Residential

D. Land Use History

City records indicate no previous land use actions for this site.

E. Proposal

The applicant is seeking land use approvals for the construction of a triplex structure with two driveways within the 150 ft separation requirement for multifamily buildings. The proposal includes the following:

1. Narrative
2. Site Plan

The project requires approval of the following applications:

1. Development Review – DEV-2017-006
2. Variance – VR-2017-002

KEY ISSUES

Summary

Staff has identified the following key issue 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.

Driveway Spacing

The code for multifamily housing requires a separation of 150 ft between driveways in MMC 12.16.040.D.4.b. The intent behind the 150 ft access spacing is to allow safe ingress and egress for apartment buildings that could potentially serve a large number of units. Such driveways can function almost like local streets.

The width of the vacant lot for the proposed site of the triplex is approximately 75 ft wide. The proposed distance between the two driveways is approximately 19.5 ft. Parking and access for the three units will come from two driveways off of SE 29th Ave. A 9 ft-wide drive serves one unit and a shared driveway for the other two dwelling units is 20 ft wide.

The applicant, for the triplex design, understood that a single driveway that would allow parking in the rear at the building could be an option. The applicant gave the following reasons for why two driveways is the preferred option:

1. Keeping the large natural open space in the back of the building would be a better benefit to the potential tenants and natural environment.
2. The amount of additional pavement required and loss of landscaping/open space did not justify reducing the driveways from two to one.
3. The two-driveway option allows the applicant to build driveways in the front with minimal amount of natural area being lost to pavement.

The proposed two-driveway option also minimizes impacts to the surrounding properties to the north and south of the site. The lot to the north is a parking lot for the funeral home on SE Harrison St. The lot to the south is a residential lot with a single-family home. To meet the one

driveway requirement with parking in the back, the applicant would need to create a shared easement between either the north or south lot to provide enough space for the driveway to go by the side of the triplex and into the back where the off-street parking would be located. This could potentially harm redevelopment of the parking lot, but also result in paving the south lot's front and side vegetation. The variance request minimizes those potential conflicts by avoiding the possible need to seek a shared easement.

A secondary option would have been to create three rowhouses, which would allow three separate driveways on three separate lots. However, the code states that for a garage to be on the front façade of the rowhouse, each rowhouse must have at least 30 ft of street frontage with at least one shared access between the lots. The width of the current vacant lot is approximately 75 ft. To meet the 30 ft street frontage requirement, the lot would need to be wider than 90 ft. With this constraint, the applicant did not view a rowhouse design as a viable option instead of the variance request.

CONCLUSIONS

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

1. Approve the Development Review and Variance for a triplex on SE 29th Ave. This will result in the construction of a triplex structure with two driveways within the 150 ft separation requirement for multifamily buildings.
3. Adopt the attached Findings and Conditions of Approval.

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

- Prior to final inspection, construct new driveway approaches onto SE 29th Avenue in accordance with City of Milwaukie Public Works Standards. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Subsection 19.1006 Type III Review
- MMC Section 19.302 Medium and High Density Residential Zones
- MMC Subsection 19.505.3 Multifamily Housing Standards
- MMC Section 19.600 Off-Street Parking and Loading
- MMC Section 19.700 Public Facilities Improvements
- MMC Subsection 19.911 Variances

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 these applications, which includes any appeals to the City Council, must be made by June 28, 2017, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering and Building Departments, Historic Milwaukie Neighborhood District Association (NDA), Clackamas County, Metro, and Trimet. The following is a summary of the comments received by the City. See Attachment 2 for further details.

- **Alex Roller, Engineering Technician II, Milwaukie Engineering Department:**
 - Construct new driveway approaches onto SE 29th Avenue in accordance with City of Milwaukie Public Works Standards prior to final inspection. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. 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 dated April 5, 2017.				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

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

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

E-Packet = packet materials available online at www.milwaukieoregon.gov/planning/planning-commission-171.

**Recommended Findings in Support of Approval
File #DEV-2017-006, VR-2017-002, SE 29th Ave Triplex Development**

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

1. The applicant, Casey Colton, Stone Creek Building, has applied for approval to construct a triplex multifamily dwelling unit at Taxlot 1101 on SE 29th Ave. This site is in the R-2 Zone. The land use application file number is DEV-2017-006, VR-2017-002.
2. The applicant proposed a triplex multifamily dwelling unit on Taxlot 1101 on SE 29th Ave. The site is currently vacant and is located next to the parking lot for the funeral home on SE Harrison St. The proposal also is asking for a variance to the 150 ft driveway distance for multifamily development. The proposed two driveways will be 19.5 ft apart rather than 150 ft. The lot is 75 ft wide.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Subsection 19.1006 Type III
 - MMC Section 19.302 Medium and High Density Residential Zones
 - MMC Subsection 19.505.3 Multifamily Housing Standards
 - MMC Section 19.600 Off-Street Parking and Loading
 - MMC Section 19.700 Public Facilities Improvements
 - MMC Subsection 19.911 Variances
4. 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 June 13, 2017, as required by law.
5. MMC Section 19.302 Medium and High Density Residential Zones
 - a. MMC Subsection 19.302.2 lists the allowed uses in the medium and high density residential zones. Multifamily uses are permitted outright in the R-2 zone. The proposed triplex is a multifamily use.

The Planning Commission finds that this standard is met.
 - b. MMC Subsection 19.302.4 contains standards for Low Density Residential zones, including the R-2 zone. The application meets the standards of this section as described in Table 1 below.

Table 1 – Zoning Compliance

Residential Zone R-2 Development Standards			
Standard	Required	Proposed	Staff Comment
1. Minimum Lot Size	5,000 sq ft	10,974.48 sq ft	Complies with standard.
2. Minimum Lot Width	50 feet	75.31 feet	Complies with standard.

3. Minimum Lot Depth	80 feet	North lot line: 136.04 feet South lot line: 154.49 feet	Complies with standard.
4. Minimum Setbacks	15 feet (front, rear) 5 feet (side)	15 feet (front) 87 feet (rear) 5 feet (north side) 5 feet (south side)	Complies with standard.
5. Off-Street Parking and Loading	1.25 spaces per dwelling unit	3 spaces	Complies with standard.
6. Height Restriction	3 stories or 45 feet	2 stories, less than 45 feet	Complies with standard.
7. Lot Coverage	45% max.	2,772 sq ft (approximate) 25.3% lot coverage	Complies with standard.
8. Minimum Vegetation	15% min.	35% (approximate)	Complies with standard.
9. Frontage	35 feet	75 feet along SE 29th Ave. (approximate)	Complies with standard.
10. Density	11.6-17.4 units/net acre	Minimum: 2.9 units Maximum: 4.4 units Proposed # of units: 3	Complies with standard.

The Planning Commission finds that these standards are met.

6. MMC Subsection 19.505.3 Multifamily Housing

- a. MMC Subsection 19.505.3.B states that all new multifamily and congregate housing developments with 3 or more dwelling units on a single lot are subject to the design elements in Table 19.505.3.D.

The proposed triplex will have 3 dwelling units on a single lot and is considered multifamily. The proposed development meets the applicability standards of MMC 19.505.3.B.

- b. MMC Subsection 19.505.3.D contain standards for Multifamily Design Guidelines.

The proposed triplex is following the Design Guidelines for the Discretionary Process. The application meets the standards of this section as described in Table 2 below.

Table 2 Discretionary Process – Multifamily Design Guidelines

DESIGN GUIDELINES—PRIVATE OPEN SPACE	
Guideline	Findings
<i>The development should provide private open space for each dwelling unit. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.</i>	Each proposed triplex unit will have backyard private open space of 96 sf. Each unit will be able to access the private open space from the interior of the units. The private open space shall be fenced off from the common open space The standard is met.
<i>The development may provide common open space in lieu of private open space if the common open space is well designed, adequately sized, and functionally similar to private open space.</i>	The development will provide 750 sf of common open space, along with, private open space. The standard is met.

DESIGN GUIDELINES—PUBLIC OPEN SPACE	
Guideline	Findings
<i>The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.</i>	The common open space shall be in the backyard behind the private open space. The public open space will be 750 sf. The open space provides a pond and rock landscaping for scenic amenity, as well as, 5 existing trees that will provide shade and space for outdoor recreation. The standard is met.

DESIGN GUIDELINES—PEDESTRIAN CIRCULATION	
Guideline	Findings
<i>Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.</i>	Since the proposed development is only a triplex, a pedestrian walkway will not exist. The driveways will act as walkways. Ground-floor units will provide a clear transition from the public realm to the private dwellings with the driveways as walkways and front doors for the units facing the street. The standard is met.

DESIGN GUIDELINES—VEHICLE AND BICYCLE PARKING

Guideline	Findings
<i>Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.</i>	<p>Parking is integrated into the site given that each unit will have a garage to allow for vehicle and bicycle parking. Bicycle parking is secured, sheltered, and conveniently located within the garages.</p> <p>The standard is met.</p>

DESIGN GUIDELINES—BUILDING ORIENTATION & ENTRANCES

Guideline	Findings
<i>Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.</i>	<p>The building is located with the principal façade oriented to the street, SE 29th Ave. The building entrances are well-defined and protect people from the elements with a projecting roof pitch over the front door.</p> <p>The standard is met.</p>

DESIGN GUIDELINES—BUILDING FAÇADE DESIGN

Guideline	Findings
<i>Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration shall be incorporated to create simple and visually interesting buildings.</i>	<p>The proposed triplex incorporates changes in the front façade wall planes with each unit's garage and front door at different distances from the front property line. Each unit is setback from one another creating a visually appealing building. The proposed front façade also has a variety of building materials to make the building visually interesting.</p> <p>The standard is met.</p>
<i>Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</i>	<p>Doors will be stepped back from the front façade by 5 ft to create depth. The 2nd floor bedroom windows for each unit are off set from each other by a foot to create shadows and depth.</p> <p>The standard is met.</p>
<i>Windows should be used to provide articulation to the façade and visibility into the street.</i>	<p>Windows will provide articulation to the façade and visibility into the street. Large windows are incorporated in the design and face the street. Window proportions/amounts are similar to those on adjacent single family residences. Additional windows in the front door and garages could be provided, if necessary.</p> <p>The standard is met.</p>

DESIGN GUIDELINES—BUILDING FAÇADE DESIGN

Guideline	Findings
<i>Building facades shall be compatible with adjacent building façades.</i>	Building façades are compatible with adjacent residential buildings matching the look with an architectural design that has windows, front doors, and garages facing the street. The building materials and styles are also compatible with nearby residential uses. The standard is met.
<i>Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.</i>	Garage doors are proposed to be painted to match the rest of the building and integrated into the design of the larger façade. They also are scaled for each unit. The standard is met.

DESIGN GUIDELINES—BUILDING MATERIALS

Guideline	Findings
<i>Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.</i>	Materials proposed to be used for the triplex are not made from any prohibited materials. High quality wood materials will mostly be used for the building. The standard is met.
<i>Street-facing facades shall consist predominately of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.</i>	Street-facing facades will consist predominately of a simple palette of long-lasting materials; stone, wood siding and wood shingles. The proposed design has wood siding and wood shingles above the second-floor windows on the front façade. The standard is met.
<i>A hierarchy of building materials shall be incorporated. The materials shall be durable and reflect a sense of permanence and quality of development.</i>	A majority of the building will use wood siding with wood shingles as an accent material to create more visual variety to the building. Stone will be used to create visually attractive bottoms to the columns on the front façade. All materials are durable and reflect a sense of permanence. The standard is met.
<i>Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities.</i>	For trim elements, the proposed triplex has split-faced block and gypsum reinforced fiber concrete in limited quantities. Most the building is using wood siding and wood shingles. The standard is met.

DESIGN GUIDELINES—BUILDING MATERIALS

Guideline	Findings
<i>Fencing shall be durable, maintainable, and attractive.</i>	Fencing is durable, maintainable, and attractive. The proposed fencing does not include plastic, vinyl, or chain link. It will be wood material to match the surrounding residential uses and building. The standard is met.

DESIGN GUIDELINES—LANDSCAPING

Guideline	Findings
<i>Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.</i>	New landscaping will be planted in the areas not being used as driveways in front of the units facing the street. The backyard open space consists of preserving existing trees and natural landscapes. The existing small pond and rock landscape in the backyard open space will also be preserved. The standard is met.

DESIGN GUIDELINES—SCREENING

Guideline	Findings
<i>Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.</i>	Individual unit's garbage shall be kept in their respective garages and moved to the street on service days. Transformers, heating and cooling, electric meters, and other utility equipment will not be located within 5 ft of a front entrance and shall be screened with sight-obscuring materials. The standard is met.

DESIGN GUIDELINES—RECYCLING AREAS

Guideline	Findings
<p><i>Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.</i></p>	<p>Individual unit's garbage and recycling shall be kept in their respective garages and moved to the street on service days.</p> <p>The standard is met.</p>

DESIGN GUIDELINES—SUSTAINABILITY

Guideline	Findings
<p><i>Multifamily development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment.</i></p>	<p>Nearby trees in the backyard open space and street trees will not preclude utilization of solar panels or an ecoroof on at least 20% of the total roof surface. The windows will be operable by the building occupants to provide natural ventilation. Pavement is used minimally for only the driveways and the structure itself to avoid excessive heating. The backyard open space is all vegetated with existing trees to provide shade and increase the health of the building occupants.</p> <p>The standard is met.</p>
<p><i>When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area on the roof, are to be considered.</i></p>	<p>The proposed development will be built to Earth Advantage standards. Stone Creek Building is a certified Earth Advantage builder.</p> <p>The standard is met.</p>

DESIGN GUIDELINES—PRIVACY CONSIDERATIONS	
Guideline	Findings
<i>Multifamily development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.</i>	<p>The proposed triplex has an arborvitae row adjacent to the single-family residence to the south of the site for privacy and screening.</p> <p>The standard is met.</p>

DESIGN GUIDELINES—SAFETY	
Guideline	Findings
<p><i>Multifamily development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:</i></p> <ul style="list-style-type: none"> • <i>Natural Surveillance: Areas where people and their activities can be readily observed.</i> • <i>Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting.</i> • <i>Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control.</i> 	<p>Parking and loading areas will be illuminated with a 0.5 footcandle minimum.</p> <p>Walkways will be illuminated with a 0.5 footcandle minimum and average of 1.5 footcandles.</p> <p>Building entrances will be illuminated with a 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles.</p> <p>70% of the street frontage will be visible from the front door of each unit or ground floor window. All outdoor common open spaces will be visible from 50% of the unit that face it.</p> <p>The standard is met.</p>

Planning Commission finds that the discretionary multifamily design guidelines have been met.

7. MMC Section 19.600 Off-Street Parking and Loading
 - a. MMC Subsection 19.602.3 Applicability for Development and Change in Use Activity

MMM 19.602.3.A addresses development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600.

The proposed triplex is development on a vacant site and will need to meet requirements for off-street parking and loading.

The standard is applied below.

b. MMC Subsection 19.605 Vehicle Parking Quantity Requirements

(1) MMC 19.605.1 Minimum and Maximum Requirements

Development shall provide at least the minimum and not more than the maximum number of parking spaces listed in Table 19.605.1. The required minimum off-street parking for Multifamily dwelling units with more than 800 sq ft of floor area is 1.25 spaces per dwelling unit. The maximum required is 2 spaces per dwelling unit.

The proposed triplex includes 3 dwelling units that are each over 800 sq ft. The minimum required parking spaces would be 3.75 spaces, which is rounded down to the nearest whole number of 3. The maximum requirement would be 6 spaces. The development proposal includes 3 off-street parking areas, in the form of garages for each dwelling unit, and meets the minimum requirements.

Each driveway includes space for an additional vehicle for each unit in front of the garage.

The Planning Commission finds that this standard is met.

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

(1) MMC 19.607.1 Residential Driveways and Vehicle Parking Areas

This subsection is intended to preserve residential neighborhood character by establishing off-street parking standards.

(a) 19.607.1.A Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

The proposed triplex off-street parking areas, which are in the form of garages, are 11 ft wide and 19.6 feet deep.

The Planning Commission finds that this standard is met.

(b) 19.607.1.B Location

No portion of the required parking space is allowed within the following areas: 1. Within the required front yard or within 15 ft of the front lot line, whichever is greater. 2. Within a required street side yard.

The required off-street parking areas are all farther than 15 ft from the front lot line.

The Planning Commission finds that this standard is met.

(c) 19.607.1.C Parking Surface Materials

All required parking spaces are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use.

The proposed triplex does have pavement for the off-street parking areas.

The Planning Commission finds that this standard is met.

8. MMC Section 19.700 Public Facilities Improvements

a. MMC 19.702 Applicability

Chapter 19.700 applies to new construction per MMC 19.702.1.D. The proposal is for the construction of a new triplex on a vacant lot.

The standard is applied below.

b. MMC 19.703.4 Determinations

There are four key determinations related to transportation facility improvements that occur during the processing of a development permit or land use application. The Engineering Director will take the goals and policies of the TSP into consideration and use the criteria and guidelines in this chapter.

The Engineering Department has determined that the proposal does not require a Transportation Impact Evaluation or any street improvements. Due to the new construction of a dwelling unit, the proposal will be subject to transportation and sanitary sewer system development charges (SDCs), which will be collected at the time of building permit issuance.

9. MMC Subsection 19.911 Variances

a. MMC 19.911.4.B Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met.

The applicant is requesting a variance to allow a second driveway inside the 150 ft separation requirement from MMC 12.16.040.D.4.b. The variance request will be reviewed through the Discretionary Relief Criteria.

(1) MMC 19.11.4.B.1 Discretionary Relief Criteria

- (a) The code for multifamily housing requires a separation of 150 ft between driveways in MMC 12.16.040.D.4.b. The intent behind the 150 ft access spacing is to allow safe ingress and egress for apartment buildings that could potentially serve a large number of units. Such driveways can function almost like local streets.

The width of the vacant lot for the proposed site of the triplex is approximately 75 ft wide. The proposed distance between the two driveways is approximately 19.5 ft. Parking and access for the three units will come from two driveways off of SE 29th Ave. A 9 ft-wide drive serves one unit and a shared driveway for the other two dwelling units is 20 ft wide.

The applicant, for the triplex design, understood that a single driveway that would allow parking in the rear at the building could be an option. The applicant gave the following reasons for why two driveways are their preferred option:

- 1) Keeping the large natural open space in the back of the building would be a better benefit to the potential tenants and natural environment.
- 2) The amount of additional pavement required and loss of landscaping/open space did not justify reducing the driveways from two to one.

- 3) The two-driveway option allows the applicant to build driveways in the front with minimal amount of natural area being lost to pavement.

The proposed two-driveway option also minimizes impacts to the surrounding properties to the north and south of the site. The lot to the north is a parking lot for the funeral home on SE Harrison St. The lot to the south is a residential lot with a single-family home. To meet the one driveway requirement with parking in the back, the applicant would need to create a shared easement between either the north or south lot to provide enough space for the driveway to go by the side of the triplex and into the back where the off-street parking would be located. This could potentially harm redevelopment of the parking lot, but also result in paving the south lot's front and side vegetation. The variance request minimizes those potential conflicts by avoiding the possible need to seek a shared easement.

A secondary option would have been to create three rowhouses, which could allow three separate driveways on three separate lots. However, the code states that for a garage to be on the front façade of the rowhouse, each rowhouse must have at least 30 ft of street frontage with at least one shared access between the lots. The width of the current vacant lot is approximately 75 ft. To meet the 30 ft street frontage requirement, the lot would need to be wider than 90 ft. With this constraint, the applicant did not view a rowhouse design as a viable option instead of the variance request.

Planning Commission finds that the applicant has provided an analysis of alternatives and the criteria is satisfied.

- (b) The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets the following criteria:
- (i) The proposed variance avoids or minimizes impacts to surrounding properties.

The purpose of the 150 ft separation requirement between driveways for multifamily buildings is to provide safe access and separation between multiple driveways for busy apartment complexes. This proposed development will function much more like a duplex than a typical multifamily complex. The driveway spacing of nearby residential lots along 29th range between 5 and 50 feet, which is similar to what is being proposed for the triplex development. The proposed driveway spacing will not negatively affect traffic on SE 29th Avenue. Clear vision requirements would still be in place for both driveways to ensure safety with any backing movement.

The proposed two-driveway option also minimizes impacts to the surrounding properties to the north and south of the site. The lot to the north is a parking lot for the funeral home on SE Harrison St. The lot to the south is a residential lot with single-family residences. To meet the one driveway requirement, the applicant would need to create a shared easement between either the north lot or south lot to provide

enough space for the driveway to go by the side of the triplex and into the back where the off-street parking would be located. This could potentially harm redevelopment of the parking lot or put paving into the south lot's single-family residency front lawn and side vegetation. Both scenarios could provide potential impacts with the lots north and south of the site. The variance request minimizes those potential conflicts by avoiding the possible need to seek a shared easement.

Planning Commission finds that the criteria is met.

- (ii) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The applicant states that their proposed driveway design will minimize impacts to the natural environment by avoiding disturbance of the natural open space behind the triplex. The natural open space is a greater benefit for the residents and nearby residents than having one driveway and paving some of the natural area in the back of the proposed triplex.

Planning Commission finds that the criteria is met.

- (c) Impacts from the proposed variances will be mitigated to the extent practicable.

The impacts from the proposed driveway design are minimal and are similar to other nearby residences. As stated earlier, the distance between driveways on SE 29th vary from 5 ft to 50 ft. The proposed driveway design is within that range. It would function more like a duplex with two driveways than a typical multifamily building. Clear vision standards would still apply, limiting any negative impacts.

Planning Commission finds that the criteria is met.

Planning Commission finds that the Type III Variance request by the applicant meets the Discretionary Relief Criteria and approves the variance.

**Recommended Conditions of Approval
File # DEV-2017-006, VR-2017-002
SE 29th Ave Triplex Development**

Conditions

1. Prior to the issuance of a certificate of occupancy, the following shall be resolved:

a. Engineering Requirements

Prior to final inspection, construct new driveway approaches onto SE 29th Avenue in accordance with City of Milwaukie Public Works Standards. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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Application for Land Use Action

Master File #: DEV-2017-0046

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

<input type="checkbox"/> Amendment to Maps and/or Ordinances: <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion	<input type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking <input type="checkbox"/> Planned Development <input type="checkbox"/> Preliminary Circulation Plan	<input type="checkbox"/> Residential Dwelling: <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input checked="" type="checkbox"/> Variance: <input type="checkbox"/> Building Height Variance <input type="checkbox"/> Use Exception <input type="checkbox"/> Variance <input type="checkbox"/> Willamette Greenway Review <input checked="" type="checkbox"/> Other: <u>Multifamily Design</u> Use separate application forms for: <ul style="list-style-type: none"> • Annexation and/or Boundary Change • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal
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← UR-2017-002

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): CASEY COLTON, STONE CREEK BUILDING

Mailing address: 10117 SE Sunnyside Rd. # F502, Clackamas, OR Zip: 97015

Phone(s): 503.680.0629 E-mail: casey@STONECREEKBUILDING.NET

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: _____ Zip: _____

Phone(s): _____ E-mail: _____

SITE INFORMATION:

Address: NORTH of 10712 SE 29th Ave. Map & Tax Lot(s): 11E36BA-1101

Comprehensive Plan Designation: _____ Zoning: R-2 Size of property: 0.25 acres

PROPOSAL (describe briefly): 3-Plex in R-2 zone

SIGNATURE: [Handwritten Signature]

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: [Handwritten Signature] Date: 4/5/17

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukee Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	DEV-2017-006	\$ 1000	2500		\$ 750.00	<p>RECEIVED</p> <p>APR - 5 2017</p> <p>MILWAUKEE DEVELOPMENT</p>
Concurrent application files	VR-2017-002	\$ 2000	—	—	\$ 2000.00	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$ 2000.00			\$ 2750.00	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:	

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

*After discount (if any)



APR - 5 2017

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Date: 4/5/17
To: City of Milwaukie, Planning Department
From: Casey Colton, Stone Creek Building & Mark Stehn, property owner
Subject: Land Use Application, Type II Review, Multifamily Design, New 3-Plex, North of 10712 S.E. 29th Avenue.

Following is our written response to the Building Design Standards for Multifamily development in the R2 Zone.

R2 Zone: Multifamily Approval Criteria

1. *Section 19.300 Base Zones* - The proposed 3 plex is allowed outright per zoning code (19.300.2). Building setback, building height, lot coverage, lot size, width, depth and landscaping are all in compliance with the R2 zoning code. See site plan.
2. *Section 19.400 Overlay Zone* - The development is not located in any of the applicable Overlay Zones: 19.401 Willamette Greenway Zone, 19.402 Natural Resources, 19.403 Historic Preservation Overlay Zone, 19.404 Flex Space Overlay Zone, 19.405 Aircraft Landing Facility Zone & 19.406 Tacoma Station Overlay Zone.
3. *Section 19.500 Supplementary Development Regulations* - All conditions met or addressed below under Building Design Standards
4. *19.600 Parking* - The development meets the required off-street minimum parking requirements. Section 19.605.1 (2b) indicates Dwelling units with more than 800 sq ft of floor area shall be required to provide 1.25 parking spaces. The development consists of 3 units or 3.75 parking spaces. This number shall be rounded down and condition is met. Section 19.609 Bicycle Parking shall be permitted inside the garages. No other bicycle parking spaces or racks is required. All other Parking standards are met or are non-applicable.

Building Design Standards: R2 Multifamily

1. *Private Open Space*: The proposed 3-plex will have backyard private open space, at least 96 sf. Each unit will be able to access the private open space from the interior of the units. The private open space shall be fenced off from the public open space. The development will provide private open space for each dwelling unit. Private open space will have direct access from the dwelling unit and will be visually and/or physically separate from common areas. The development will provide common open space and private opens space.



2. *Public Open Space:* The public open space shall be in the backyard behind the private open space. The public open space will be substantially greater than 750 sf. The open space will provide a sufficient environment for outdoor recreation and gathering.
3. *Pedestrian Circulation:* Because the proposed development is only a 3-plex a pedestrian walkway will not exist. The driveways will act as walkway's. The Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units will provide a clear transition from the public realm to the private dwellings.
4. *Vehicle and Bicycle Parking:* Each unit will have a garage to allow for vehicle and bicycle parking. There is also sufficient street parking on SE 29th Avenue. The vehicle parking is integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking is secured, sheltered, and conveniently located.
5. *Building Orientation and Entrances:* The building is located with the principal façade oriented to the street or a street. The building entrances are well-defined and protect people from the elements. Design Standards will be met.
6. *Building Façade Design:* Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration have been incorporated to create simple and visually interesting buildings. Windows and doors are designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings. Windows will provide articulation to the façade and visibility into the street. Building façades are compatible with adjacent building façades. Garage doors are integrated into the design of the larger façade in terms of color, scale, materials, and building style. Each unit is setback from one another creating a visually appealing building. All Design Standards will be met or don't apply except the 25% window minimum on front façade. Large windows are incorporated in the design and facing the street. Window proportions/amounts are like adjacent single family residences. Additional windows in the front doors and garages could be provided, if necessary.
7. *Building Materials:* Buildings will be constructed with architectural materials that provide a sense of permanence and high quality. Street-facing façades will consist predominantly of a simple palette of long-lasting materials; stone, wood siding and wood shingles. A hierarchy of building materials will be incorporated. The materials are durable and reflect a sense of permanence and quality of development. Split-faced block and gypsum reinforced fiber concrete (for trim elements) will be used in limited quantities. Fencing is durable, maintainable, and attractive. The design standards will be met.
8. *Landscaping:* Landscaping will be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees will be preserved whenever possible. Landscape strategies that conserve water will be included. Hardscapes will be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management. New landscaping will be planted in the areas not being used as driveways in front of the units facing the street. The backyard open space consists of existing trees and natural hardscapes.
9. *Screening:* Mechanical equipment, garbage collection areas, and other site equipment and utilities will be screened so they are not visible from the street and public or private open spaces. Screening will be visually compatible with other architectural elements in the development. The design standards will be met or and some don't apply.
10. *Recycling Areas:* Individual unit's garbage and recycling shall be kept in their respective garages and moved to the street on service days.

Stone Creek Building & Development, Inc.
www.stonecreekbuilding.net

10121 SE Sunnyside Rd., #F502, Clackamas, OR 97015 | CCB# 167738



11. *Sustainability:* The proposed multifamily development will optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, will be used whenever possible. Sustainable architectural elements will be incorporated to increase occupant health and maximize a building's positive impact on the environment. The building will be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, will be considered. The proposed development will be built to Earth Advantage standards. Stone Creek Building is a certified Earth Advantage builder.
12. *Privacy Considerations:* This Multifamily development will consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences. The Design Standards will be met and some don't apply.
13. *Safety:* The development will be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting is provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site is generally consistent with the principles of Crime Prevention Through Environmental Design; natural surveillance, natural access control and territorial reinforcement. 70% of the street frontage will be visible from the front door of each unit or ground floor window. All outdoor common open spaces will be visible from 50% of the unit that face it. The site will be illuminated per design standards.



Date: 4/5/17

To: City of Milwaukie, Planning Department

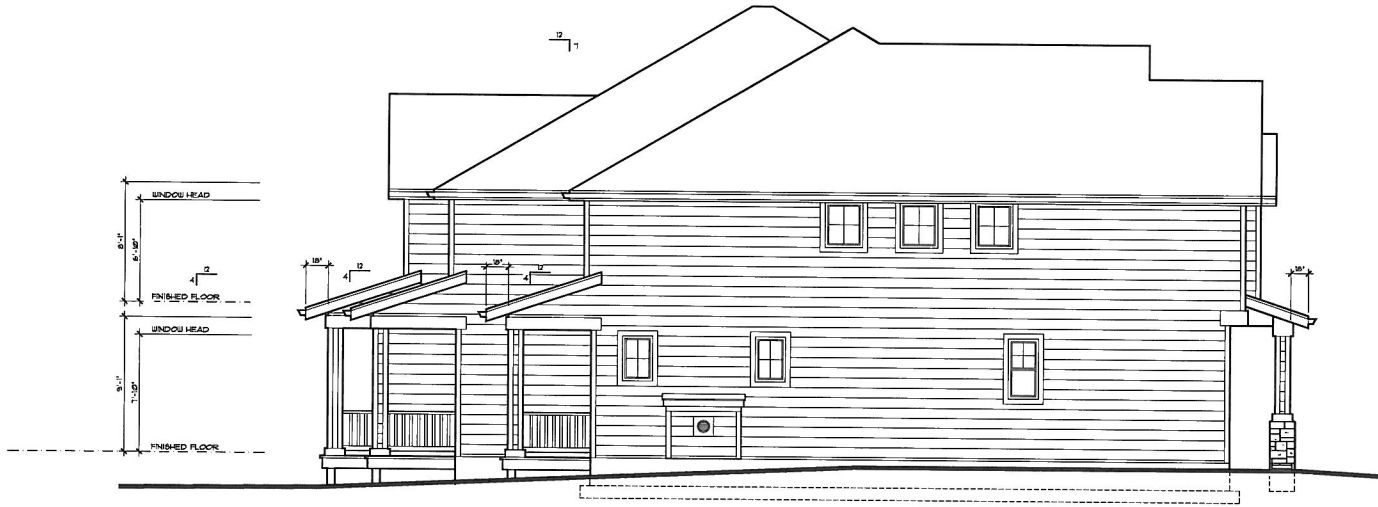
From: Casey Colton, Stone Creek Building & Mark Stehn, property owner

Subject: Land Use Application, Driveway Variance Request - New 3-Plex, North of 10712 S.E. 29th Avenue.

Driveway Variance request for the proposed 3-plex:

City of Milwaukie Section 12.1.040.C.4.b for All Uses Other than Single-Family Residential: states "One accessway is allowed on local street and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons."

Applicant is requesting a variance allowing a second driveway inside of the 150' requirement. The proposed development is only one unit above the Single-Family requirement. The single car driveway is 9' wide and the shared driveway is 20' wide. There is 19.5' +/- between the two driveways. We believe that granting the variance will be consistent with the overall residential neighborhood of our tri-plex that has driveways closer than 150' apart. In addition if a rowhouse project was proposed on this lot and a portion of the adjacent parking lot multiple driveways would be allowed outright per the code. We understand that a single driveway with all parking in the rear would also be an option – we have looked at that and strongly feel that the large, landscaped area in the rear of these units is a benefit to the houses and the natural environment – the amount of additional pavement required and loss of landscaping does not justify reducing our driveways from 2 to 1. The two driveway option allows us to build direct, driveways with the minimal amount of natural area being lost to pavement.



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

STANDARD NOTES:
1. ALL DIMENSIONS ARE TO FINISH UNLESS NOTED OTHERWISE.
2. FINISHES TO BE DETERMINED BY THE OWNER.
3. REFER TO ALL OTHER SHEETS FOR DETAILS AND NOTES.
4. ALL WORK TO BE IN ACCORDANCE WITH THE 2015 IRC AND 2015 IBC.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
7. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
8. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND MANNER.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ALL DEBRIS.
10. THE CONTRACTOR SHALL MAINTAIN THE SURROUNDING AREA CLEAN AT ALL TIMES.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES.



**WATTON
DESIGN
WORKS, Inc.**

1880
Willamette Falls Drive
Suite #200-D
West Linn, Or, 97068
503.655.1001
wattondesign.com

PROJECT: - NEW CONSTRUCTION - TRILEX STRUCTURE
BUILDING SITE ADDRESS:
TAX LOT 1101, MAP 1S, 1E, 36BA
LOCATED ON S.E. 29TH AVENUE
CITY OF MILWAUKIE, CLACKAMAS COUNTY

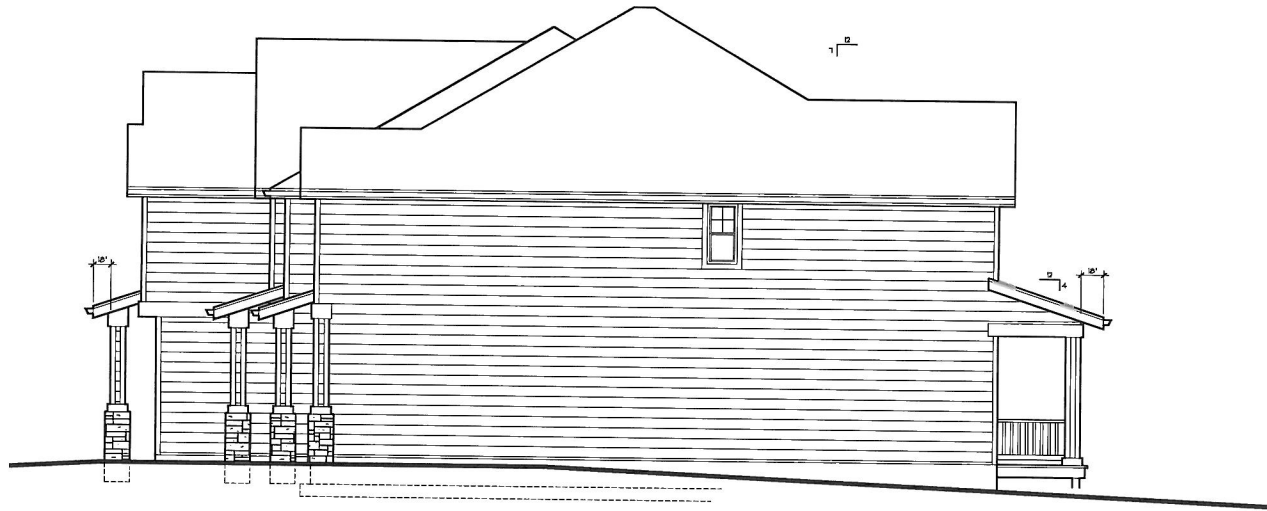
EXTERIOR ELEVATIONS
BUILDER:
STONE CREEK BUILDING
503.548.7383

SQUARE FOOTAGE - PER UNIT	DATE
TOTAL AREA	11/2/17
NET AREA	11/2/17
PERMIT	11/2/17

Rev. 1 - 3-2017

16123 SHEET

1



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT: NEW CONSTRUCTION - TRIPLEX STRUCTURE
 BUILDING SITE ADDRESS:
 TAX LOT 101 MAP 15E 968A
 LOCATED ON SE 29TH AVENUE
 CITY OF MILWAUKIE, CLATSOP COUNTY



**WATTON
DESIGN
WORKS, Inc.**
 1880
 Willamette Falls Drive
 Suite P-200-D
 West Linn, Or. 97146
 503.655.1001
 wattondesign.com

PROJECT: NEW CONSTRUCTION - TRIPLEX STRUCTURE
 BUILDING SITE ADDRESS:
 TAX LOT 101 MAP 15E 968A
 LOCATED ON SE 29TH AVENUE
 CITY OF MILWAUKIE, CLATSOP COUNTY

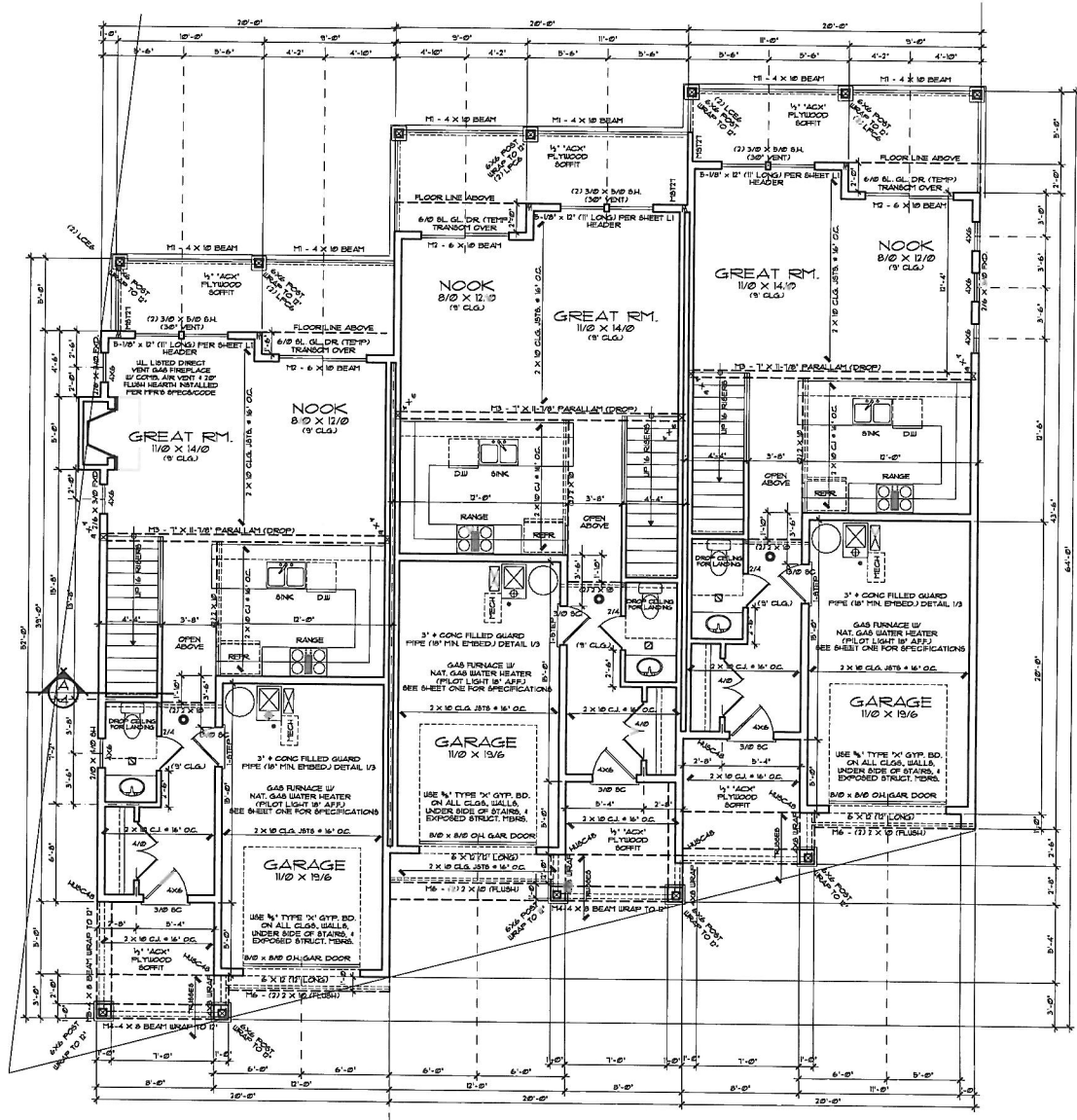
EXTERIOR ELEVATIONS
 BUILDER:
 STONE CREEK BUILDING
 503.548.7583

SQUARE FOOTAGE - PER UNIT	DATE
MAIN AREA	1-3-2017
TOTAL AREA	Rev.
SCREEN AREA	
POUCH	

Est. 1-3-2017
 Rev.

16123

2



NOT TO SCALE
 ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE NOTED
 ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL MECHANICAL AND PLUMBING CODE BOOK (IMPC) UNLESS OTHERWISE NOTED
 ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE
 ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT
 ALL NOTES SHALL BE READ AND UNDERSTOOD IN FULL BEFORE CONSTRUCTION BEGINS
 ANY CHANGES TO THIS PLAN SHALL BE MADE BY A WRITTEN ORDER FROM THE ARCHITECT

WATTON DESIGN WORKS, Inc.
 1880 Williams Falls Drive
 Suite #200-D
 West Linn, Or. 97068
 503.655.1001
 wattondesign.com

PROJECT: - NEW CONSTRUCTION - TRIPLEX STRUCTURE
BUILDING SITE ADDRESS:
 TAX LOT 1101, MAP 15 14 368A
 LOCATED ON S.E. 29TH AVENUE
 CITY OF MILWAUKIE, CLACKAMAS COUNTY

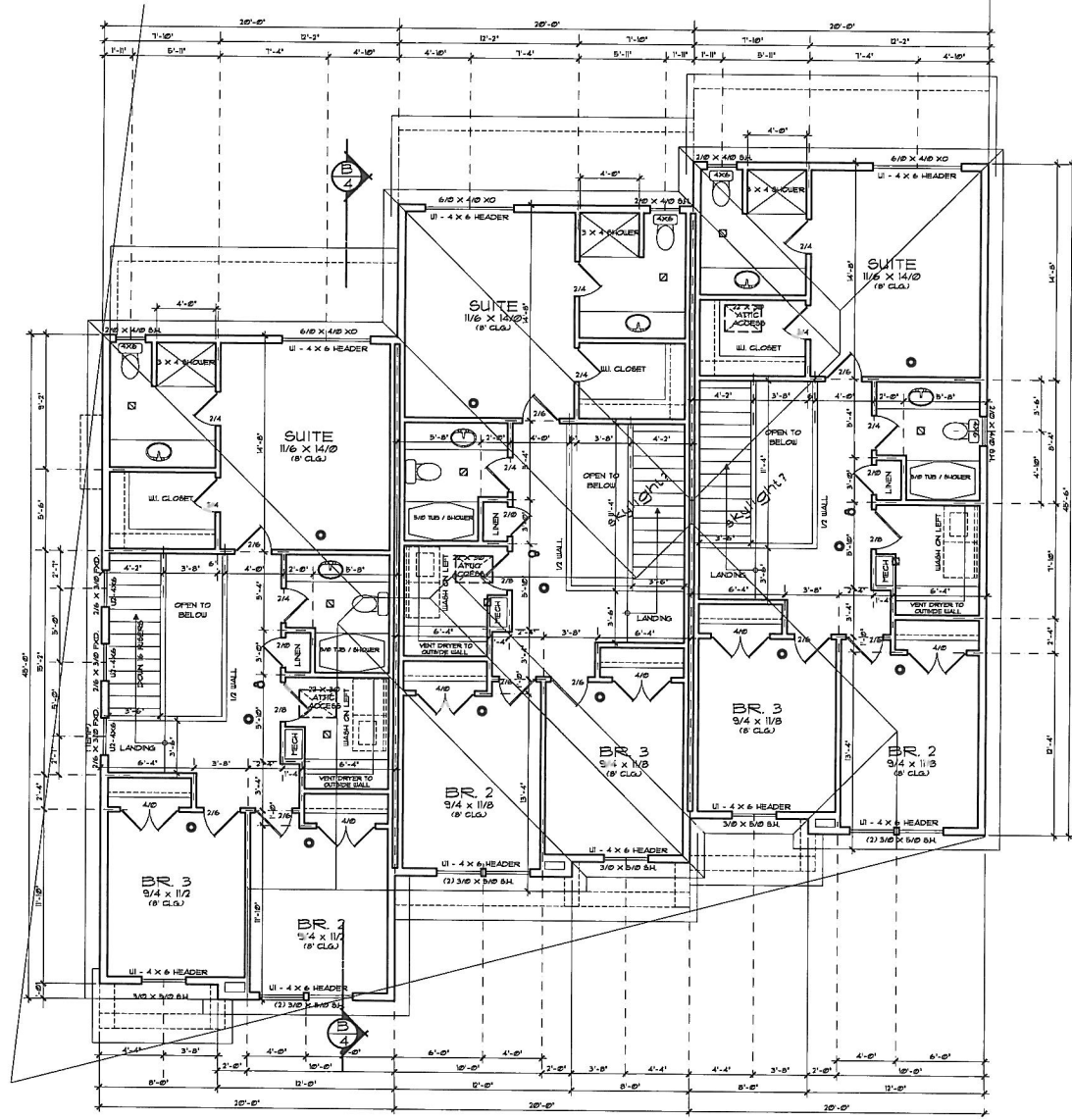
MAIN FLOOR PLAN
BUILDER:
 STONE CREEK BUILDING
 503.548.7383

SQUARE FOOTAGE - PER UNIT
 UNIT 1: 1,100 S.F.
 UNIT 2: 1,100 S.F.
 UNIT 3: 1,100 S.F.
 TOTAL AREA: 3,300 S.F.
 TOTAL GARAGE AREA: 1,100 S.F.
 TOTAL AREA: 4,400 S.F.

DATE: 11-1-2017
 REV:

16123
 SHEET No

3
 SHEET



WATSON DESIGN WORKS, Inc.
 1880 Winnetta Falls Drive
 Suite #200-D
 West Linn, Or. 97068
 503-655-1001
 watsondesign.com

PROJECT: - NEW CONSTRUCTION - TRIPLEX STRUCTURE
BUILDING SITE ADDRESS:
 TAX LOT 1101 MAP 15 1E 348E
 LOCATED ON SE 29TH AVENUE
 CITY OF MILWAUKIE, CLATSOP COUNTY

UPPER FLOOR PLANS
 SQUARE FOOTAGE - PER UNIT:
 MAIN AREA 596 S.F.
 TOTAL AREA 1483 S.F.
 TO-CAL. AREA 1483 S.F.
 GARAGE AREA 117 S.F.
BUILDER:
 STONE CREEK BUILDING
 503-548-7383

DATE: Est. 1-1-2017
 Rev.

16123
 4



To: Planning Commission
Through: Dennis Egner, Planning Director
From: Brett Kelper, Associate Planner
Date: June 6, 2017, for June 13, 2017, Public Hearing
Subject: Files: WG-2017-002, VR-2017-005
Applicant & Owner: Bradley Smith
Address: 2024 & 2026 SE Eagle St, 11923 SE 21st Ave
Legal Description (Map & Tax Lot): 1S1E35DA, lots 1100, 1200, and 1300
NDA: Island Station NDA

ACTION REQUESTED

Approve applications WG-2017-002 and VR-2017-005 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for construction of new detached single-family homes on each of the three subject lots.

BACKGROUND INFORMATION

The subject properties are three existing lots located on the corner of Eagle Street and 21st Avenue, where the right-of-way is currently unimproved. The applicant proposes to construct single-family detached houses on each of the lots and will build streets in the adjacent rights-of-way to provide access. The lots are all covered by the Willamette Greenway overlay, where any proposed development requires conditional use approval. The applicant is requesting variances to reduce the front yard setbacks on the two lots that front on Eagle Street and to reduce the street-side yard setback along 21st Avenue on the corner lot.

A. Site and Vicinity

The site is located at the southwest corner of the intersection of Eagle Street and 21st Avenue in the Island Station neighborhood. The existing rights-of-way in front of the subject properties are unimproved, and access to the site will be provided through the extension of Eagle Street from 20th Avenue.

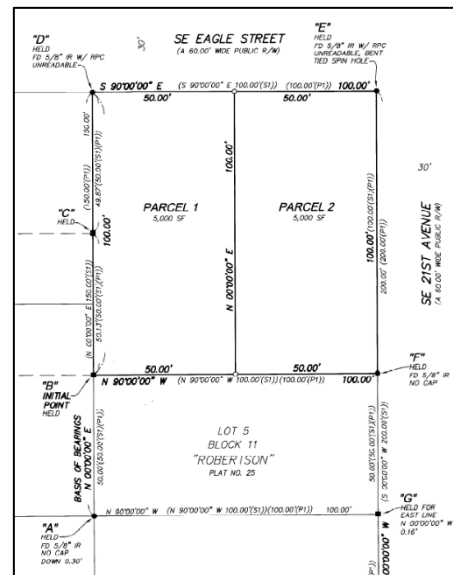


Figure 1. Subject properties, labeled as “Parcel 1,” “Parcel 2,” and “Lot 5”



Figure 3. Site and vicinity

The Kellogg wastewater treatment plant is across the Eagle Street right-of-way from the subject properties. The Portland & Western railroad line that intersects 21st Avenue and Bluebird Street makes it impossible to legally access the site from Bluebird Street on 21st Avenue without an easement agreement (see Figure 2). To the south and west are other residential properties zoned R-5 and developed primarily with single-family detached dwellings.

B. Zoning Designation

Residential R-5 (see Figure 3)

C. Comprehensive Plan Designation

Moderate Density Residential (MD)

D. Land Use History

- December 2016:** Approval of replat to reorient the two northern lots to front on Eagle Street instead of on 21st Avenue, as originally platted (land use file R-2016-002). The reconfiguration was finalized through the final plat process in early 2017 (file FP-2017-001).

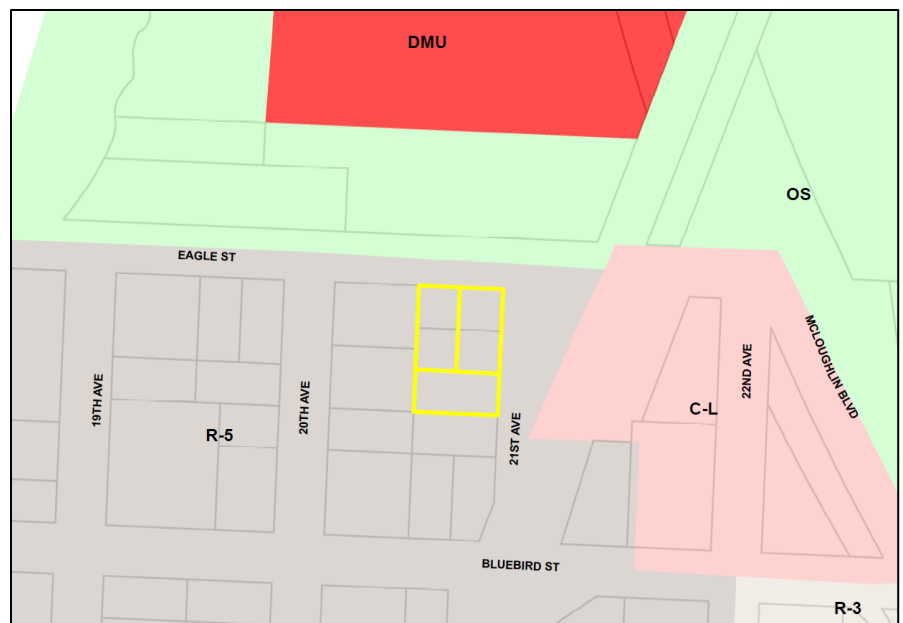


Figure 2. Zoning designation

E. Proposal

The applicant is proposing to construct a single-family detached dwelling on each of the three subject properties. The project includes improvements to the public right-of-way on Eagle Street and 21st Avenue, to provide access to the site on Eagle Street from 20th Avenue. The site is within the Willamette Greenway overlay zone and the proposed development requires review as a conditional use and must meet the applicable Willamette Greenway standards. In addition, the applicant has requested variances to the front yard setbacks (from 20 ft to 10 ft) for two of the lots and to the street-side yard setback (from 15 ft to 5 ft) for the corner lot.

The project requires approval of the following applications:

1. Willamette Greenway (master file, #WG-2017-002)
2. Variance Request (VR-2017-005)

See Attachment 3 for a list of the applicant's materials.

KEY ISSUES

Summary

Staff has determined that there are no key issues that require extensive analysis or discretion by the Planning Commission. As addressed in the Recommended Findings (see Attachment 1), staff believes that the proposed development meets the applicable criteria for development in the Willamette Greenway overlay zone. In addition, Eagle Street and 21st Avenue will act as a cul-de-sac serving the properties with no legal through-access to Bluebird Street. The requested setback variances will have no impact on these streets or on surrounding properties.

Analysis

None

CONCLUSIONS

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

1. Approve the Willamette Greenway review for the proposed development, which will allow construction of a single-family detached dwelling on each of the three subject lots.
2. Approve the requested variances to the front yard setbacks on the two lots fronting on Eagle Street and to the street-side yard setback on the corner lot at Eagle Street and 21st Avenue.
3. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends no significant conditions of approval (see Attachment 2 for the full list of Conditions of Approval).

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.1006 Type III Review
- MMC Section 19.301 Low Density Residential Zones (including R-5)
- MMC Section 19.401 Willamette Greenway Zone WG
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.905 Conditional Uses
- MMC Section 19.911 Variances

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 these applications, which includes any appeals to the City Council, must be made by September 9, 2017, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building and Engineering departments; Clackamas Fire District #1; Island Station Neighborhood District Association (NDA); Oregon Parks and Recreation Department; Oregon Department of State Lands (DSL); Oregon Department of Fish and Wildlife; Oregon State Marine Board; and Oregon Department of Transportation (ODOT).

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

- **Matt Amos, Fire Inspector, Clackamas Fire District #1 (CFD#1):** No comments on the proposed development.
- **Pam Denham, Land Use Chair, Island Station NDA:** No comments on or objections to the proposed development.
- **Alex Roller, Engineering Tech II, City of Milwaukie Engineering Department:** Comments related to the applicable requirements of MMC Title 12 Streets, Sidewalks, and Public Places; and MMC Chapter 19.700 Public Facility Improvements. Compliance with applicable standards will be evaluated in conjunction with development permit review.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation <i>(all materials received April 12, 2017, unless otherwise noted)</i>				
a. Narratives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1) Willamette Greenway Review				
2) Type III Variance Request				
b. Plan Sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1) Site Plan				
2) Vicinity Map (showing site addresses)				
3) Partition Plat (for file R-2016-002)				
4) Existing Conditions Map				
c. House Elevations and Stats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received				
a. Matt Amos, Clackamas Fire District #1 <i>(May 25)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Pam Denham, Island Station NDA <i>(May 31)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Alex Roller, City Engineering Dept. <i>(June 5)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. List of Record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: The List of Record is maintained and updated throughout the review process and is available for viewing upon request.

Key:

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

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

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

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/planning/planning-commission-171>.

**Recommended Findings in Support of Approval
File #s WG-2017-002, VR-2017-005
Eagle St & 21st Ave Lot Development**

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

1. The applicant, Bradley Smith, has applied for approval to develop three vacant lots at the corner of Eagle Street and 21st Avenue. The subject properties are zoned Residential R-5 and are within the Willamette Greenway overlay zone. The proposed development triggers review against the applicable standards of the Willamette Greenway section of the zoning code. In addition, the applicant has requested variances to the front yard setbacks for two of the lots and to the street-side yard setback for the corner lot. The land use application file numbers are WG-2017-002 and VR-2017-005.
2. The subject properties were originally platted as Lots 1, 3, and 5 from Block 11 of the Robertson subdivision from 1884. The lots were configured to front on 21st Avenue, but a recent replat changed the long axis to reorient two of the lots to front on Eagle Street (land use file R-2016-002, approved in December 2016; with final plat file FP-2017-001, signed April 2017). The lots each have an area of 5,000 sq ft and are 50 ft wide by 100 ft deep. The properties are addressed as 2024 SE Eagle St, 2026 SE Eagle St (corner lot), and 11923 SE 21st Ave.
3. The applicant is proposing to construct a single-family detached dwelling on each of the three lots. The public right-of-way on Eagle Street is undeveloped between 20th and 21st Avenues and is undeveloped on 21st Avenue between Eagle and Bluebird Streets. The proposal includes public right-of-way improvements to provide access to the subject properties along Eagle Street from 20th Avenue. A Portland & Western railroad line intersects the public right-of-way at an angle across 21st Avenue and makes it impossible to legally access the site from Bluebird Street on 21st Avenue without an easement agreement.
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.301 Low Density Residential Zones (including R-5)
 - MMC Section 19.401 Willamette Greenway Zone WG
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.905 Conditional Uses
 - MMC Section 19.911 Variances

A designated Habitat Conservation Area (HCA) is identified on the City's Natural Resource Administrative Map within the 21st Avenue right-of-way, though not on any of the subject properties. Natural resources within the public right-of-way are not regulated by MMC Section 19.402, but the proposed development area is within 100 ft of the HCA and so triggers the need for a construction management plan as per MMC Subsection 19.402.9. The construction management plan will be reviewed in conjunction with the building permits for the new single-family houses and is not addressed in these findings.

5. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. Public notice was sent to property owners and current

residents within 300 ft of the subject property. As required by law, a public hearing with the Planning Commission was held on June 13, 2017.

6. MMC Section 19.301 Low Density Residential Zones

MMC Subsection 19.301.2 establishes that single-family detached dwellings are an outright permitted use in the R-5 zone. MMC Sections 19.301.4 and 19.301.5 establish the development standards for the residential R-5 zone. Table 6-a, below, demonstrates how each of the three subject properties meet the applicable R-5 standards.

Table 6-a Development Standards for the R-5 zone				
Standard	R-5 Requirement	2024 SE Eagle St	2026 SE Eagle St	11923 SE 21st Ave
1. Front Yard	20 ft	10 ft ¹	10 ft ¹	20 ft
2. Side Yard	5 ft	5 ft / 15 ft	10 ft	5 ft
3. Street-Side Yard	15 ft	NA	5 ft ²	NA
4. Rear Yard	20 ft	>45 ft	>45 ft	>40 ft
5. Maximum Building Height	2.5 stories or 35 ft (whichever is less)	2 stories	2 stories	2 stories
6. Side yard height plane limit	45 degree slope at 20 ft height	(to be confirmed with building permit)	(to be confirmed with building permit)	(to be confirmed with building permit)
7. Maximum lot coverage	35%	(to be confirmed with building permit)	(to be confirmed with building permit)	(to be confirmed with building permit)
8. Minimum vegetation	25%	(to be confirmed with building permit)	(to be confirmed with building permit)	(to be confirmed with building permit)
9. Front yard minimum vegetation	40%	(to be confirmed with building permit)	(to be confirmed with building permit)	(to be confirmed with building permit)
10. Off-street parking requirements	1 space per dwelling unit, not in the required front or street-side yard	≥2 spaces	≥2 spaces	≥2 spaces

¹ See Finding 10 for a discussion of the variance request to reduce the front yard setback from 20 ft to 10 ft.

² See Finding 10 for a discussion of the variance request to reduce the street-side yard setback from 15 ft to 5 ft.

The Planning Commission finds that, with the requested variances approved as discussed in Finding 10, the proposed development is consistent with the applicable standards of MMC 19.301.

7. MMC Section 19.401 Willamette Greenway Zone

MMC 19.401 establishes standards for the Willamette Greenway overlay designation. The subject properties are within the Willamette Greenway zone as shown on the City's zoning map.

a. MMC Subsection 19.401.5 Procedures

MMC 19.401.5 establishes procedures related to proposed uses and activities in the Willamette Greenway zone. Development in the Willamette Greenway zone requires

conditional use review, subject to the standards of MMC Section 19.905 and in accordance with the approval criteria established in MMC Subsection 19.401.6.

The construction of new primary structures constitutes “development” as defined in MMC Subsection 19.401.4 and is subject to the conditional use review standards of MMC 19.905 and the approval criteria of MMC 19.401.6.

b. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

- (1) Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan

The State Willamette River Greenway Plan defines “lands committed to urban use” in part as “those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate.”

The subject properties are lots that were platted in 1884 and shown with a residential zoning designation on the City’s zoning map since at least 1968. The land is committed to an urban use.

- (2) Compatibility with the scenic, natural, historic, economic, and recreational character of the river

The site is not adjacent to the Willamette River and is more than two blocks from the river, with other residential properties and the Kellogg wastewater treatment plant in between. The proposed development presents no significant impacts to the character of the river and is compatible with all relevant aspects of it.

- (3) Protection of views both toward and away from the river

The site is not adjacent to the Willamette River, and there are no other residential properties to the east to consider with respect to view protection. The proposed development will be configured to maximize river views where possible.

- (4) Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable

The proposed development, particularly the proposed street improvements on Eagle Street, will be configured to preserve existing trees and other vegetation to the extent practicable.

- (5) Public access to and along the river, to the greatest possible degree, by appropriate legal means

The subject properties are private residential properties that are not adjacent to the Willamette River. The proposed development will not affect public access to the river.

- (6) Emphasis on water-oriented and recreational uses

The subject properties are private residential properties with no direct access to the Willamette River.

- (7) Maintain or increase views between the Willamette River and downtown

The subject properties are separated from the nearest portion of downtown by a railroad berm and McLoughlin Boulevard (Highway 99E). The site is across the Eagle Street right-of-way from the Kellogg wastewater treatment plant property, which is zoned for both Open Space and Downtown Mixed Use. A significant landscaping buffer on the treatment plant site screens the subject properties, and the proposed development will have no effect on views between the river and downtown-zoned areas.

- (8) Protection of the natural environment according to regulations in Section 19.402

As noted in Finding 4, above, the subject properties do not include any designated natural resource areas, although a Habitat Conservation Area (HCA) is identified on the City's Natural Resource Administrative Map in the public right-of-way on 21st Avenue. Natural resources within the public right-of-way are not regulated by MMC Section 19.402, but a construction management plan in accordance with MMC Subsection 19.402.9 will be reviewed at the time of development to ensure the protection of any HCA left undisturbed by the required street frontage improvements.

- (9) Advice and recommendations of the Design and Landmarks Committee, as appropriate

The subject properties are not within a downtown zone and the proposed activity does not require review by the Design and Landmarks Committee.

- (10) Conformance to applicable Comprehensive Plan policies

The Willamette Greenway Element in the Milwaukie Comprehensive Plan includes policies related to land use, public access and view protection, and maintenance of private property. These policies include the requirement of a conditional use permit for new development and intensification of existing uses, evaluation of development impacts to visual corridors, and limitations on authorizing the unrestricted public use of private land.

The Natural Hazards Element includes policies that prohibit development in known areas of natural disasters and hazards without appropriate safeguards. The Open Spaces, Scenic Areas, and Natural Resources Element includes policies to conserve open space and protect and enhance natural and scenic resources.

The proposed development is being reviewed through the Willamette Greenway conditional use process as provided in MMC Subsection 19.401.5. The project will not impact visual corridors. The proposed development is on private property and does not involve any changes to public access to the river over private land. The project area is outside the 100-year floodplain. A construction management plan will be reviewed at the time of development to ensure that the nearby HCA is adequately protected.

- (11) The request is consistent with applicable plans and programs of the Division of State Lands

The proposed activity is not inconsistent with any known plans or programs of the Department of State Lands (DSL).

- (12) A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C

The subject properties are not immediately adjacent to the Willamette River and do not include a vegetation buffer area as described in MMC Subsection 19.401.8.A.

The Planning Commission finds that the proposed activity meets all relevant approval criteria provided in MMC 19.401.6.

The Planning Commission finds that the proposed activity meets all applicable standards of the Willamette Greenway zone.

8. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts. MMC 19.700 applies to land divisions, new construction, modifications or expansions of existing structures, and changes or intensifications in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site. MMC Section 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

The applicant proposes to construct single-family detached dwellings on each of the three subject properties, which are currently undeveloped. The proposed development triggers the requirements of MMC 19.700 and will be reviewed for compliance with the applicable provisions of this chapter at the time development permits are submitted.

The Planning Commission finds that the proposed development meets the applicable public facility improvement standards of MMC 19.700.

9. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional uses, including standards for establishing uses identified as conditional uses in any overlay zones. As noted in Finding 7-a and as provided in MMC Subsection 19.401.5.A, activities within the Willamette Greenway zone that trigger Willamette Greenway review are subject to the provisions of Section 19.905 as conditional uses.

a. MMC Subsection 19.905.3 Review Process

MMC 19.905.3 establishes the process by which a new conditional use must be reviewed.

As noted in Finding 7-a, the proposed activity is development as defined for the Willamette Greenway zone and so requires review as a conditional use.

MMC 19.905.3.A requires that establishment of a new conditional use be evaluated through the Type III review process per MMC Section 19.1006.

b. MMC Subsection 19.905.4 Approval Criteria

MMC 19.905.4.A establishes the approval criteria for a new conditional use or a major modification to an existing 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 properties are residential lots, each 5,000 sq ft in area and with no topographic challenges for development. The properties are undeveloped but are adjacent to public rights-of-way in Eagle Street and 21st Avenue that can be improved to provide the necessary public facilities.

The Planning Commission finds that this standard is met.

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

The subject properties are adjacent to other single-family residential properties on the west and south and to the Kellogg wastewater treatment plant on the north. The proposed development involves constructing a new single-family house on each of the three lots and will have minimal impact on nearby uses.

The Planning Commission finds that this standard is met.

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

The proposed development presents no significant impacts.

The Planning Commission finds that this standard is met.

- (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 proposed development is single-family housing in a residential zone and will not generate any unmitigated nuisance impacts.

The Planning Commission finds that this standard is met.

- (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.

The subject property is in the Residential R-5 zone, with development standards provided in MMC Section 19.301. The applicable development standards include those for yard setbacks, building height, side-yard height plane, lot coverage, and minimum vegetation. As addressed in Finding 10, the applicant has requested variances from the front yard setbacks for two of the lots and from the street-side yard standard for the corner lot. All of the lots provide adequate dimension and area to meet the applicable standards of MMC 19.301, compliance with which will be assessed through the development review process at the time of construction.

As addressed in Finding 7, the proposed activity will comply with the relevant standards of the Willamette Greenway overlay zone. As addressed elsewhere in Finding 9, the proposed activity is compliant with the other standards of MMC 19.905.

The Planning Commission finds that this standard is met.

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

As addressed in Finding 7-b(10), the proposed development is consistent with all relevant policies in the Comprehensive Plan.

The Planning Commission finds that this standard is met.

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

As addressed in Finding 8, the proposed development triggers the requirements of MMC 19.700 and will be reviewed for compliance with the applicable provisions of this chapter at the time development permits are submitted.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development meets the approval criteria outlined in MMC 19.905.4.A for establishing a conditional use.

c. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 establishes the types of conditions that may be imposed on a conditional use to ensure compatibility with nearby uses. Conditions may be related to a number of issues, including access, landscaping, lighting, and preservation of existing trees.

The Planning Commission finds that the proposed development sufficiently mitigates any negative impacts and that no additional conditions are necessary to ensure compatibility with nearby uses.

d. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes standards for issuance of a conditional use permit, including upon approval of a major modification of an existing conditional use. The provisions include a requirement to 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.

An advisory note has been included with the conditions of approval to outline the conditional use permit process.

The Planning Commission finds that, as conditioned, the proposed development is consistent with the relevant standards established in MMC 19.905 for conditional uses.

10. MMC Section 19.911 Variances

MMC Section 19.911 establishes the variance process for seeking relief from specific code sections that have the unintended effect of preventing reasonable development or imposing undue hardship.

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B.

The applicant has requested two variances: (1) to reduce the required 20-ft front yard setback to 10 ft for both 2024 and 2026 SE Eagle St, and (2) to reduce the required 15-ft street-side yard setback to 5 ft for 2026 SE Eagle St.

The request would not eliminate the restriction on a prohibited activity, change a required review type, allow a use not allowed outright in the R-5 zone, or otherwise produce any of the results listed in MMC Subsection 19.911.2.B. The requests are each eligible for a variance as per MMC 19.911.2.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more

complex variations to standards than those allowed through the Type II review process as per MMC Subsection 19.911.3.B, as variations that require additional discretion and warrant a public hearing.

The applicant has requested variances of more than 25% to front and street-side yard setbacks. These requests are not eligible for Type II review as provided in MMC 19.911.3.B and so are subject to Type III review as per MMC 19.911.3.C.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. Specifically, MMC Subsection 19.911.4.B.1 provides approval criteria for Type III variances where the applicant elects to utilize the Discretionary Relief Criteria:

- (1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Front Yard Setbacks: The lack of street connectivity to Bluebird Street from 21st Avenue (due to the angled crossing of the railroad line) effectively puts the subject properties at the end of a closed street system, accessible via Eagle Street from 20th Avenue. This situation satisfies the requirements of a low-volume street, and the applicant can request approval to construct less than the regular cross-section for a local street. The City's Engineering Department has indicated that an acceptable cross-section for these street frontages is no more than 20 ft wide and does not include sidewalks.

To preserve existing trees in the Eagle Street right-of-way, the southern edge of the new street on Eagle Street will be located 10 ft from the northern property lines of 2024 and 2026 SE Eagle St. This 10-ft buffer compensates for the 10-ft setback reduction requested by the applicant. By keeping the new houses closer to the front property line, the reduced setbacks would provide better sightlines to both the river and the park area west of the Kellogg wastewater treatment plant.

Street-Side Yard Setback: Along the 21st Avenue frontage of 2026 SE Eagle Street, the required street improvement will be a 16-ft cross-section with no sidewalk. To avoid the large power pole on 21st Avenue adjacent to the eastern property line of 2026 SE Eagle St, the western edge of the new street will be located 10 ft from the eastern boundary of 2026 SE Eagle St. This 10-ft buffer compensates for the 10-ft setback reduction requested by the applicant. By keeping the new house closer to the street-side property line, the reduced setback would allow more room on the opposite interior side for the utility easement that will serve 11923 SE 21st Ave.

The Planning Commission finds that the applicant's analysis is sufficient to address the impacts and benefits of both of the proposed variances. This criterion is met.

- (2) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (a) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (b) The proposed variance has desirable public benefits.

- (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Front Yard Setbacks: The subject properties are located at the northern edge of the Island Station neighborhood and are adjacent to only two other residential properties, to the south and west. To the north and east, across the currently undeveloped rights-of-way of Eagle Street and 21st Avenue, are the Kellogg wastewater treatment plant and Pacific and Western railroad right-of-way, respectively. There are few if any impacts from the proposed variance and almost no adjacent residential properties that would be impacted.

The existing house at 11900 SE 20th Ave is extremely close to the Eagle Street right-of-way, well under the required 15-ft street-side yard setback of the R-5 zone, and significantly affects the line of sight to the river for both subject properties that front on Eagle Street. Reducing the front yard setbacks as requested would bring the two new houses closer to the street-side plane of the adjacent existing house and would allow a better line of sight toward the river.

Street-Side Yard Setback: As noted above, there are only two neighboring residential properties to the subject property, so the requested variance will have very little impact. By shifting the proposed house closer to the 21st Avenue right-of-way, the requested variance increases the interior yard setback on the opposite side and provides more space for the proposed utility easement that will serve the adjacent property at 11923 SE 21st Avenue.

The Planning Commission finds that the requested variances are reasonable and appropriate and that they both meet one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

Front Yard Setbacks: There are few if any impacts from the proposed variance. The proposed location of the new street in the Eagle Street right-of-way will provide an additional 10 ft of separation between the street and the subject properties.

Street-Side Yard Setback: As noted above, there are few if any impacts from the proposed variance, and the proposed location of the new street in the 21st Avenue right-of-way will provide an additional 10 ft of separation between the street and the subject property.

The Planning Commission finds that both variance requests will be mitigated to the extent practicable.

The Planning Commission finds that the proposed development meets the approval criteria for a Type III variance request, as provided in MMC 19.911.4.B.

As proposed, the Planning Commission finds that both of the requested variances are allowable as per the applicable standards of MMC 19.911.

11. The application was referred to the following departments and agencies on May 17, 2017:
- Milwaukie Building Department
 - Milwaukie Engineering Department
 - Clackamas Fire District #1

- Island Station Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Oregon Parks and Recreation Department
- Oregon Department of State Lands (DSL)
- Oregon Department of Fish and Wildlife
- Oregon State Marine Board
- Oregon Department of Transportation (ODOT)

The comments received are summarized as follows, including comments received in response to the public notice posted on the site and mailed to property owners and residents within 500 ft of the site:

- a. **Matt Amos, Fire Inspector, Clackamas Fire District #1 (CFD#1):** No comments on the proposed development.
- b. **Pam Denham, Land Use Chair, Island Station NDA:** No comments on or objections to the proposed development.
- c. **Alex Roller, Engineering Tech II, City of Milwaukie Engineering Department:** Comments related to the applicable requirements of MMC Title 12 Streets, Sidewalks, and Public Places; and MMC Chapter 19.700 Public Facility Improvements. Compliance with applicable standards will be evaluated in conjunction with development permit review.

Recommended Conditions of Approval
File #s WG-2017-002, VR-2017-005
Eagle St & 21st Ave Lot Development

Conditions

1. At the time of submittal of the associated development permit application(s), the following shall be resolved:
 - a. Final plans submitted for development permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on April 12, 2017.
 - b. As needed, provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various point in the development and permitting process.

1. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon approval of an application to allow major modification of an existing conditional use (including Willamette Greenway conditional uses). 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.

2. Construction Management Plan

The project area is within 100 ft of a designated Habitat Conservation Area (HCA). Although the proposed development will not disturb any portion of the HCA, the proximity of the project area to the HCA triggers the need for a construction management plan as per MMC Subsection 19.402.3.J. A construction management plan consistent with the requirements of MMC Section 19.402.9 shall be submitted for review with the building permit application for the new structure.

3. Prior to final inspection of any building permit, the following shall be required:

- a. Submit a stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
- b. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
- c. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
- d. Pay an inspection fee equal to 5.5% of the cost of the public improvements.

- e. Provide a payment and performance bond for 100% of the cost of the required public improvements.
 - f. Provide an erosion control plan and obtain an erosion control permit.
 - g. Install all underground utilities, including stubs for utility service prior to surfacing any streets.
 - h. Construct a private storm management system (e.g., drywell) on the proposed development properties for runoff created by the proposed development. Connect all rain drains to the private storm management system.
 - i. Construct 20-ft-wide asphalt, and valley curbs on development site frontages.
 - j. Extend 16-ft-wide asphalt roadway from the Eagle Street / 20th Avenue intersection to the development lots. A 16-ft-wide roadway will continue south along the east frontage of Tax Lot 1300.
 - k. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line.
 - l. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
 - m. Provide a final approved set of Mylar and electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
4. Limitations on Development Activity
- Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070.I.
5. Expiration of Approval
- As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:
- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
 - b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

136-601-17-088048
601-17-088049



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

RECEIVED
APR 12 2017

Application for Land Use Action

Master File #: WG-2017-002
Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

<ul style="list-style-type: none"> <input type="checkbox"/> Amendment to Maps and/or Ordinances: <ul style="list-style-type: none"> <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <ul style="list-style-type: none"> <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion 	<ul style="list-style-type: none"> <input type="checkbox"/> Land Division: <ul style="list-style-type: none"> <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <ul style="list-style-type: none"> <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <ul style="list-style-type: none"> <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking <input type="checkbox"/> Planned Development <input type="checkbox"/> Preliminary Circulation Plan 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Residential Dwelling: <ul style="list-style-type: none"> <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input checked="" type="checkbox"/> Variance: <ul style="list-style-type: none"> <input type="checkbox"/> Building Height Variance <input type="checkbox"/> Use Exception <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Willamette Greenway Review <input type="checkbox"/> Other: _____ <p>Use separate application forms for:</p> <ul style="list-style-type: none"> • Annexation and/or Boundary Change • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal
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RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): BRADLEY E. SMITH

Mailing address: 13621 SE FAIR OAKS DR MILWAUKIE, OR Zip: 97222

Phone(s): 503 594.4044 (H) 503.803.1224 (O) E-mail: navy.smith@juno.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: 2024 + 2026 SE EAGLE ST // 11923 SE 21ST AVE MILWAUKIE Zip: 97222

Phone(s): 207 E-mail: n

SITE INFORMATION:

Address: 2024 AND 2026 SE EAGLE ST Map & Tax Lot(s): 11E35 DA01300/01200/01100
11923 SE 21ST AVE

Comprehensive Plan Designation: _____ Zoning: _____ Size of property: _____

PROPOSAL (describe briefly): DEVELOP ROADS AND UTILITIES FOR THREE ADJOINING LOTS TO PREPARE LAND FOR BUILDING OF THREE HOMES/RESIDENCES.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: BRADLEY E. SMITH Date: 4/11/2017

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

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APR 12 2017

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Type III Review for Willamette Greenway Zone

Request by, Bradley E. Smith owner of the properties being developed at:

2024 - 2026 SE Eagle St and 11923 SE 21st Ave, Milwaukie, Oregon 97222

19.401.1 Purpose

The purpose of the Willamette Greenway Zone is 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.

19.401.2 Area Defined

I am in the process of developing three lots adjacent to the right of ways for SE Eagle St and 21st Ave. These properties fall into the eastern edge of the Willamette Greenway Zone in the Island Station neighborhood. I intend to develop the three existing lots with streets and utilities to be placed in the pre-designated right of ways for SE Eagle and SE 21st. Two of the lots will face SE Eagle and the third lot farthest to the south will face SE 21st. There will be as little vegetation removal as possible. The bulk of vegetation removal will take place in the right of way for SE Eagle but will be almost exclusively dead standing trees. Every effort will be made to save existing healthy trees.

19.401.3 Limitations on Use

A. My intention is to build three homes, one on each lot that will fully comply with all limitations for building height and sight line restrictions within the Willamette Greenway Zone and within the R-5 zoning requirements.

B. Residential floating structures: N/A

C. Boathouses: N/A

D. Docks: N/A

E. Any removal or disturbance of vegetation will be in full compliance with Subsections 19.401.8.B. 1 through 6.

19.401.6 Criteria: The following shall be taken into account in the consideration of a conditional use:

A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan: N/A

B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river: N/A

C. Protection of views both toward and away from the river:

View sight lines being taken into account with placement and design of house structures. The construction of these homes will not block the views of the Willamette River from any other properties.

D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable:

Placing access roads and utilities to best accommodate existing trees and vegetation. We are planning to leave in place existing healthy trees whenever possible.

E. Public access to and along the river, to the greatest possible degree, as appropriate:

There will be no change in access, to or from the river, due to the development of these lots.

F. Emphasis on water-oriented and recreational uses: N/A

G. Maintain or increase views between the Willamette River and downtown: N/A

H. Protection of the natural environment according to the regulations in Section 19.402: N/A

I. Advice and recommendations of the Design and Landmark Committee, as appropriate: N/A

J. Conformance to applicable Comprehensive Plan policies: N/A

K. The request is consistent with applicable plans and programs of the Division of State Lands: N/A

L. A vegetation buffer plan meeting the conditions of Subsection 19.401.8.A through C: N/A

19.401.7 Setbacks (Water Dependent): N/A

19.401.8 Vegetation Buffer Requirements: N/A

19.401.9 Private Noncommercial Docks: N/A

19.905.4 CONDITIONAL USES – 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.

These are all standard 50'x100' lots recently surveyed and filed with Clackamas County. The natural features of the land will not be negatively impacted. There are currently no improvements.

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

All proposed structures will be well within the R-5 guidelines for building. There will be no negative impacts on neighboring homes that fall outside the normal and reasonable restrictions in the building code guidelines for construction in an R-5 area. There will be no loss of views or access to the Willamette River or park area adjacent to the river by any other properties.

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

There are not currently any identified impacts that would require mitigation. If something arises in the future, it will be mitigated to the extent practicable.

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.

All construction and noise generating activities will be conducted during normal business hours. It would be difficult to generate more noise and vibrations than are generated by the proximity to the freight trains running through the Island Station neighborhood.

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.

The use will comply with all applicable development standards.

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

The proposed use is consistent with the spirit of the Willamette Greenway guidelines and structures will all adhere to the R-5 building design requirements for the City of Milwaukie.

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

Public transportation and utilities will be available prior to occupancy.

B. Minor modification of an existing conditional use shall be approved if the following criteria are met:

N/A

Going back to the purpose of the Willamette Greenway Zone: It is 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.

I believe that the construction of these homes will enhance the livability of the neighborhood in the Willamette Greenway zone of Island Station. They most certainly will enhance the scenic, economic, and recreational qualities of these lands along the Willamette River by removing a large area of invasive plant species and will provide easier access to the river, park areas and bike paths by providing road improvements that will more easily link existing developed neighborhoods to these areas.

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CITY OF MILWAUKIE
PLANNING DEPARTMENT

Type III Variance Request - Setbacks

Request by, Bradley E. Smith owner of the properties being developed at:

2024 - 2026 SE Eagle St and 11923 SE 21st Ave, Milwaukie, Oregon 97222

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to be met based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

BACKGROUND: I am in the process of developing the three existing lots adjacent to the corner of SE Eagle St and 21st Ave in the Island Station neighborhood. **I am requesting a side setback variance from 15' to 5' for the lot on the corner of SE 21st and Eagle St (parcel 2), and front setback variances from 20' to 10' for both lots (parcels 1 and 2) facing SE Eagle St.**

These are 5,000 square foot lots each measuring 50' x 100'. Two of the lots have been re-platted to face SE Eagle St. The re-plat was necessary due to the placement by PGE of a very large power pole adjacent to the east side of the properties that took place when power was rerouted to accommodate the construction of the light rail orange line. The third lot will face SE 21st and is situated just north of 11925 SE 21st. The land has been surveyed and paperwork has been reviewed by the City of Milwaukie planning department and filed with Clackamas County completing the re-plat process.

There are currently no existing utilities or services to the properties. All utilities are to be run underground so as to not interfere with sightlines in the Willamette greenway zone.

Street extensions will be necessary for SE Eagle St and SE 21st Ave, with access being from the west on SE Eagle St. Street improvements on SE 21st will extend south from the Eagle extension and will end at the property line of 11925 SE 21st effectively making the extension of SE 21st from Eagle St a driveway that will serve only one house. SE 21st cannot be extended due to RR right of way and the RR crossing of 21st St at Bluebird. The land to the east of the proposed development is currently dominated by RR and will not accommodate further housing development in the foreseeable future.

Because of the large power pole placed by PGE by the east property boundary, utility trenching and road placement will need to be altered. The City has approved gas and electric utility services to run up the western boundary of the lots to service the lot on 21st eliminating the need for trenching next to the large power pole that would potentially compromise the stability or integrity of the pole. The utilities, gas, electric, water and sewer, will run up the property line between the two lots facing SE Eagle, and then sewer and water will continue on to the third lot at 11923 21st Ave (parcel 3).

Discretionary Relief Criteria

a. **The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.**

I am requesting that the side setback for the lot on the corner of SE 21st Ave and SE Eagle St (parcel 2) be reduced to 5' instead of the 15' normally required for a property adjacent to a street. I am also requesting a variance for the front setbacks of both lots facing SE Eagle St (parcels 1 and 2) be reduced from 20' to 10'.

Both SE Eagle St and SE 21st St extensions will be placed in the pre-existing designated right of ways for those streets. However due to concerns for the preservation of existing trees on Eagle and the large power pole on 21st, the 20' wide street extensions will be pushed out to the 30' mark or center of the right of way on both Eagle St and 21st St. That will effectively place the street extensions 10' from the property lines on both sides of the lots to be developed.

The benefits of this requested variance in setbacks is that it will improve the sightlines to the river and park areas for both of the new houses facing north on Eagle St. They will also accommodate utility extensions to be extended up the property line between parcel 1 and 2. The impact to the neighborhood and neighboring houses will be negligible or non-existent because there are no houses to the east of these properties. Also, the additional 10' setback from the property lines of the new street extensions will still meet the 20' requirements for the homes from the facing road and the 15' requirement for side road. No sidewalks are planned or required for the extension of these streets.

The improvements on SE 21st will extend south from the Eagle extension and will end at the property line of 11925 SE 21st effectively making the extension of SE 21st from Eagle St a driveway that will serve only one house. The benefit of granting this request is that it will also allow the additional space necessary for the installation and future maintenance of the utility services that are to be run up the property lines between the two lots that are facing Eagle St.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

(1) The proposed variance avoids or minimizes impacts to surrounding properties.

The development and construction of houses on these three lots will not negatively impact any existing properties, and will be in full compliance with Willamette greenway guidelines and R-5 building requirements. Any work creating noise pollution or nuisance will be conducted during business hours only. All improvements will be implemented strictly within the guidelines set forth by City Planning and Engineering department and R-5 development guidelines.

In keeping with the concerns and spirit of the Willamette Greenway requirements in maintaining sightlines for properties within the Willamette Greenway overlay zone, there are two reasons that I am requesting the front property line setbacks for the lots facing SE Eagle St be reduced from 20' to 10'.

FIRST the existing house on the corner of 20th and Eagle, between the new houses and the river, is built right on the property line. There is effectively no setback for that house which places it a full 20'

into the sightlines of other houses to the east on Eagle. The placement of that house cuts off the view angle to the park and the river from the east on SE Eagle where the new houses will be situated.

SECOND, the normal setback for street front is 20'. The street extension for SE Eagle St will be placed 10' from the property line. Therefore the proposed 10' setback of the house from the property line added to the 10' setback of SE Eagle St from the property line would equal the 20' required setback for a house fronting the street. With the normal 20' setback in addition to the 10' setback of the road, the houses would be 30' from the road. The granting of this variance would provide a better line of sight within the spirit of the Willamette greenway requirements and in addition would provide for 10' less of impervious surface that would become necessary for driveways to span the distance between the road and the new construction.

(2) The proposed variance has desirable public benefits.

The approval of these variances will provide us the ability to develop these homes while upholding the spirit of the Willamette Greenway. At the same time accommodating the building restrictions and limitations imposed by the houses and utilities previously placed adjacent to these properties.

All utility improvements and street improvements will be donated to the City of Milwaukie upon completion. The development of these properties will provide increased tax revenues.

The new roads will enhance access to the river and park areas for local residents. The granting of this variance request should also improve the conditions of the neighborhood by alleviating the invasive plant species that have been trying to take over these lots for years. Additionally, this area has been home to vagrant camps that leave both trash and human waste in their wake. Consequently, development of these lots should potentially provide a healthier environment for the neighborhood.

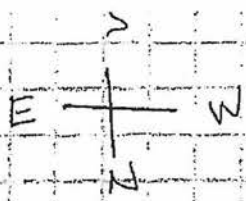
(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The variance I am requesting responds to the existing land in the most sensible and responsible way.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

The development and construction of houses on these three lots will not impact any existing properties negatively in regard to the Willamette greenway guidelines. Any work creating noise pollution or nuisance will be conducted during business hours only. All improvements will be implemented strictly within the guidelines set forth by City Planning and Engineering department development guidelines and for home construction within R-5 guidelines.

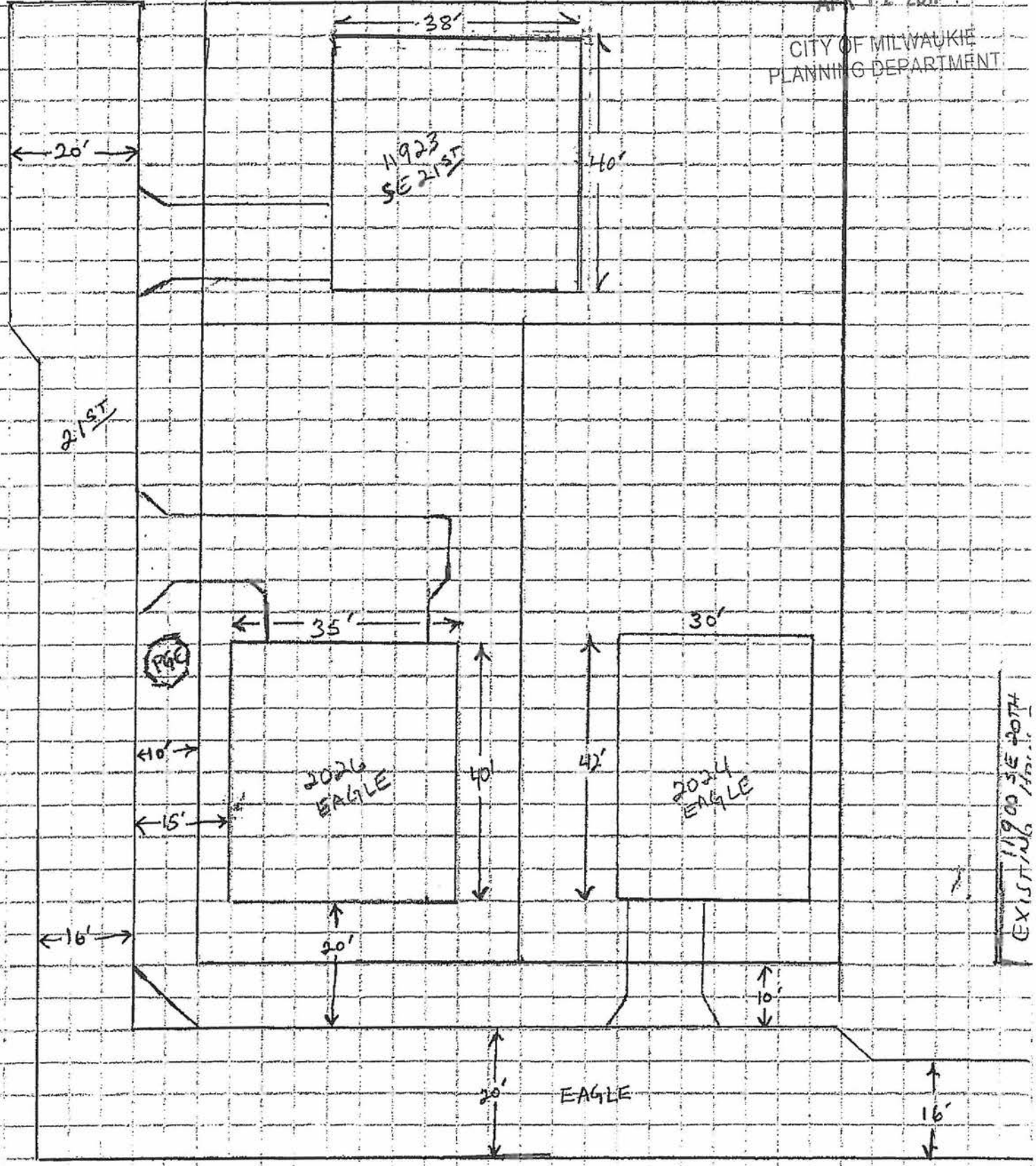
□ = 5'



11925 21st
EXISTING
HOUSE

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APR 12 2017

CITY OF MILWAUKIE
PLANNING DEPARTMENT



EXISTING
11900 SE 20TH

1919

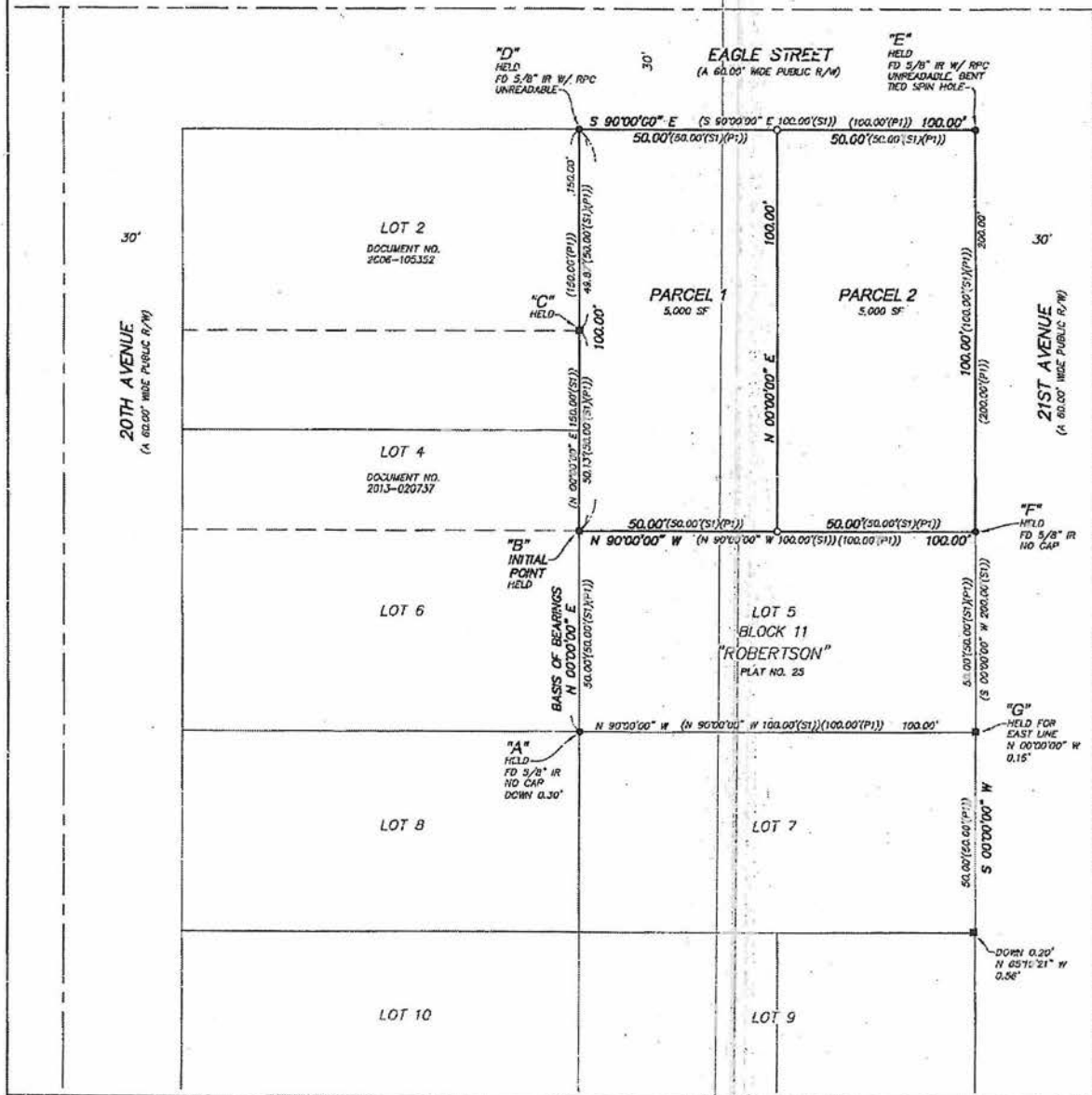
1900

SE Eagle St.

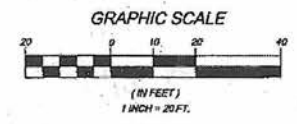


PARTITION PLAT NO. 2017-

A REPLAT OF LOTS 1 AND 3, BLOCK 11,
 "ROBERTSON" (PLAT NO.25), LOCATED IN THE
 S.E. 1/4 SECTION 35, T.1S., R.1E., W.M.,
 CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
 FEBRUARY 9, 2017 SCALE 1"=20'
 LAND USE FILE NO. R-2016-002
 SHEET 1 OF 2



- LEGEND:**
- SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS INC" ON _____ 2017
 - FOUND MONUMENT AS NOTED FROM ST
 - FOUND 5/8" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS INC" FROM ST
- () = RECORD DISTANCES & BEARINGS
 IR = IRON ROD
 FD = FOUND
 W/ = WITH
 RPC = RED PLASTIC CAP
 R/W = RIGHT OF WAY
 SN = SURVEY NUMBER CLACKAMAS COUNTY SURVEYOR'S OFFICE
 SF = SQUARE FEET
 ST = ST 2045P
 PT = "ROBERTSON" PLAT NO. 25



SIGNED ON: 14 FEB 2017

REGISTERED PROFESSIONAL LAND SURVEYOR

TOBY G. BOLDEN
 80377LS

OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 80377LS

RENEWS: OCTOBER 31, 2017

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

EXISTING CONDITIONS MAP

TAX LOTS 1100-1300, MAP 15, 1E, 350A
LOCATED IN THE S.E. 1/4 SECTION 35, T15S, R11E, W4M,
CITY OF WHELAN, CLATSOP COUNTY, OREGON
JANUARY 25, 2017 SCALE 1"=20'

SURVEY NOTES:

THE DATA FOR THIS SURVEY IS BASED UPON A SLACK TIE OBSERVATION OF LOCAL CONTROL POINTS PROVIDED THROUGH SITE DATA TO THIS MAP.
A TRIMBLE 58-TERRY POLARIS ASTRONOMY PRO 0165710 COMPLETE A GROUND LOOP FIELD MEASUREMENT.

THE STATE OF OREGON FOR THIS SURVEY IS THE PROVISIONS OF THE GENERAL PERMITS AND HELD FOR RECORD OF THIS SURVEY UNDER PRIVATE SURVEY BOARD STATE ACTS OF THE OREGON LEGISLATURE.

THE PURPOSE OF THIS SURVEY IS TO RECORD AND DETERMINE THE EXISTING CONDITIONS OF THE PROPERTY AND TO SHOW THE RELATIONSHIP BETWEEN THE PROPERTY AND ADJACENT PROPERTIES WITHIN THE SAME SURVEY.

NO WARRANTIES ARE MADE AS TO EXACTNESS OF DIMENSIONS, SUCH AS CURVES, HEIGHTS, DISTANCES, POSITIONS, ETC.

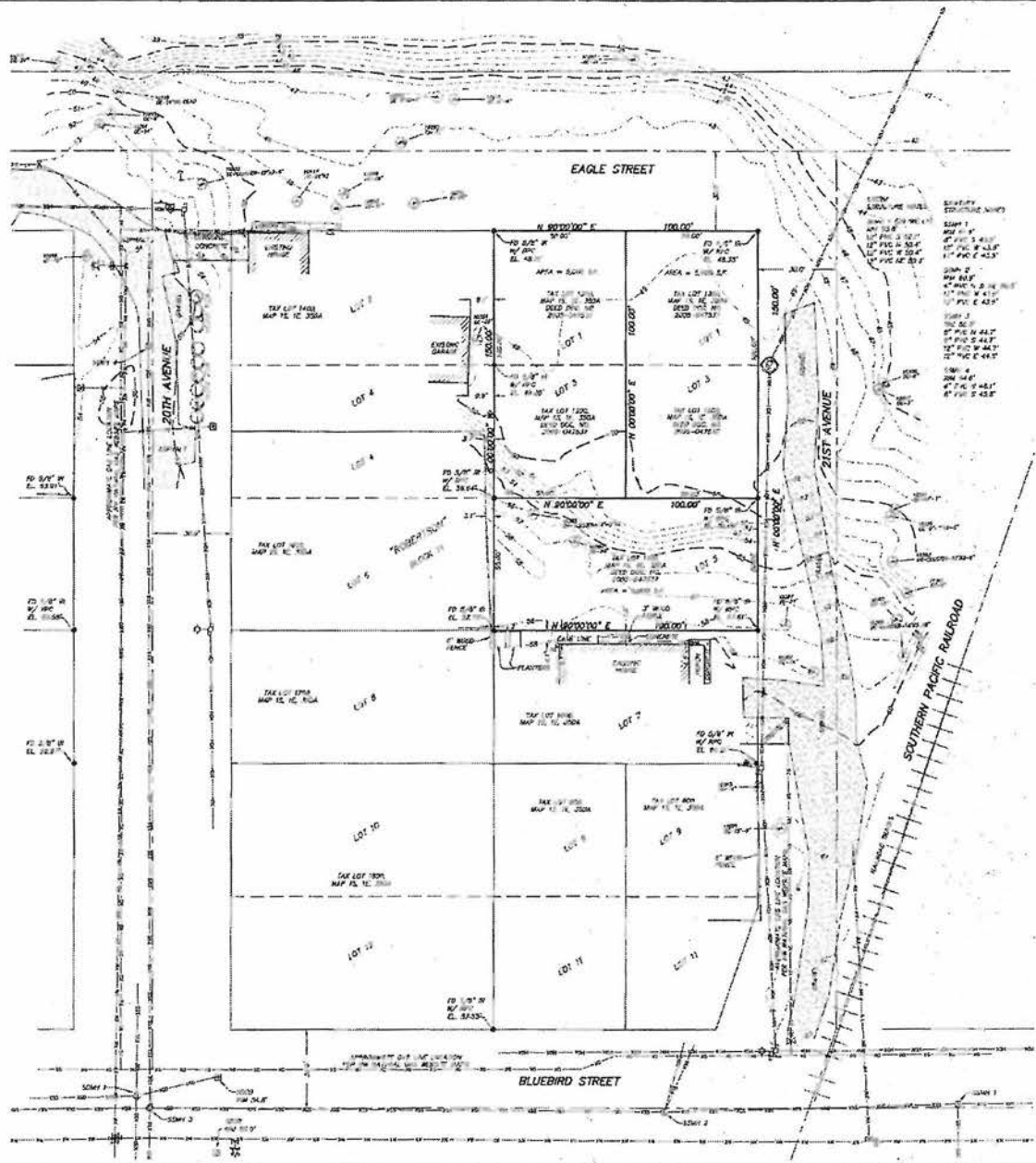
NO STATE REPORT HAS BEEN OBTAINED FOR THIS SURVEY.

THE SURVEYING METHODS USED IN THIS MAP HAVE BEEN OBTAINED FROM FIELD SURVEY OF ADJACENT PROPERTIES AND AS MAINTAINED BY THE SURVEYOR. THE SURVEYOR HAS NOT CONDUCTED ANY FIELD SURVEY OR OBSERVATIONS TO VERIFY THE DATA PROVIDED. THE SURVEYOR IS NOT RESPONSIBLE FOR THE EXISTING CONDITIONS OF THE PROPERTY. A SURVEYOR'S FIELD SURVEY DOES NOT CONSTITUTE AN ASSURANCE OF ACCURACY AS PROVIDED FROM THIS DATA. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS DISCREPANCIES OR DISCREPANCIES AS TO THE LOCATION OF BOUNDARIES AS SHOWN ON THIS MAP. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS DISCREPANCIES OR DISCREPANCIES AS TO THE LOCATION OF BOUNDARIES AS SHOWN ON THIS MAP. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBVIOUS DISCREPANCIES OR DISCREPANCIES AS TO THE LOCATION OF BOUNDARIES AS SHOWN ON THIS MAP.

LEGEND:

Some Symbols shown may not be used on this map.

- | | |
|--------------------------------|--------------------------|
| ○ DETECTED TREE BY FIELD DATA | □ UTILITY AND LIGHT POLE |
| ○ CHANGELIN TREE BY FIELD DATA | ○ VERTICITY POLE |
| ○ STEEP SLOPE MARKER | ○ LIGHT POLE |
| □ SANDPAPER | ○ SURVEY WIRE |
| ○ SANDPAPER MARKER | ○ ELECTRIC BOX |
| ○ SANDPAPER MARKER | ○ FLEXIBLE WIRE |
| ○ SANDPAPER MARKER | ○ ELECTRICAL POWER POLE |
| ○ SANDPAPER MARKER | ○ ELECTRIC BOX |
| ○ SANDPAPER MARKER | ○ WIRE PUMP |
| ○ SANDPAPER MARKER | ○ GAS LINE |
| ○ SANDPAPER MARKER | ○ GAS LINE |
| ○ SANDPAPER MARKER | ○ ELECTRICAL LINE |
| ○ SANDPAPER MARKER | ○ COMPASS LINE |
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SEARCHED 27110117
REGISTERED PROFESSIONAL LAND SURVEYOR
TORY C. BOLDEN
303185
REGISTERED 03/21/17

CENTERLINE CONCEPTS LAND SURVEYING, INC.
14755 W. HUNTER AVE., SUITE 120
DUNSMITH, OREGON 97115
PHONE: 503-854-7856 FAX: 503-854-0189

PROFESSIONAL SURVEYOR'S CERTIFICATE NO. 10000-0001-0001-0001-0001-0001



PARCEL 3 - HOUSE STATS

PRIMARY STYLE:

Contemporary-Modern

BEDROOMS:

3

BATHS:

2

STORIES:

1

GARAGE BAYS:

2

LIVING AREA:

1,276 sq. ft.

WIDTH/DEPTH:

40' x 38'

Picture is representative of home to be built on parcel #3. Characteristics of home, such as siding and window style may change and landscaping is not representative of future landscape plans.



Parcel 1 house stats

Number of Bedrooms:	3
Number of Bathrooms:	2.0
Width of House:	30 feet
Depth of House:	42 feet
Finished Basement/Lower:	123 sq. ft.
First Floor:	1116 sq. ft.
Total Living Area:	1239 sq. ft.
Covered Porch:	41 sq. ft.
Garage Size:	2 Car
1st Floor Plateline:	8'0
Foundation Type(s) available for this plan:	Basement
Architectural Style:	European
Exterior Finish:	Stucco (will probably change this)
Exterior Wall Structure:	2x6 studs
Roof Framing:	Truss
Window Type:	Casement
Primary Roof Pitch:	6:12
Roof Peak: from Front Door Floor Level	25 feet

Image is representative of house with some changes pending. Garage door will be 12' in width and the front door opening will shift accordingly to the right with supports aligning with the upper floor window. Landscaping does not reflect future landscape plans. Siding and window styles will probably also change.

Kelver, Brett

From: Amos, Matt <Matt.Amos@clackamasfire.com>
Sent: Thursday, May 25, 2017 11:28 AM
To: Kelter, Brett
Subject: 2024 & 2026 SE Eagle St. WG-2017-002, VR-2017-005

Good morning Brett,

Clackamas Fire District #1 has no comments for this proposal.

Thank you,

Matt Amos

Fire Inspector | Fire Prevention

direct: [503.742.2661](tel:503.742.2661)

main: [503.742.2600](tel:503.742.2600)



*To Safely Protect & Preserve
Life & Property*

CLACKAMAS FIRE DISTRICT #1

www.clackamasfire.com

The information contained in this transmission may contain privileged and confidential information, including patient information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Kelver, Brett

From: Pamela Denham <pamdenham@gmail.com>
Sent: Wednesday, May 31, 2017 7:59 AM
To: Kelver, Brett
Subject: file WG-2017-002, VR-2017-005

Hi Brett,

The ISNDA land use committee has convened & has no comments or objections to these projects.

I personally wouldn't want to live next to high tension wires but some people will!

Pam Denham
ISNDA Land Use Chair

MEMORANDUM

TO: Community Development Department

THROUGH: Charles Eaton, PE, Engineering Director

FROM: Alex Roller, Engineering Technician II

RE: WG-2017-002 Staff Response
21st & Eagle

DATE: June 5, 2017

Proposed construction of 3 homes located within the Willamette Greenway overlay.

1. MMC Chapter 12.08 – Street & Sidewalk Excavations, Construction, and Repair
 - A. This will apply to all construction that is completed in the right-of-way. The public improvement process will follow MMC 12.08.020.
2. MMC Chapter 12.16 – Access Management

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 12.16.

 - A. MMC Chapter 12.16.040 establishes standards for access (driveway) requirements.

12.16.040A: requires that all properties be provided street access with the use of an accessway.

The proposed development, as conditioned, is consistent with MMC 12.16.040A.

12.16.040D: Number of Accessway Locations

 - 1: Safe access

Applicant has proposed the minimum number of accessway locations.

The proposed development is consistent with MMC 12.16.040.D.1.
3. MMC Chapter 12.24 – Clear Vision at Intersections

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 12.24

 - A. 12.24.030: clear vision requirements

Proposed driveways, accessways and intersections will conform to 12.24.030 through Conditions of Approval.
4. MMC Chapter 19.700 – Public Facility Improvements

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 19.700.

 - A. MMC Chapter 19.700 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to development 3 empty lots. The development triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

B. MMC Section 19.703 Approval Criteria

19.703.1 Preapplication Conference

Requirement for a preapplication conference was satisfied on July 14th 2016.

19.703.2 Application Submittal

Development will not require a Transportation Facilities Review so MMC 19.703.2 will not apply.

19.703.3 Approval Criteria

Applicant will provide transportation improvements and mitigation in rough proportion to the potential impacts of the development.

The proposed development, as conditioned, is consistent with MMC 19.703.3.

C. MMC Section 19.704 requires submission of a transportation impact study documenting the development impacts on the surrounding transportation system.

Three houses will not significantly trip generation and therefore does not require a transportation impact study.

MMC 19.704 does not apply to the proposed development.

D. MMC Section 19.705 requires that transportation impacts of the proposed development be mitigated.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service before the proposed development.

The proposed development is consistent with MMC 19.705.

E. MMC Section 19.708.1 requires all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

19.708.1.A – Access Management

Access requirements shall comply with access management standards contained in Chapter 12.16.

19.708.1.B – Clear Vision

Clear vision requirements shall comply with clear vision requirements contained in Chapter 12.24.

19.708.1.C – Development in downtown zones

Does not apply to this development

19.708.1.D – Development in Non-Downtown Zones

The proposed development is consistent with MMC 19.708.1.D.

19.708.1.E – Street Layout & Connectivity

The proposed development is consistent with the remainder of MMC 19.708.3.E.

19.708.1.F – Intersection Design and Spacing

F. MMC Section 19.708.2 establishes standards for street design and improvement.

The applicant shall construct a frontage improvement on the south side of SE Eagle Street along the site's frontage, and in front of taxlot 1100 fronting 21st Avenue. The street improvement includes 20' of asphalt and a valley curb. All other portions of improvements will only be 16-foot width asphalt, with 2-foot gravel shoulders. The right-of-way width is 60-feet, which is wider than needed for the required improvements. There are allowances for the location of the improvements to be more centered within the right-of-way instead of tight to the development property frontages.

- G. MMC Section 19.708.3 requires sidewalks to be provided on the public street frontage of all development.

Applicant has requested to construct the low-volume residential cross section. This has the pedestrian route on the street surface. There is no separate sidewalk constructed.

19.708.3.A.2 requires that public sidewalks shall conform to ADA standards. The cross-slope requirement for the asphalt is maximum 2%.

The proposed development is consistent with MMC Section 19.708.3.

Recommended conditions of approval:

Prior to final inspection of building permit, the following shall be required:

1. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
2. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
3. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
4. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
5. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
6. Provide an erosion control plan and obtain an erosion control permit.
7. Install all underground utilities, including stubs for utility service prior to surfacing any streets.
8. Construct a private storm management system (e.g. drywell) on the proposed development properties for runoff created by the proposed development. Connect all rain drains to the private storm management system.
9. Construct 20-foot wide asphalt, and valley curbs on development site frontages.
10. Extend 16-foot wide asphalt roadway from Eagle/20th Intersection to the development lots. 16-foot wide roadway will continue south along the east frontage of taxlot 1300.

S-2016-001
5126 SE King Road
Page 4 of 4

11. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 feet and 20 feet in width and least 7.5 feet from the side property line.
12. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
13. Provide a final approved set of Mylar and electronic PDF "As Constructed" drawings to the City of Milwaukie prior to final inspection.



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kalias, Associate Planner

Date: June 6, 2017, for the June 13, 2017, Public Hearing

Subject: **File:** S-2017-002; VR-2017-001; VR-2017-006; ZA-2017-002; CPA-2017-001
Applicant: Simon Lofts, Sustainable Infill Development, Inc.
Owner(s): Francar LLC
Address: 4217-4219 SE Railroad Ave
Legal Description (Map & Tax lot): 12E31BC 6900, 8000, 8100, 8200, 8300,
NDA: Hector Campbell

ACTION REQUESTED

Review the preliminary development plan proposed with land use application master file #S-2017-002 and its associated applications and make the following recommended decisions:

- Approve land use applications #S-2017-002, #VR-2017-001, and #VR-2017-006 and the recommended Findings and Conditions of Approval found in Attachments 1 and 2.
- Forward a recommendation approval to the City Council based on the proposed Findings and Conditions of Approval found in Attachments 1 and 2 for land use applications #ZA-2017-002 and #CPA-2017-001.

Action by the Commission to approve the application as submitted would allow for the development of a 19-lot subdivision on the property located at 4217-4219 SE Railroad Ave pending approval of a zoning map amendment, comprehensive plan map amendment, and comprehensive plan text amendment by the City Council.

BACKGROUND INFORMATION

A. Site and Vicinity

The subject property consists of 4 residential parcels zoned Residential R-7 in the Hector Campbell neighborhood. Two existing single family dwellings occupy the subject property at 4217 and 4219 SE Railroad in addition to 2 undeveloped lots. The property is generally

open grass area with some trees scattered throughout and is approximately 3.25 acres in size. The surrounding area consists of residential uses on 3 sides. To the south is Railroad Ave, an active rail line, and the Business Industrial Zone. The structure located on 4217 SE Railroad Ave was identified as a Significant historic resource in the 1988 Cultural Resources Inventory. On May 9, 2017, the Planning Commission approved a demolition permit for the structure (land use file #HR-2017-001).

B. Zoning Designation

Residential zone R-7

C. Comprehensive Plan Designation

Low Density Residential LD

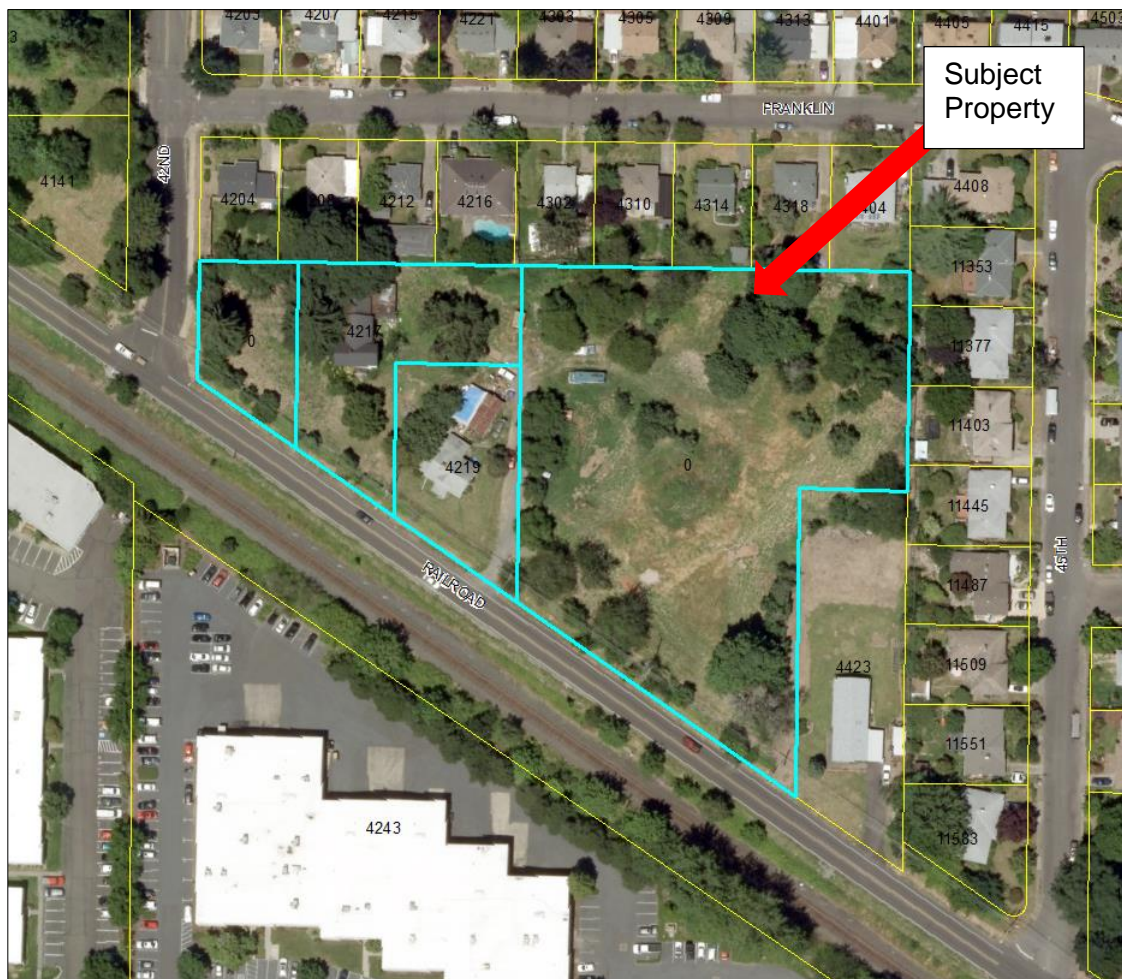


Figure 1. Site and Vicinity. Source: 2015 RLIS

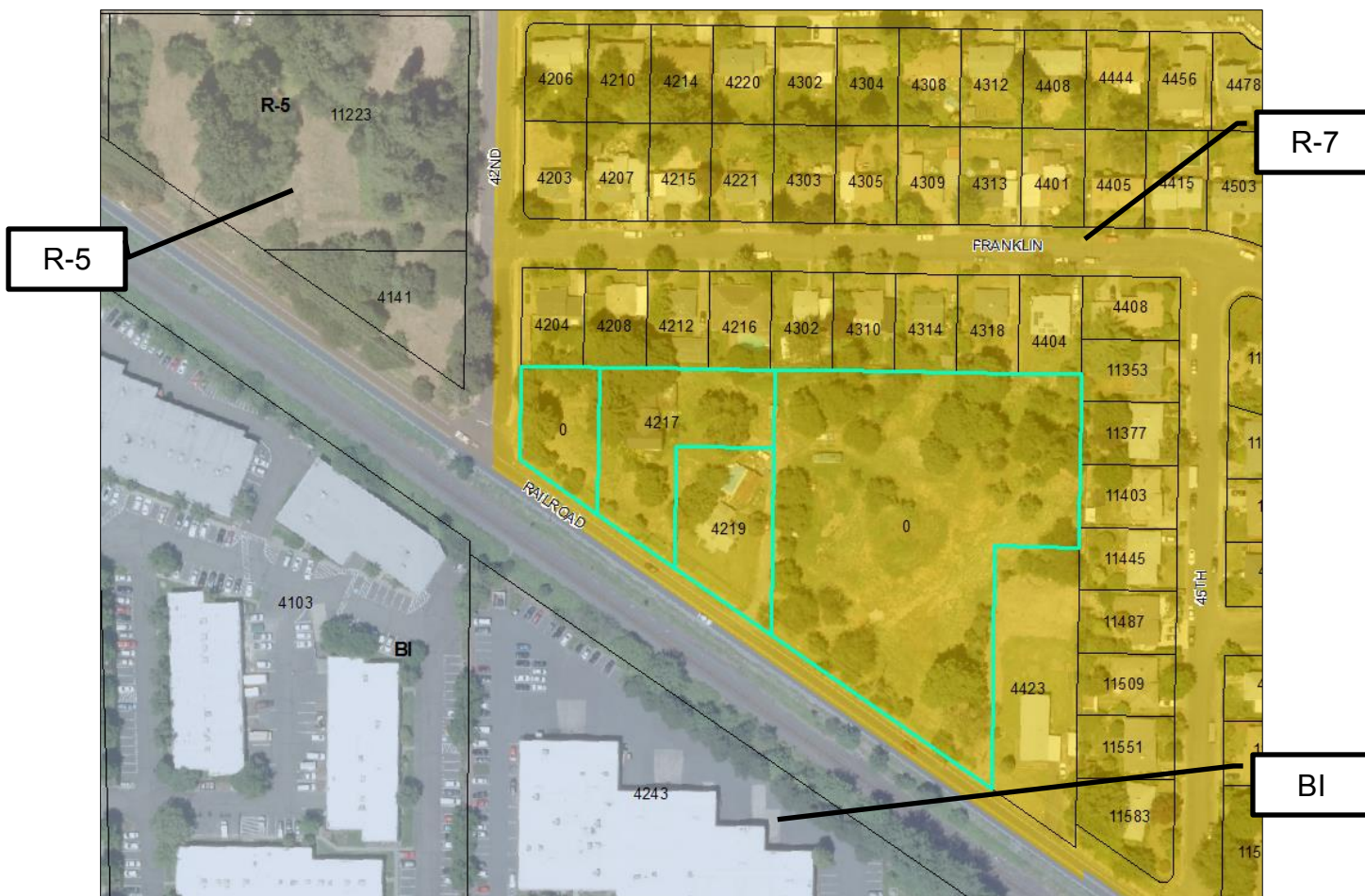


Figure 2. Zoning

D. Land Use History

- **May 9, 2017:** Planning Commission approved a demolition permit for the identified Significant historic resource located at 4217 SE Railroad Ave (file #HR-2017-001).

E. Proposal

The application package includes a proposed 19-lot Subdivision, a Zoning Map Amendment to rezone the subject property from Residential R-7 to Residential R-5 and to remove the property at 4217 SE Railroad Ave from the Historic Resources Overlay, a Comprehensive Plan Map Amendment to change the land use designation of the subject property from Low Density to Moderate Density, and a Comprehensive Plan Text Amendment to remove 4217 SE Railroad Ave from Appendix 1: Historic Resources Property List.

The applicant has requested Variances for five aspects of the project:

1. Variance to MMC 17.28.040.F to allow alternative access to Lots 1, 2, 13, and 14 rather than over the required frontage;
2. Two Variances to MMC 19.301.4 to allow a rear yard setback of 10 ft rather than the minimum 20 ft required on Lots 13 and 19;

3. Variance to MMC 19.708.1 to allow the access spacing between SE 42nd Ave and SE 43rd Ave to be approximately 126 ft rather than the minimum 300 ft required;
4. Variance to MMC 17.28.040.E to allow Lots 18 and 19 to be double frontage lots.

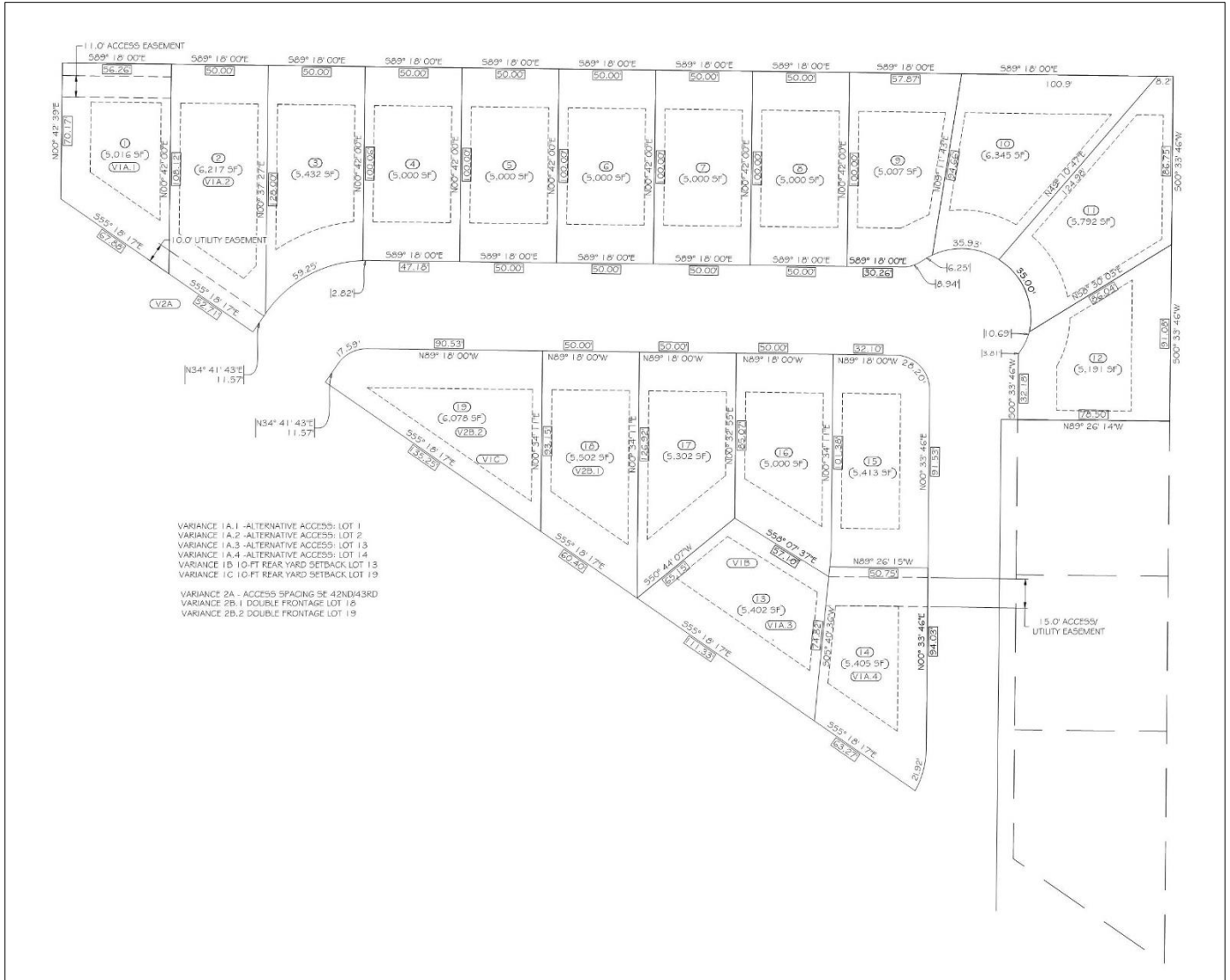


Figure 3. Proposed subdivision - Keil Gardens

See Attachment 3 for a list of the applicant's materials.

The proposal requires approval of the following applications:

1. Type III Subdivision Review (master file #S-2017-002):
2. Type III Variances (VR-2017-001; VR-2017-006)
3. Zoning Map Amendments (ZA-2017-002)
4. Comprehensive Plan Map and Text Amendments (CPA-2017-001)

F. Land Use Review Process

The proposed project involves 3 review processes, 2 of which will run concurrently. The first step was the review of the historic demolition application for the structure located at 4217 SE Railroad Ave (HR-2017-001). This application was reviewed by the Design and Landmarks Committee and the Planning Commission and was approved on May 9, 2017.

The second and third processes are the Type III Subdivision and Variance applications (S-2017-002 and VR-2017-001) and the Type IV Zoning Map Amendment and Comprehensive Plan Map and Text Amendments applications (ZA-2017-002 and CPA-2017-001). The Planning Commission will review and render a decision on the Type III applications and make a recommendation to City Council on the Type IV applications. Because the design of the subdivision is based on re-zoning the site from R-7 to R-5, the subdivision and variance applications are contingent upon the approval of the zoning and comprehensive plan amendment applications.

The applicant has opted to have the Type III and Type IV review processes run concurrently. The applicant is assuming the risks associated with the possibility that the Planning Commission may not forward a recommendation for approval to City Council or that City Council may not approve the Type IV applications.

KEY ISSUES

Introduction

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

- 1. Is re-zoning the site from R-7 to R-5 (and the associated Comprehensive Plan Map Amendment) appropriate?**
- 2. Are there alternatives to the proposed variances and project design? Are the variances reasonable and appropriate?**
- 3. Does the proposed subdivision satisfy the approval criteria for a preliminary plat (MMC 17.12.040)?**

Analysis

- 1. Is re-zoning the site from R-7 to R-5 (and the associated Comprehensive Plan Map Amendment) appropriate?**

The zone change proposal is appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R-5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the R-7 zoned areas directly north and east of the site, many of the lots are sub-standard for the R-7 zone. Seventeen of the nineteen lots zoned R-7 that are adjacent to the site are 6,500 square feet or less. The loss of R-7 zone area does not raise concerns

about compatibility. Although the R-5 zone and the Moderate Density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development of additional housing, a need identified in the Housing Needs Assessment. The R-7 zone is also the largest zone in the city, comprising over 40% of the total land area (including right of way). By comparison, R-5 comprises just over 10% of the total land area.

2. Are there alternatives to the proposed variances and project design? Are the variances reasonable and appropriate?

This proposed subdivision design requires a total of 5 variances. Two of the variances are necessary due to the applicant's desire to maximize the number of lots and the City's restriction of access to Railroad Ave and the Engineering Department's request that Lots 1 and 2 should be accessed from SE 42nd Ave. Also, due to the triangular shape of the parent lot, the applicant is seeking a variance to the rear yard setback for Lots 13 and 19, a corner lot, and a variance to the standard discouraging double frontage lots (Lots 18 and 19). Given the odd shape of the parent lot, design options for the street network and lot layout are limited.

However, the proposed design requires multiple variances and is proposing a smaller street cross section to maximize the number of lots based on a proposed zone change from R-7 to R-5. Based on a net developable area of 2.24 acres, under R-7 zoning, the minimum and maximum number of dwelling units would be 11 and 13 respectively. Under the proposed R-5 zoning, the numbers are 16 and 19. The developable area of the proposed lots, in several cases, is smaller than the minimum setbacks indicate due to the minimum lot width requirement, which is measured at the building line. This will create a challenging situation for home construction on these lots. Coupled with the proposed street cross section (see Key Issue #3), staff believes that the proposal maximizes the development potential of the site at the expense of adequate design.

Staff recommends an analysis of a design with fewer lots to review how it would respond to the code requirements as it would likely require fewer variances or requests for alternative design considerations. The proposed design, with requested variances, creates irregularly shaped lots including rear lot lines on Lots 16 and 17 that do not meet MMC 17.28.040.B, the need for shared access and potential issues with backing movements, and a confusing lot pattern; variances have been requested to allow less than the minimum rear yard setback on Lots 13 and 19 to provide adequate area for reasonable construction.

Specific recommendations include:

- Elimination of Lot 13 to create a more rectilinear-shaped lot for Lots 16 and 17 and to avoid the need for an access easement across Lot 14.
- Combine Lots 1 and 2 to avoid an access easement from Lot 2 across Lot 1 to SE 42nd Ave; OR
 - Provide shared access for Lots 2 and 3 onto the proposed new street.

These changes would provide additional site planning flexibility to allow the proposed streets to be wide enough for a parking lane and planter strip on both sides, while still meeting minimum density requirements for the R-5 zone.

3. Does the proposed subdivision satisfy the approval criteria for a preliminary plat?

Staff has identified the following key areas for the Commission's deliberation relative to the approval criteria for a preliminary plat:

- Intersection spacing and design – MMC 19.708.1.F

MMC 19.708.1.F includes specific intersection design and spacing requirements, which the proposed development does not meet. The required minimum distance between street intersections on collector streets (SE Railroad Ave) is 300 ft. The proposed development includes 2 new local street intersections between SE 42nd Ave and SE 45th Ave, which are less than the required 300 ft. A variance is required and has been requested.

As provided in MMC 19.703.5.A, the proposed development requires a variance to the standards in MMC 19.708.1. A variance application has been submitted to satisfy this requirement.

- Street Design Standards – MMC 19.708.2

MMC 19.708.2 identifies the street design elements and dimensional standards for street cross section by functional classification. The Engineering Director has the authority to require or modify the full-width cross section after a determination of appropriateness and feasibility.

The applicant has proposed internal streets with the following cross section:

- 25 ft of asphalt, which includes a 6-ft parking lane on 1 side
- 2-ft curb and gutter and 6-ft curb tight sidewalk on the south and west sides of the proposed street
- 2-ft curb and gutter, 4-ft planting strip, and 6-ft sidewalk on the north and east sides of the proposed street.

For comparison purposes, the recently approved Mission Park 14-lot subdivision has a standard cross section that includes parking, planters, and sidewalks on both sides of the proposed streets. The applicant has not provided a reason for the lack of a planter strip and parking lane on the south and west sides of the proposed street, although it is likely it is due to the potential loss of buildable lots if a full cross section is required. However, staff believes that a large single-family development on small lots (achieved from the benefit of a zone change to a higher density zone) should provide a full street cross section that includes parking and a planter strip on both sides.

A condition of approval has been included to address this issue.

CONCLUSION

Staff recommendation to the Planning Commission is as follows:

- Approve land use applications #S-2017-002, #VR-2017-001, and VR-2017-006 and the recommended Findings and Conditions of Approval found in Attachments 1 and 2.
- Forward a recommendation to City Council based on the recommended Findings and Conditions of Approval found in Attachments 1 and 2 for land use applications #ZA-2017-002 and #CPA-2017-001.

The final decision on this subdivision application, which includes any appeals to the City Council, must be made by September 20, 2017, 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.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 12.16 Access Management
- MMC 12.24 Clear Vision at Intersections
- MMC 17.12 Application Procedure and Approval Criteria - Land Division
- MMC 17.20 Preliminary Plat
- MMC 17.28 Design Standards
- MMC 17.32 Improvements
- MMC 19.301 Low Density Residential Zones
- MMC 19.500 Supplementary Development Regulations
- MMC 19.600 Off-street Parking
- MMC 19.700 Public Facility Improvements
- MMC 19.902 Amendments to Maps and Ordinances
- MMC 19.911 Variances
- MMC 19.1006 Type III Review
- MMC 19.1007 Type IV Review
- MMC 19.1200 Solar Access Protection

This application is subject to Type III and Type IV review. Type III review 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. Type IV review requires the Planning Commission to review the application against review criteria and submit a recommendation to the City Council, who has final approval authority.

The Commission has 4 decision-making options as follows:

- A. Approve the Type III applications subject to the recommended Findings and Conditions of Approval. Recommend approval of the Type IV applications to the City Council subject to the recommended Findings and Conditions of Approval.
- B. Approve the Type III applications with modified Findings and Conditions of Approval. Such modifications need to be read into the record. Recommend approval of the Type IV

applications to the City Council subject to modified recommended Findings and Conditions of Approval.

- C. Deny the Type III applications upon finding that it does not meet approval criteria. Recommend denial of the Type IV applications to the City Council.
- D. Continue the hearing to July 11, 2017.

The final decision on the Type III applications, which includes any appeals, must be made by September 19, 2017, 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 project was given to the following agencies and persons: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; Clackamas County; Metro; ODOT; and the Hector Campbell Neighborhood District Association Chairperson and Land Use Committee. Notice of the application was also sent to surrounding property owners within 400 ft of the site on May 24, 2017 and a sign was posted on the property on May 25, 2017.

The following comments were received (please refer to the Findings in Attachment 1 for staff response).

Milwaukie Building Department – no comment

Milwaukie Engineering Department – the Milwaukie Engineering Department responded with a memorandum regarding public improvements and stormwater. The memorandum has been incorporated as the findings for MMC Chapter 19.700 and in the “Conditions of Approval” and “Other Requirements” sections of this notice.

Clackamas Fire District #1 – responded with comments regarding the required access and water supply plan as well as turning radius requirements. These requirements are incorporated into the findings and conditions of approval.

ODOT – The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight trains, passenger trains or transit vehicles. It is generally not the State’s responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.

Hector Campbell NDA – The NDA generally supports the project, but has the following comments/concerns:

- They prefer a diversity of street trees.
- They would like to see plans that include trees on each lot.
- They have concerns about the roadway access for Lots 1 and 2 onto SE 42nd Ave and would prefer the Commission consider a variance for access to the new SE 43rd Ave.
- They have no concerns about double frontage lots and alternate access.
- They would like to see some of the wood from the historic house used in the new home construction if possible to honor the history of the area.

Staff will continue to collect comments and will provide any comments received with the Commission at the hearing.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. 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 received April 28, 2017.				
a. Land Use Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Narrative – Request to deem application complete	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Narrative – Response to Incompleteness Letter dated April 17, 2017	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Narrative – Compliance with Applicable Standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Pre-Application Conference Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Storm Drainage Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
g. Preliminary Engineering Plan Set	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. VR-2017-006 Application, Narrative and revised plan (received May 19, 2017)	<input checked="" type="checkbox"/>	<input 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 PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

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

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

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-171>.

Recommended Findings of Approval
File #S-2017-002; VR-2017-001; VR-2017-006, ZA-2017-002; CPA-2017-001 – Keil
Gardens
(4217-4219 SE Railroad Ave)

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

1. The applicant, Simon Lofts of Sustainable Infill Development LLC, has applied for approval to create a 19-lot subdivision at 4217-4219 SE Railroad Ave. The site is made up of 4 contiguous lots and is zoned Low Density Residential R-7. The land use application master file number is S-2017-002, with accompanying file numbers ZA-2017-002, CPA-2017-001, VR-2017-001, and VR-2017-006. An application to demolish the historic structure located at 4217 SE Railroad Ave was processed separately as Land Use File #HR-2017-001. The Planning Commission approved the demolition at a public hearing on May 9, 2017.
2. The subdivision application was submitted on March 24, 2017. It was initially deemed incomplete by City staff on April 11, 2017. The applicant revised and resubmitted the application on April 28, 2017 and requested that the City deem the application complete as of April 28, 2017.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 12.16 Access Management
 - MMC 12.24 Clear Vision at Intersections
 - MMC 17.12 Application Procedure and Approval Criteria - Land Division
 - MMC 17.20 Preliminary Plat
 - MMC 17.28 Design Standards
 - MMC 17.32 Improvements
 - MMC 19.301 Low Density Residential Zones
 - MMC 19.500 Supplementary Development Regulations
 - MMC 19.600 Off-street Parking
 - MMC 19.700 Public Facility Improvements
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.911 Variances
 - MMC 19.1006 Type III Review
 - MMC 19.1007 Type IV Review
 - MMC 19.1200 Solar Access Protection

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and Section 19.1007 Type IV Review. A public hearing was held on June 13, 2017, as required by law.

4. MMC 12.02 Public Works Standards

MMC 12.02.010 requires “all new public works, including streets, sanitary sewers, storm sewers, and water lines constructed or installed in the City shall be constructed in conformance with the applicable public works standards adopted under Section 12.02.020 of this chapter.”

The public works standards require intersections which are not directly aligned with street centerlines, the centerline spacing must meet the following:

Collector - Minimum 300 feet

As proposed, the distance between SE 42nd Ave to the west of the site and the new SE 43rd Ave will be only 126 ft.

A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

5. MMC 12.08 Street and Sidewalk Excavations, Construction and Repair

MMC 12.08 applies to all construction that is completed within right-of-way that will be dedicated to the City. The public improvement process for this project shall follow MMC 12.08.020.

6. MMC 12.16 Access Management

MMC Chapter 12.16.040 establishes standards for access (driveway) requirements.

- MMC 12.16.040.A requires that all properties be provided street access with the use of an accessway.

The proposed development, as conditioned to be constructed in compliance with the City of Milwaukie Public Works Standards, is consistent with MMC 12.16.040A.

- MMC 12.16.040.B provides requirements for access spacing onto arterial and collector streets.

The proposed development, as conditioned, is consistent with MMC 12.16.040B. As proposed, Lot 1 will have an accessway onto SE 42nd Ave, which is a collector street. The other frontage of Lot 1, SE Railroad Ave, is also a collector. It is the city's preference that access be taken from SE 42nd Ave, not SE Railroad Ave as there is no other practicable alternative to this driveway location. Shared accessways must be designed to contain all vehicle backing movements on site. The applicant has proposed that a shared driveway be provided across Lot 1 to serve Lot 2. To avoid conflicts and potential backing movements onto SE 42nd Ave, a condition has been included that would require one of the following:

- Combine Lots 1 and 2 so that only 1 lot will access SE 42nd Ave; OR
 - Provide shared access for Lots 2 and 3 onto the proposed new street.
- MMC 12.16.040.C provides requirements for accessway locations.

Two double frontage lots are proposed (Lots 18 and 19). The proposed development, as conditioned, is consistent with MMC 12.16.040.C.1. A variance has been submitted to permit 2 double frontage lots. However, only 1 accessway per lot is proposed, with access taken from the proposed local street.

As proposed, Lot 1 will have an accessway onto SE 42nd Ave, which is a collector street. The other frontage of Lot 1, SE Railroad Ave, is also a collector. It is the city's preference that access be taken from SE 42nd Ave, not SE Railroad Ave as there is no other practicable alternative to this driveway location. As noted above in the finding for MMC 12.16.040.D, a condition has been included that requires that Lots 1 and 2 be combined or that Lot 2 received access via a shared drive with Lot 3.

The proposed development, as conditioned, is consistent with MMC 12.16.040.C.2.

Driveways in the proposed development, as conditioned, are consistent with MMC 12.16.040.C.3.

- MMC 12.16.040.C regulates accessway locations. MMC 12.16.040.C.4 regulates the distance of an accessway from an intersection.

The proposed lot layout allows for the siting of houses that will facilitate the required 45 ft accessway spacing distance from intersections.

The proposed development, as conditioned, is consistent with MMC 12.16.040.4.a, b, and c.

- MMC 12.16.040.D provides requirements for the number of accessway locations.
 The proposed development, as conditioned, is consistent with MMC 12.16.040.D.1 (please refer to the Finding above related to MMC 12.16.040.C) and only 1 accessway per property is proposed.
- MMC 12.16.040.E and MMC 12.16.040.F provide requirements for ADA standards and width for accessways.

The proposed development, as conditioned to be constructed in compliance with the City of Milwaukie Public Works Standards, will conform to MMC 12.16.040.E and F.

7. MMC 12.24 Clear Vision at Intersections

MMC 12.24.040 provides requirements for clear vision.

The proposed driveways, accessways, and intersections in the proposed development, as conditioned, will conform to the standards in MMC 12.24.030.

8. MMC 19.301 Low Density Residential Zones

MMC 19.301 establishes the development standards that are applicable to this site. As proposed, the subdivision would create 19 lots that range in size between 5,000 sq ft to 6,345 sq ft. The minimum lot size for a single-family detached home in the R-5 zone is 5,000 sq ft. The minimum density requirement for the R-5 zone is 7 dwellings per acre and the maximum density requirement for the R-5 zone is 8.7 dwellings per acre. The 19 proposed lots total 79,501 sq ft or 1.82 acres, which results in an overall density of approximately 7.69 dwellings per acre. The minimum frontage requirement for a standard lot in the R5 zone is 35 ft. Lots 5 and 6 have 35 ft of frontage and have the smallest amount of street frontage of the 19 proposed lots.

The Planning Commission finds that the proposal complies with the applicable standards of the R-5 zone.

9. MMC 19.607 Off-Street Parking Standards for Residential Areas

MMC 19.607 establishes off-street parking standards for residential areas. The applicant's materials indicate awareness of these requirements and will address compliance during the development permit process.

10. MMC 19.700 contains regulations for Public Facility Improvements. The proposal complies with these regulations as described in this finding.

- A. MMC Chapter 19.700 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to partition the existing 4 parcels into 19 new lots. The subdivision triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

- B. MMC 19.703 contains the requirements for the review process for all proposed developments subject to Chapter 19.700.
- (1) MMC 19.703.1 requires a pre-application conference for proposals that require a land use application. The requirement was satisfied on January 26, 2017.
- (2) MMC 19.703.3.B requires that development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per MMC 19.705. As conditioned, the proposal is consistent with MMC 19.703.3

- C. MMC 19.704 requires submission of a transportation impact study documenting the development impacts on the surrounding transportation system.

Nearly all of the trips for this proposed development affect SE Railroad Ave. An accessway for 2 lots is proposed from SE 42nd Ave. Each of these streets is classified as a collector street. The proposed development will not trigger a significant increase in trip generation and therefore the subdivision itself does not require a transportation impact study.

MMC 19.704 does not apply to the proposed development.

- D. MMC 19.705 requires that transportation impacts of the proposed development be mitigated in rough proportion of the impacts.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at an acceptable level of service, the same as prior to the proposed development.

The proposed development, as conditioned, is consistent with MMC 19.705.

- E. MMC 19.708.1 requires that all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

19.708.1.A – Access Management

Access requirements shall comply with access management standards contained in Chapter 12.16.

19.708.1.B – Clear Vision

Clear vision requirements shall comply with clear vision requirements contained in Chapter 12.24.

19.708.1.D – Development in Non-Downtown Zones

The existing right-of-way width of SE Railroad Ave fronting the proposed development is 40 feet. The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of SE Railroad Ave as a collector street. Per Table 19.708.2 Street Design Standards, the required right-of-way width for a collector street is between 40 feet and 74 feet depending on the required street improvements. The required right-of-way needed for the required street improvements is 60 feet. The applicant is responsible for 20 feet of right-of-way dedication along SE Railroad Avenue fronting the development property.

As conditioned, the proposed development is consistent with MMC 19.708.1.D.3.

MMC Section 19.708.1.E.3 requires that streets shall be extended to the boundary lines of the developing property where necessary to give access to or allow for future development of adjoining properties. The proposed streets abut property to the east and provide opportunity for land development. The City can maintain control over access to public streets by requiring a 1-ft wide reserve strip along the east edge of proposed SE 44th Ave along tax lot 8500.

A condition of approval is proposed to require this reserve strip.

The proposed development is consistent with the remainder of MMC 19.708.3.E.

F. MMC 19.708.1.F includes specific intersection design and spacing requirements.

The proposed development requires a variance from the requirements of MMC 19.708.1. The applicant is requesting a variance from the minimum intersection spacing requirements of 300 ft to 126 ft.

G. MMC Section 19.708.2 establishes standards for street design and improvement.

The applicant shall construct frontage improvements on the north side of SE Railroad Ave along the site's frontage. The street improvement includes the construction of a 12-foot wide asphalt pedestrian path.

The required half street construction for proposed SE 43rd Ave and SE 44th Ave are as follows: 5-foot setback sidewalk, 3-foot landscape strip, curb & gutter, 13.5-foot asphalt. The total right-of-way width is 48 feet. This will provide for two 9-foot travel lanes and two 6-foot parking lanes.

The applicant has proposed cross sections for SE 43rd Ave and SE 44th Ave that do not include the required landscape strip on one side, and have insufficient width to accommodate parking on both sides of the street. The applicant has not demonstrated the need to remove any of these components.

The proposed development, as conditioned, will include right-of-way improvements for internal streets that will conform to MMC 19.708.2.

- H. MMC 19.708.3 requires that sidewalks shall be provided on the public street frontage of all development.

The construction of sidewalks along the proposed development property abutting all public rights-of-way is included in the street frontage requirements.

19.708.3.A.2 requires that public sidewalks shall conform to ADA standards. The current proposal does not include a receiving ADA ramp on the west side of SE 42nd Ave.

The proposed development, as conditioned to comply with the MMC 19.708.3 and the City of Milwaukie Public Works Standards, is consistent with MMC Section 19.708.3.

- I. MMC 19.708.4 establishes standards for bicycle facilities.

The portion of SE Railroad Ave fronting the proposed development is classified as a bike route in the Milwaukie Transportation System Plan. As a result, bicycle facility improvements on the Railroad Ave frontage are required for the proposed development.

The proposed development as proposed is consistent with MMC 19.708.4.

- J. MMC 19.708.5 establishes standards for pedestrian and bicycle paths.

The proposed development property is surrounded by single family residences. Except for required sidewalks, the proposed development does not present an opportunity to provide a pedestrian or bicycle path, and is not required to provide them.

MMC 19.708.5 does not apply to the proposed development.

- K. MMC Section 19.708.6 establishes standards for transit facilities.

SE Railroad Ave is not classified as a transit route in the Milwaukie Transportation System Plan. Therefore, MMC 19.708.6 does not apply to the proposed development.

- L. MMC Section 19.709 establishes standards for public utility improvements.

The proposed development will be installing new water and wastewater public utilities to serve the proposed lots which are to be connected to utilities in SE Railroad Ave.

The proposed development, as conditioned, is consistent with MMC Section 19.709.

11. MMC 19.902 Amendments to Maps and Ordinances

- A. MMC 19.902.3.B establishes the approval criteria for Comprehensive Plan text amendments.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The proposed Comprehensive Plan text amendment would remove the property located at 4217 SE Railroad Ave from Appendix 1 – Historic Resources Property List. This amendment is necessary as the Planning Commission approved the demolition of this historic structure on May 9, 2017 (land use file #HR-2017-001). Demolition of the structure results in a property which would no longer meet the criteria for an historic resource.

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan, which is in the public interest. The Hector Campbell Neighborhood District Association (NDA) and the Milwaukie Historical Society support the demolition based on the poor condition of the structure.

3. The public need is best satisfied by this particular proposed amendment.

Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan, which is in the public interest.

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

This criterion is not applicable to the proposed amendment.

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

Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan. The removal follows the process outlined in city code which has been acknowledged as being in conformance with Statewide Planning Goal 5. Goal 5 addresses open space, natural resources, and historic resources.

As conditioned, the Planning Commission finds that this criterion is met.

B. MMC 19.902.4.B establishes the approval criteria for Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density LD to Moderate Density MD. This

application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The proposed subdivision will be single family homes on lots ranging from 5,000 sq ft to 6,345 sq ft.

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

The site is surrounded by residential development on 3 sides, with LD to the north and east and MD to the west across SE 42nd Ave. Lot sizes in the neighborhood to the north and east of the site are approximately 6,000 sq ft in size, less than the minimum 7,000 sq ft required in the R-7 Zone. Industrial land use is to the south across SE Railroad Ave as well as an active rail line. The MD land use designation reflects a slightly higher density single-family residential use that is still designated a low density residential zone in the zoning code. This change is consistent with the surrounding neighborhood as it contains predominantly single-family detached dwellings. The Hector Campbell NDA does not oppose the re-zoning of the site.

3. The public need is best satisfied by this particular proposed amendment.

The MD land use designation reflects a higher density single-family residential use that is consistent with the surrounding neighborhood. However, smaller minimum lot sizes will provide more opportunity for the development of additional housing. The loss of this Low Density area does not create compatibility conflicts given the surroundings land use pattern and density. Areas with a Low Density designation make up over 52% of the City (including right-of-way), the largest residential land use designation in the City. By comparison, Moderate Density comprises just over 10% of the land area.

Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation. Although the HNA acknowledges no new need for housing in the middle of the pricing spectrum (\$240,000 - \$490,000), we can assume that homes built on R-5 lots will be less expensive than those built on R-7 lots. The proposal responds to an identified need for additional housing supply.

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

The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have

the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.

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

The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city’s 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.

Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE 42nd Ave, both of which are collector streets.

As conditioned, the Planning Commission finds that this criterion is met.

C. MMC 19.902.6.B establishes the approval criteria for Zoning Map amendments.

The proposal requests 2 zoning map amendments: rezone the site from Residential R-7 to Residential R-5; and remove the Historic Resources Overlay from the property located at 4217 SE Railroad Ave.

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

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

The zone change proposal is appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R-5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the directly adjacent R-7 zoned areas, many of the lots are sub-standard for the R-7 zone. Seventeen of the nineteen lots zoned R-7 that are adjacent to the site are 6,500 square feet or less. Although the R-5 zone and the Moderate Density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development

of 6 units of additional housing over the R-7 zone. The R-7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

Removing the Historic Resources Overlay from the property located at 4217 SE Railroad Ave is appropriate given the approval of the demolition permit for the historic structure (HR-2017-001).

The Hector Campbell Neighborhood District Association had no objections to the proposal.

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

The R-5 zone will provide the opportunity to build additional single-family homes on the site. The R-5 zone is considered a Low Density Residential Zone in the zoning code, with the same permitted uses. There is demonstrated need for additional housing in the city and in the greater region, illustrated by the Council's recent declaration of a housing emergency. Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.

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

This criterion is intended to ensure that a suitable number of other properties with the same base zone designation will remain available for development. The R-7 zone is the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area. There is ample area in the city available for larger-lot single family residential development.

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

This area is adequately served by public utilities and transportation infrastructure. There is a 10-inch sewer main and a 14-inch water line in SE Railroad Ave which are adequate to serve 19 new homes. Within the public rights-of-way that will serve the proposed development, new water and sanitary sewer mains will be constructed as per City standards and will be maintained by the City. The proposed development is estimated to have an average daily vehicle trip count of 190, which is not a significant increase to a collector street. As conditioned with additional improvements, the development will have adequate services.

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

As conditioned with additional improvements, the proposed development will not have a negative impact on the existing transportation network. The proposed development is estimated to have an average daily vehicle trip count of 190, which is not a significant increase to a collector street. A transportation impact study was not required for the proposed development.

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

The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density LD to Moderate Density MD. This subdivision application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The proposed subdivision will be single family homes on lots measuring approximately 5,000 sq ft.

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

The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with the Metro Urban Growth Management Functional Plan. The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.

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

The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land

needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for 6 more housing units than allowed under the current designation.

Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE 42nd Ave, both of which are collector streets.

As conditioned, the Planning Commission finds that this criterion is met.

12. MMC 19.911 Variances

A. MMC 19.911.3 establishes the review process for variance applications.

The applicant has requested the following variances:

- A variance to the required intersection spacing standards established in MMC 19.708.1.F. The variance would reduce the minimum spacing standard of 300 ft to 126 ft. This type of variance is not specified in the list of Type II variances.
- A variance to allow double frontage lots, which is not specified in the list of Type II variances
- Variances to the minimum rear yard setback on Lots 13 and 19 to allow 10 ft rather than the minimum of 20 ft, which exceeds 25% for a Type II variance.
- A variance to allow alternative access to Lots 1, 2, 13, and 14, which is not specified in the list of Type II variances

The Planning Commission finds that the Variance applications for the 5 variances are subject to Type III Variance review.

B. MMC 19.911.4.B establishes criteria for approving Type III Variance applications.

An application for a Type III Variance shall be approved when all of the criteria in either 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

The applicant has chosen to address the criteria of 19.911.4.B.1 Discretionary Relief Criteria.

- (1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The applicant's alternatives analysis states that the variance to the street spacing requirement is to provide a loop road, as required by the City. Because the site is nearly triangular, the variance to allow double frontage lots allows the development of the site without a separate tract, which would not be part of a buildable lot and would be a maintenance issue. Although not explicitly stated, the alternative to the requested variances would likely be fewer buildable lots.

The applicant has submitted 2 Variance applications for a total of 5 variances:

- *Variance to MMC 17.28.040.F to allow alternative access to Lots 1, 2, 13, and 14 rather than over the required frontage;*
- *2 Variances to MMC 19.301.4 to allow a rear yard setback of 10 ft rather than the minimum 20 ft required on Lots 13 and 19;*
- *Variance to MMC 19.708.1 to allow the access spacing between SE 42nd Ave and SE 43rd Ave to be approximately 126 ft rather than the minimum 300 ft required;*
- *Variance to MMC 17.28.040.E to allow Lots 18 and 19 to be double frontage lots.*

The applicant has requested variances due to the City's restriction of access to Railroad Ave and the Engineering Department's request that Lot 1 should be accessed from SE 42nd Ave. The applicant has proposed that a shared driveway be provided across Lot 1 to serve Lot 2, which requires a variance. To avoid conflicts and potential backing movements onto SE 42nd Ave, a condition has been included that would require one of the following:

- *Combine Lots 1 and 2 so that only 1 lot will access SE 42nd Ave; OR*
- *Provide shared access for Lots 2 and 3 onto the proposed new street.*

Similarly, the applicant is requesting a variance to the minimum rear yard setback for Lot 13 and to allow alternative access to it via an easement over Lot 14. Directly adjacent to the north of Lot 13, Lots 16 and 17 have rear yard property lines that are not parallel to the front property line, as encouraged in MMC 17.28.040.B. To eliminate the need for an access easement and to provide for more rectilinear lot design, a condition has been included which would eliminate Lot 13.

Due to the triangular shape of the parent lot, the variance to the rear yard setback for Lot 19, a corner lot, and the variance to the standard discouraging double frontage lots (Lots 18-19) are reasonable. Given the odd shape of the parent lot, design options for the street network and lot layout are limited.

The requested variances are to allow the project to maximize the number of lots that can be built in a manner that meets as many of the zoning criteria as applicable. The double frontage variance is a consequence of the shape of the underlying parcel, combined with the required internal loop street. For the loop street to provide access to all lots requires that it be pushed as far east and west as possible, which consequently requires a variance to the minimum access spacing standards.

The variance to the rear yard setbacks for lot 19 is to allow a buildable envelope that is similar in nature to those adjacent lots.

As conditioned, the Planning Commission finds that this criterion is met for the variances as noted above.

- 2) *The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:*

- (a) The proposed variance avoids or minimizes impacts to surrounding properties.

No impacts to surrounding properties have been identified. The proposed variances to minimum street spacing, rear yard setback for Lot 19, and double frontage lots respond to the existing lot shape, roadway design standards, and applicable code requirements.

By maximizing the development on the site, the proposed design, with the requested variances, creates irregularly shaped lots, the need for shared access and potential issues with backing movements, and a confusing lot pattern. The Planning Commission does not approve the variances to alternative access for Lots 1, 2, 13, and 14 or the variance to the minimum required rear yard setback for Lot 13.

As conditioned, the Planning Commission finds that this criterion is met for the variances as noted above.

- (b) The proposed variance has desirable public benefits.

“Public benefits” are typically understood to refer to benefits to be enjoyed by members of the general public as a result of a particular project, or preservation of a public resource. Aesthetic improvements of a specific and limited nature do not typically constitute a public benefit.

The Planning Commission finds that this criterion is not applicable.

- (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

This criterion encourages flexibility in site planning and development when the existing built or natural environment provide challenges to standard development or site planning.

The Planning Commission finds that this criterion is not applicable.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

As noted in Finding 11.B (1), the Commission finds there are no negative impacts. As conditioned, the proposed variances to minimum street spacing, rear yard setback for Lot 19, and double frontage lots respond to the existing lot shape, roadway design standards, and applicable code requirements.

By maximizing the development on the site, the proposed design, with requested variances, creates irregularly shaped lots, the need for shared access and potential issues with backing movements, and a confusing lot pattern. The Planning Commission does not approve the variances to alternative access for Lots 1, 2, 13, and 14 or the variance to the rear yard setback for Lot 13.

As conditioned, the Planning Commission finds that this criterion is met for the variances noted above.

As conditioned, the Planning Commission finds that this criterion is met.

13. MMC 19.1200 contains standards for solar access. These standards as described below.
- A. MMC 19.1203.2 states that the standards of Chapter 19.1200 apply to applications for a development to create lots in single-family zones, and are applicable to the proposed subdivision.
- B. MMC 19.1203.3 establishes the design standard for compliance with the solar access requirement: at least 80% of the lots in a development shall comply with one or more of the options in this subsection, including the following basic requirement:
- Has a north-south dimension of 90 ft or more; and
 - Has a front lot line that is oriented within 30 degrees of a true east-west axis (see Figure 19.1203.3).

As proposed, Lots 1-10 and 15-18 meet this basic requirement, totaling 84% of the lots.

The Planning Commission finds that this criterion is met.

14. MMC 17.12.040 contains approval criteria for a preliminary plat. These criteria are met as described below.
- A. MMC 17.12.040.A.1 requires that the proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards. These findings demonstrate that the proposed subdivision and preliminary plat comply with the applicable ordinances, regulations, and design standards in the Milwaukie Municipal Code.
- MMC 19.708.1.F includes specific intersection design and spacing requirements, which the proposed development does not meet. These standards are addressed in Finding 10. The required minimum distance between local street intersections on collector streets (SE Railroad Ave) is 300 ft. The proposed development includes a new local street intersection between SE 42nd Ave and the proposed SE 43rd Ave which is less than the required 300 ft. The required minimum intersection spacing of 300 ft must be met, or a variance will be required.
- As provided in MMC 19.703.5.A, the proposed development requires a variance to the standards in MMC 19.708.1. A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.
- B. MMC 17.12.030.A.2 requires that “the boundary change will allow reasonable development of the affected lots and will not create the need for a variance of any land division or zoning standard.”

The proposed development requires a variance to the minimum intersection spacing to satisfy this requirement. A variance application has been submitted to respond to

this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

- C. MMC 17.12.040.A.2 requires that the proposed land division will allow reasonable development and will not create the need for a variance of any land division or zoning standard. However, as proposed, the buildable areas for the primary structures on the parcels are not all adequate to accommodate the uses allowed in the R-5 zone. Variances have been requested to allow a reduction in the minimum rear yard setback on Lots 13 and 19 to provide a reasonable building envelope. A variance has also been requested to allow alternate access to Lot 13 via an easement across Lot 14. A few lots will have a decreased building envelope due to the required minimum lot width, which is measured at the building line. Further, as proposed, Lots 16 and 17 do not meet the standard of MMC 17.28.040.B as the rear lots lines are not parallel to the street.

MMC 19.708.1.F includes specific intersection design and spacing requirements, which the proposed development does not meet. Please refer to Finding 10.F.

As provided in MMC 19.703.5.A, the proposed development requires a variance to the standards in MMC 19.708.1. A variance application has been submitted to respond to this requirement. As noted above, variances have been requested to increase the buildable area on Lots 13 and 19 due to lot shape as well as variances to allow alternate access. The proposal maximizes the development potential of the site at the expense of adequate design, resulting in multiple variances. The proposed design, with requested variances, creates irregularly shaped lots including rear lot lines on Lots 16 and 17 that do not meet MMC 17.28.040.B, the need for shared access and potential issues with backing movements, and a confusing lot pattern. The Planning Commission does not approve the variances to alternative access for Lots 1, 2, 13, and 14 or the variance to the rear yard setback for Lot 13.

As conditioned, the Planning Commission finds that this criterion is met for the variances noted above.

- D. MMC 17.12.040.A.3 requires that the proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1). The applicant has stated that the proposed subdivision plat name of "Keil Gardens" is not duplicative in this jurisdiction and will satisfy the provisions of ORS 92.090(1). However, documentation showing the approval of the subdivision plat name by the Clackamas County Surveyor was not provided as required.

As conditioned to require proof of approval by the Clackamas County Surveyor, this criterion is met.

- E. MMC 17.12.040.A.4 requires that the streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern. This criterion is satisfied within the confines of what the City can obtain for street right-of-way per MMC Chapter 19.700.

MMC 19.708.1.F includes specific intersection design and spacing requirements, which the proposed development does not meet. Please refer to Finding 10.F.

As provided in MMC 19.703.5.A, the proposed development requires a variance to the standards in MMC 19.708.1. A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

- F. MMC 17.12.040.A.5 requires a detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards. The applicant has submitted this information in the materials submitted for the land use application.
15. MMC 17.20 contains the information required for a preliminary plat application. The materials submitted by the applicant satisfy the requirements of this chapter except for the necessity for a variance to the requirements of MMC 19.708.1.
16. MMC 17.28 contains design standards for land divisions and boundary changes. The proposed subdivision satisfies these as described below.
- A. MMC 17.28.010 requires that partitions and subdivisions shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof and shall conform with the requirements of state laws and with the standards established by the City. The proposed streets abut property to the east and provide opportunity for land development in this location and to access these new streets. As demonstrated by these findings, and as conditioned to accommodate the future development of adjoining property, the subdivision conforms with applicable city criteria and standards.
- B. MMC 17.28.020 requires that all land divisions and boundary changes that increase the number of lots shall be subject to the requirements and standards contained in Chapter 19.700 Public Facility Improvements and the Public Works Standards for improvements to streets, sidewalks, bicycle facilities, transit facilities, and public utilities. As described elsewhere in these findings, the proposed subdivision complies with Chapter 19.700. Utilities and work within the right-of-way will be reviewed by the Milwaukie Engineering Department for conformance with Public Works Standards.
- C. MMC 17.28.040 contains standards for lot design.
- (1) MMC 17.28.040.A requires that the lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19. The proposed design includes parcels that do not have adequate dimensions for development and uses allowed in the R-5 zone (Lots 13, 16, 17, and 19), as described in these findings. Variances have been requested to allow less than the minimum rear yard setback on Lots 13 and 19; Lots 16 and 17 have rear lot lines that are not parallel to the front lot line as required.

- (2) MMC 17.28.040.B requires that lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street. As proposed, Lots 16 and 17 do not meet this standard as their rear lot lines are not parallel to the front lot line. As conditioned, with a revised design that removes Lot 13, this issue can be addressed.
 - (3) MMC 17.28.040.C limits compound lot lines for side or rear lot lines. As proposed, Lot 11 has a compound lot line, but the cumulative lateral changes in direction in the rear lot line is less than 10% as allowed.
 - (4) MMC 17.28.040.D allows lot shape standards to be varied pursuant to MMC 19.911. No variance is requested in this application for lot shape standards.
 - (5) MMC 17.28.040.E states that double frontage and reversed frontage lots should be avoided except in certain situations. Two of the parcels in the proposed subdivision have frontage on more than 1 public right-of-way. A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.
 - (6) MMC 17.28.040.F requires that pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access. This standard applies when a lot has frontage on more than 1 street. As proposed, 4 parcels in the proposed subdivision will take access from other than the required frontage. A variance application has been submitted to respond to this requirement. The Planning Commission does not approve these variances, as noted above. As conditioned, to eliminate Lot 13 and to either combine Lots 1 and 2 or provide shared access for Lots 2 and 3 onto the proposed new street, will address this criterion.
- D. MMC 17.28.080 contains criteria for public open spaces. The Milwaukie Comprehensive Plan does not identify any planned park or open space for the site. As such, no dedication for public open space is required.
17. MMC 17.32 describes required public improvements. The applicant proposes that all public improvements will meet the standards of this chapter. As conditioned, the proposal is consistent with MMC 17.32.
 18. As described in Finding 3, public notice of these applications was posted on site and mailed to parties as identified in the Milwaukie Municipal Code. The applications were referred for comment to the following: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; Clackamas County; Metro; ODOT; and the Hector Campbell Neighborhood District Association Chairperson and Land Use Committee. The responses received are summarized below. Agencies did not respond if a response is not listed below.

Milwaukie Building Department – no comment

Milwaukie Engineering Department – the Milwaukie Engineering Department responded with a memorandum regarding public improvements and stormwater. The memorandum has been incorporated as the findings for MMC Chapter 19.700 and in the “Conditions of Approval” and “Other Requirements” sections of this notice.

Clackamas Fire District #1 – responded with comments regarding the required access and water supply plan as well as turning radius requirements. These requirements are incorporated into the findings and conditions of approval.

ODOT – The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight trains, passenger trains or transit vehicles. It is generally not the State’s responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.

Hector Campbell NDA – The NDA generally supports the project, but has the following comments/concerns:

- They prefer a diversity of street trees.
- They would like to see plans that include trees on each lot.
- They have concerns about the roadway access for Lots 1 and 2 onto SE 42nd Ave and would prefer the Commission consider a variance for access to the new SE 43rd Ave.
- They have no concerns about double frontage lots and alternate access.
- They would like to see some of the wood from the historic house used in the new home construction if possible to honor the history of the area.

Recommended Conditions of Approval
File #S-2017-002; VR-2017-001; ZA-2017-002; CPA-2017-001 – Keil Gardens
(4217-4219 SE Railroad Ave)

Conditions of Approval

1. The Planning Commission approves the following requested variances:
 - a. Variance to the minimum street spacing requirement;
 - b. Variance to the minimum rear yard setback for Lot 19;
 - c. Variance to allow double frontage lots for Lots 18 and 19
2. The Planning Commission does not approve the following requested variances:
 - a. Variance to the minimum rear yard setback for Lot 13
 - b. Variance to allow alternate access for Lots 1, 2, 13, and 14
3. Approval of the Preliminary Plat and Variances shall be subject to:
 - a. Approval by the City Council of a Zoning Map Amendment rezoning the subject property from Residential R-7 to Residential R-5 and removing the property located at 4217 SE Railroad Ave from the Historic Preservation Overlay Zone.
 - b. Approval by the City Council of a Comprehensive Plan Map Amendment rezoning the subject property from Low Density Residential to Medium Density Residential.
 - c. Approval by the City Council of a Comprehensive Plan Text Amendment removing the property located at 4217 SE Railroad Ave from Appendix 1 – Historic Resources Property List.
 - d. A revised design that reflects the approved variances noted above and addresses the following:
 - (1) Eliminate Lot 13 to create a more rectilinear-shaped lot for Lots 16 and 17 and to avoid the need for an access easement across Lot 14.
 - (2) (a) Combine Lots 1 and 2 to avoid an access easement from Lot 2 across Lot 1 to SE 42nd Ave; OR
(b) Provide shared access for Lots 2 and 3 onto the proposed new street.
4. The applicant shall submit a final plat application within 6 months of the preliminary plat approval in accordance with MMC Subsection 17.24.040. The applicant shall obtain approval of the final plat prior to the expiration of this preliminary plat approval.
5. The applicant's final plat application shall include the items listed on the City of Milwaukie Final Plat Checklist. The following specific items and changes are required as part of the application:
 - a. A written narrative describing all changes made to the final plat that are not related to these conditions of approval.
 - b. A final plat that substantially conforms to the plans received by the Planning Department on April 28, 2017, as revised and received on May 23, 2017 and approved by this action, except as modified by these conditions of approval.
 - c. The final plat shall include spaces for signatures by the Milwaukie Planning Director and Milwaukie Engineering Director, and a note indicating that this subdivision is

subject to the requirements of City of Milwaukie Land Use Application S-2017-002; -ZA-2017-002, CPA-2017-001; VR-2017-001; VR-2017-006.

6. Prior to approval of the final plat, the following issues shall be resolved.
 - a. Provide confirmation that the proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1). Approval by the County Survey is required.
 - b. Obtain a variance, as submitted in an application, to the standards of MMC 19.708.1.F for minimum intersection spacing.
 - c. Dedicate 20 feet of right-of-way on SE Railroad Ave fronting the proposed development property.
 - d. Construct a 12-ft wide asphalt bike bath on the SE Railroad Ave frontage.
 - e. Construct 5-ft setback sidewalks, 3-ft landscape strips, curb and gutter, 27-ft asphalt surface and driveways on SE 43rd Ave and SE 44th Ave **on both sides of the street**. Only half street improvements and 20-ft asphalt surface required on the portion of SE 44th Ave fronting Taxlot 8500 to the east.
 - f. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line.
 - g. The on-site shared driveway for Lot 1 must accommodate all vehicle backing movements on site.
 - h. Construct a receiving ADA ramp on west side of SE 42nd Ave.
 - i. Dedicate a 1-ft reserve strip to the City of Milwaukie along the west side of Taxlot 8500.
 - j. Provide a final Access and Water Supply plan to be reviewed and approved by Clackamas Fire District #1.

Other requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process. They are included for the applicant's convenience and do not necessarily represent all standards or requirements that may be applicable.

7. Prior to approval of the final plat, the following are required:
 - a. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of

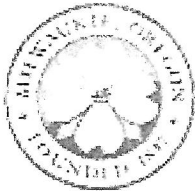
- acceptance of the storm system design from the Department of Environmental Quality.
- b. Submit full-engineered plans for construction of all required public improvements, including the entire intersection of the proposed new public streets with SE Railroad Ave, reviewed and approved by the City of Milwaukie Engineering Department.
 - c. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - d. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - e. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
 - f. Provide an erosion control plan and obtain an erosion control permit.
 - g. Install all underground utilities, including stubs for utility service prior to surfacing any streets.
 - h. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
 - i. Provide a final approved set of Mylar and electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
 - j. Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets and driveways fronting the proposed development.
8. Prior to final inspection for any building within the proposed development, the following shall be resolved:
 - a. Connect all residential roof drains to private drywells or other approved structures.
 9. The Time Limit on Approval established in MMC 17.04.050 applies to this proposed subdivision.
 - a. MMC 17.040.050.A: All decisions on boundary changes and land divisions shall expire 1 year after the date of approval. Reactivation of expired decisions may only be made by submission of a new application and related fees. *Staff note - approval of a final plat must occur prior to the expiration of the preliminary plat approval on which the final plat is based.*
 - b. MMC 17.04.050.B: Approvals may be extended up to 6 months upon submission of formal request to the original decision-making authority. One extension of the approval period not to exceed 6 months will be granted if the criteria in MMC 17.04.050.B are satisfied.
 10. The requirements on MMC 17.24 for preparation and recording the final plat are as follows:
 - a. MMC 17.24.040: Within 6 months of City approval the applicant shall submit the final plat for City signatures. Approval of the final plat shall be null and void if the plat is not submitted within the time specified or if the plat is not recorded within 30 days after the date the last required signature has been obtained. One copy of the recorded plat shall be supplied to the City.
 - b. MMC 17.04.120.B: Prior to recording a lot consolidation, property line adjustment, subdivision, or partition plat or replat, the applicant shall submit the recording

instruments to the Planning Director for a determination of consistency with the City Code and required approvals.

- c. MMC 17.04.120.A: Recording instruments for boundary change, subdivision, partition, and replat shall be submitted to the County Surveyor within 6 months of City approval.
11. Submit and pass a hydrant flow test per the requirements of Clackamas Fire District #1.

RECEIVED

MAR 24 2017



PLANNING DEPARTMENT
6181 W. Johnson Creek Blvd
Milwaukee, WI 53222

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Application for Land Use Action

PHONE: 503-786-7400
FAX: 503-774-8286
E-MAIL: planning@milwaukee.gov

Master File #: S-2017-002

Review type: I II III IV V

CPA-2017-001
ZA-2017-002
VR-2017-001
HR-2017-001

✓ CHECK ALL APPLICATION TYPES THAT APPLY:

<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Amendment to Maps and/or Ordinances <input type="checkbox"/> Comprehensive Plan Text Amendment <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input checked="" type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Ordinance Design Review <input type="checkbox"/> Extension to Existing Approval <input checked="" type="checkbox"/> Historic Resource <ul style="list-style-type: none"> <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Land Division <ul style="list-style-type: none"> <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input checked="" type="checkbox"/> Subdivision <ul style="list-style-type: none"> <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking <ul style="list-style-type: none"> <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shaded Parking <input type="checkbox"/> Structured Parking <input type="checkbox"/> Planned Development <input type="checkbox"/> Preliminary Circulation Plan 	<ul style="list-style-type: none"> <input type="checkbox"/> Residential Dwelling <ul style="list-style-type: none"> <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input checked="" type="checkbox"/> Variance <ul style="list-style-type: none"> <input type="checkbox"/> Building Height Variance <input type="checkbox"/> Use Exception <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Wilamette Greenway Review <input type="checkbox"/> Other <ul style="list-style-type: none"> Use separate application forms for: <ul style="list-style-type: none"> • Amputation and/or Boundary Change • Compensation for Reduction in Property Value (Williams Act) • New Disability Sign • Appeals
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RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): SIMON LOUIS
 Mailing address: 795 NW TORREY VIEW LN. Zip: 97229
 Phone(s): 971-300-6542 E-mail: SIMON.FROMS@GMAIL.COM

APPLICANT'S REPRESENTATIVE (if different than above): MARK DANE - MARK DANE PLANNING
 Mailing address: 17631 NW MILLICAN WAY, SUITE 456 Zip: 97005
 Phone(s): 503-332-7167 E-mail: MARK.DANE@MARKDANEPLANNING.COM

SITE INFORMATION:

12E31BC
 Address: 4217 & 4219 SE RAILROADS AVE. MAP & TAX LOT(S): 8000, 8100, 8200, 8300
 Comprehensive Plan Designation: Zoning: R-7 Size of property: 3.21

PROPOSAL (describe briefly):

APPLICANT IS PROPOSING A REZONE OF CURRENT R-7 ZONE TO R-5 TO FACILITATE FOR FUTURE DEVELOPMENT.

SIGNATURE: FRANKAR, LLC - Thomas J. Holy, Marianne L. Russell

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukee Municipal Code (MMC) Subsection 19.1001.5.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.
 Submitted by: FRANKAR, LLC - Thomas J. Holy, Marianne L. Russell Date: MARCH 22, 2017

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest variance review type. See MMC Subsection 19.1001.6.B.1.

MARK DANE PLANNING INC.

14631 S.W. MILLIKAN WAY, SUITE 6, BEAVERTON OR 97003 / 503-332-7167 / markdaneplanning@gmail.com

April 28, 2017

Vera Kolias, AICP

Associate Planner

[503.786.7653](tel:503.786.7653)

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

Master File: #S-2017-002

Site: 4217-4219 SE Railroad Ave

Dear Ms. Kolias,

The applicant is requesting that staff accept the application for the comprehensive plan map amendment, zone change, subdivision, and variances for the property located 4217 & 4219 SE Railroad as complete as of 4/28/17.

Mark Dane



Mark Dane, Mark Dane Planning Inc.

RECEIVED
APR 28 2017
CITY OF MILWAUKIE
PLANNING DEPARTMENT





May 1, 2017

Simon Lofts
Sustainable Infill Development LLC
795 NW Torrey View Ln
Portland, OR 97229

Master File: #S-2017-002

Site: 4217-4219 SE Railroad Ave

Dear Mr. Lofts:

Please be advised that the above-referenced land use applications have been deemed complete as of April 28, 2017, per your direction that the application be deemed complete. This is in accordance with Milwaukie Municipal Code (MMC) Subsection 19.1003.3 and Oregon Revised Statutes 227.178. The 120-day deadline by which the City must take final action is August 26, 2017.

A hearing on your applications by the Milwaukie Planning Commission is tentatively scheduled for June 13, 2017. We will contact you if there is a change in the hearing date.

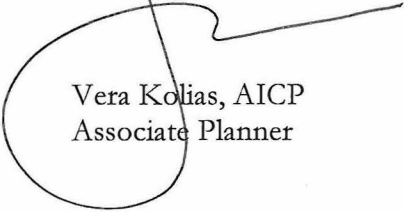
Land Use Review Process

The incompleteness letter dated April 11, 2017 discussed the land use review process for the Type III and Type IV applications that make up the project application package. The letter requested confirmation from you as to which of 2 review procedures you wished to take. Per a conversation and confirmation with Mark Dane, your representative, you have elected to continue the review process for all the applications concurrently, which will require conditions of approval in the Type III applications to state that they are dependent upon approval of the Type IV applications. We will proceed this way per this direction.

If you decide to withdraw your application before a decision is rendered, please be aware that application fees are nonrefundable. The City may retain some or all the deposits for technical reviews, such as traffic studies or natural resource studies, based on actual costs incurred by the City.

If you have any questions or concerns, you can call me at 503-786-7653 or email me at koliasv@milwaukieoregon.gov.

Sincerely,



Vera Kolias, AICP
Associate Planner

cc: Mark Dane (Mark Dane Planning, 14631 SW Millikan Way, Suite 6, Beaverton, OR 97003)
Dennis Egner, FAICP, Planning Director
Chuck Eaton, Engineering Director
Alex Roller, Engineering Technician II
Master File(s): S-2017-002 (ZA-2017-002, CPA-2017-001, VR-2017-001, HR-2017-001)

MARK DANE PLANNING INC.

14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6 Markdaneplanning@gmail.com 503-332-7167

April 17, 2017

Vera Kalias, AICP
Associate Planner
[503.786.7653](tel:503.786.7653)
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206



Master File: #S-2017-002
Site: 4217-4219 SE Railroad Ave " Keil Gardens"

Dear Ms. Kalias,

Thank-you for your letter of April 11th, 2017. In order to allow staff to fully review, and accept the proposed subdivision as complete, the applicant is updating and revising the items listed below. Along with this letter the applicant is providing the additional information and materials necessary for approval. The responses to the issue raise in your letter and provided in the order narrated in your letter.

Incompleteness Response:

The following items were found to be incomplete or missing in your application:

1. Please submit a title deed verifying ownership of the property.

Comment: Applicant has provided a title deed verifying ownership. The Francar LLC has been confirmed as the owner of Tax lots 8000, 8100, 8200 and 8300, in Tax Map12E31B. The easterly 10-feet of TL 8300 is also described as Parcel 5. This parcel, while not disputed, does not have a clear lineage of title transfer. The applicant has therefore removed that portion of said Tax Lot from the proposed development, in order to create clean title. The applicant will create a Record of Survey for the adjusted parcel. The Title company will continue to confirm and clarify ownership. When said title is cleared this parcel will be dedicated into public right-of-way for SE 44th Avenue. It will have no impact of the proposed development.

2. Applicant mentioned to staff a potential issue regarding the property and an additional lot affecting the subject property. This information must be included in the application package.

Comment: See previous statement

3. Compliance with MMC Title 17.20 – Preliminary Plat

- a. Sheet G-0.01 of the submitted plan set denotes a different property owner than the owner listed on page 1 of the application narrative. Please revise the submittal so that this information is correct and consistent within the application sections.

Comment: The new plan set, and narrative have been appended to reflect the correct ownership of the Tax lots to be developed.

- b. The preliminary plat as submitted (Sheet C-1.09) has not been stamped by an Oregon registered land surveyor as required.

Comment: The Preliminary Plat Plan has been updated to reflect that it has been prepared by and ORLS.

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c. The preliminary plat as submitted (Sheet C-1.09) does not include the location by section, township, and range and does not include a legal description as required.

Comment: Preliminary Plat has been revised to include location by section, township, range, and legal descriptions describing said property.

d. The preliminary plat as submitted (Sheet C-1.09) does not include the name and address of the person who prepared the plans as required.

Comment: Preliminary Plat has been revised to include the name and address by whom have prepared (Centerline Concepts).

e. The plan set does not include the name of the subdivision, although the narrative includes the name "Railroad Gardens". As required, please provide written verification that the County Surveyor has approved the subdivision name in accordance with ORS Chapter 92. Please revise the plan set accordingly.

Comment: Plans have been revised to include the name of the subdivision "Keil Gardens"

f. The plan set does not include a conceptual plan showing connectivity to adjacent vacant or underutilized properties as required.

Comment: The applicant has shown how the adjacent property to the north is fully developed. A concept plan for the parcel adjacent to the southern half of the east property line has also been included. With the completion of the proposed north south road, this parcel can be developed to its anticipated density.

g. Please replace the word "tentative" on the plan set with "preliminary".

Comment: Plans have been revised to replace the word "tentative" with "preliminary".

h. A detailed narrative description demonstrating how the proposal meets all applicable provisions of Title 19 has not been submitted as follows:

(1) No information has been provided regarding compliance with the approval criteria found in MMC 19.911.4.B Type III Variances.

Comment: Applicant has added approval criteria MMC 19.911.4.B Type III Variances. Please find attached narrative.

(2) No information has been provided regarding compliance with the approval criteria found in MMC 902.4 Comprehensive Plan Map Amendments.

Comment: Applicant has added approval criteria MMC 902.4 Comprehensive Plan Map Amendments. Please find attached narrative.

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(3) Calculations showing compliance with minimum and maximum density were not provided per MMC 19.301.4.C.1.

Comment: After dedication of Right-of-way both along Railroad Avenue, and internally along the proposed public streets there is a Net Developable Area (NDA) of 97,637 SF, or 2.24 acres. The maximum density permitted under 19.301.4.C.1 is 8.7 lots per acre with a minimum of 7 lots per acre. The NDA permits therefore between 15.69, and 19.49 lots. The applicant is proposing the development of 19 lots within the permitted range.

4. Compliance with MMC Title 17.28 – Design Standards

a. Per MMC 17.28.040.B, as far as practicable, the rear lot line shall run parallel to the street. The rear lot line on Lot 17 is not parallel to the street. Please revise the narrative to respond to this.

Comment: Lots 14-19 are all located between the internal street, and Railroad Avenue. This parcel is triangular in nature. It therefore becomes difficult to meet all code criteria for rectangular design. The applicant believes the better lot design for lots 13, and 17 is derived, from extending the combined corner point to Railroad Avenue. Should staff prefer a different alignment the applicant will work with staff. The only other option is to create a series of small unbuildable triangular lots, which could be attached to the lots. This would allow the lots to be rectangular. However while possible the applicant believes this to be an impracticable solution.

b. Per MMC 17.28.040.E, double frontage and reversed frontage lot should be avoided. Lot 1 and Lot 14 are double frontage lots and Lots 2, 18, and 19 are reversed frontage lots. Information addressing this code section is required.

Comment: Per subsection E: Limits on Double and Reversed Frontage Lots: Double frontage and reversed frontage lots should be avoided, except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

Lot 18 & 19 are double frontage lots. They are the consequence of the triangular nature of the remnant parcel or property and the need for the loop street. Access will however be limited to SE 43rd.

Lots 2 and 13 have frontage on Railroad, but because access is prohibited onto Rail road will take access from SE 42nd, and SE 44th respectively

Lots 1 and 14 are corner lots that will take access from SE 42nd and se 44th.

The access limitation on Railroad, and the underlying shape of the parcel have caused this issue. Combined with a desire by the applicant to utilize the parcel for subdivision acknowledgment of the design limitations of the parcel need to be taken into consideration

c. As defined in MMC 17.28.040.F, required frontage shall be measured along the street upon which the lot takes access. As shown on Sheet C-1.03, Lot 1, Lot 2, and Lot 13 show access via an

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easement across an adjacent property from the new proposed public street and not from their frontage on Railroad Ave. A Type III variance from this requirement is required.

Comment: The City has restricted access to Railroad Avenue. Therefore while several lots front onto Railroad, they are not permitted to take access. The lots meet the dimensional requirements of the zoning, but still require a Type III variance.

5. Compliance with MMC Title 12.16

a. MMC 12.16.040.C.4.a – driveways shall be at least 45 ft from any intersection. The shared driveway for lots 1 & 2 will be only 30 feet from the intersection with Railroad Avenue. This would require approval of a Type III Variance. The City would prefer that access be taken from the northwest corner of lot 1. Please provide a narrative addressing the approval criteria for this variance, and the driveway's impact to the intersection of SE 43rd Ave and SE Railroad.

Comment: The driveways for Lots 1 and 2 have been relocated to access SE 42nd Avenue. This will ensure that they remain more than 45-feet from any intersection

b. MMC 12.16.040.C.3 – driveways must be a minimum of 7 ½ ft from the side property line.

Comment: The applicant has revised the driveway locations on all sheets to ensure a minimum of 7.5 feet of spacing from the edge of concrete to the side, or rear property lines, except when it is the rear property line.

6. Compliance with MMC Title 19.708

a. MMC 19.708.2 – Applicant has requested the removal of the planter strip on one side of the proposed right-of-way. Please supply the required narrative explaining the need for the reduced right-of-way width and removal of components from the right-of-way.

Comment: The applicants original plan called for a 20-lot subdivision. However, the City required a loop Street. This serves several purposes including site circulation, and access. The applicant understands the need to provide good vehicular, and pedestrian circulation. Sidewalks are proposed on both side of the street where a full street is being developed. The standard for a planter strip is not so much a requirement for function but is more aesthetic in nature. In this case the requirement for a planter strip on both side of the proposed street would reduce the amount of available square footage to cause the loss of a second lot, and would render lot 19 even less buildable than it currently is, even with the variance to the street side-yard setback. With the street as proposed it meets the functional requirements, and aesthetically the applicant would be willing to decrease the spacing between street trees in mitigation for any possible loss of street-scape anticipated by removing one of the two planter strips.

b. MMC 19.708.2.A.1 – a minimum 10-ft travel lane width shall be provided on local streets with no on-street parking. SE 44th Ave is currently shown with a paved width of only 16 ft. Minimum 20-ft will be required; please provide revised plans that reflect this requirement.

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Comment: The proposed internal street is 28-feet (curb to curb) There is a cross section detail on Sheet C1.03. the 2/3rds street on the east side of the property will be 21-feet.

Approvability Items

The following items are approvability items, not completeness items. They are listed here for your information and should be resolved at the beginning of the review process so that staff has sufficient time to analyze your proposal and formulate a recommendation with regard to approvability.

1. Access and utility easements are proposed, which will affect Lots 1, 2, 3, 13, and 14. Final language describing these easements will be required for the Final Plat.

Comment: The applicant has shown the proposed easements on the Preliminary Plan Set. Upon redlines of the Construction Plans the applicant will submit a Final plat for review by the City, and County. Said plat will include all applicable easements.

2. The south end of SE 44th Ave will have a matching 25-ft radius on the east side. This will not have to be curbed; asphalt only.

Comment: The plans have been updated to reflect this requirement.

Informational Items

The following items are informational items, not completeness items. They are meant to help you: prepare for review by the review authority, improve your application in ways that are unrelated to completeness and approvability, and anticipate future building permit requirements.

1. In various places throughout the narrative, reference is made to specific Exhibits, but the application package does not include a list of exhibits and the various attachments are not labeled. It would be very helpful to reviewers to have this reconciled.

Comment: A list of Exhibits has been included with the twenty-five sets of materials being submitted to the City

2. The narrative response to MMC 19.703.2.B references a 14-lot subdivision. This is incorrect as this is a proposed 19-lot subdivision.

Comment: Applicant has revised narrative to correct the lot count to 19.

3. Page 39 of the narrative includes a summary and request statement that references a 2.66-acre subdivision called Mission Park. This is an incorrect reference and should be revised.

Comment: Applicant has revised narrative to change the mission park to Railroad Gardens. The Final Plat Name will be Keil Gardens in commemoration of the original purchaser of the property to who's family this property has been owned since the 19th century.

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4. In the section addressing MMC 19.902.6.B.5 (no page numbers included), reference is made to a 20-lot subdivision. Please revise for accuracy.

Comment: Applicant has added page numbers to the narrative and has changed the lot count to 19.

5. Plan Sheet C-1.03 indicates a right-of-way width of 45.5 ft. The sum of the components shown should be 48 ft.

Comment: The applicant has requested that the right-of way width be reduced to reflect the removal of the planting strip. Not doing so would defeat the purpose of the request, and would eliminate a lot, and render lot 19 less buildable

6. In the submitted stormwater report, the time of concentration should be 5 minutes for the proposed development. This will have a minor effect on facility sizing calculations. Also, the predevelopment curve number is not weighted, but a static number of 72 (Louis and Clark era). Applicant's result was still 72, so this will not require modification.

Comment: This issue has been noted, and an updated report will be submitted with the Final Construction Plans.

Land Use Review Process

Upon further review, the city attorney has determined that the application package will be processed as follows (see attached memorandum):

The following applications will be processed as Type IV applications:

- ZA-2017-002: zoning map amendment (R-7 to R-5); zoning map amendment for the removal of historic resource designation from 4217 SE Railroad Ave (dependent upon approval of land use file# HR-2017-001)
- CPA-2017-001: comprehensive plan map amendment to change the subject property from Low Density to Moderate Density; comprehensive plan text amendment to remove 4217 SE Railroad Ave from Appendix 1 Historic Resources Property List (dependent upon approval of land use file# HR-2017-001)

This process eliminates the need for a subsequent Type IV review process addressing the demolition of the historic resource and packages it all in one concurrent review process. The Type IV applications will be processed concurrently and require review by both the Planning Commission and the City Council. The subdivision and variance are Type III applications and require review and approval only by the Planning Commission. As the Type III applications are dependent upon approval of the Type IV applications, you as the applicant have the following options going forward:

- Continue the review process for all of the applications concurrently (will require conditions of approval in the Type III applications to state that they are depended upon approval of the Type IV applications);

OR

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- Move forward with the Type IV applications first, followed by the Type III applications upon approval (will increase the length of the review time)

Comment: After speaking with Staff the applicant agrees that all applications should be reviewed, and approved concurrently.

The fees already paid to date cover this review process. However, the application requires a revised narrative to address the additional Type IV reviews:

- Zoning map amendment for the removal of historic resource designation from 4217 SE Railroad Ave; and
- Comprehensive plan text amendment to remove 4217 SE Railroad Ave from Appendix 1 Historic Resources Property List

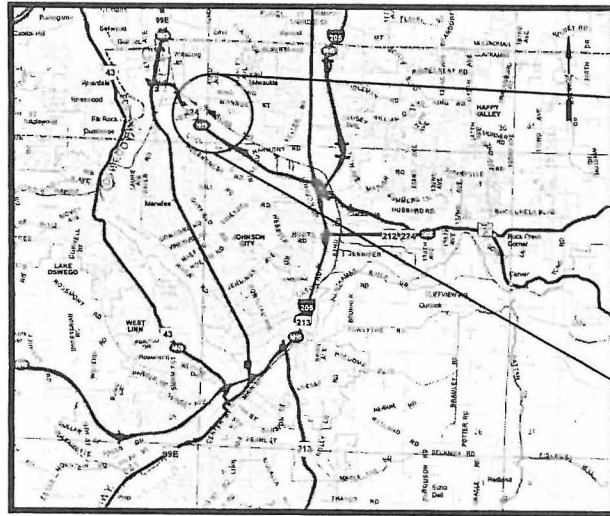
Comment: the applicant has revised the original narrative to include response and comments that address both the zone map amendment for the Historic Designation, as well as the Comprehensive Plan Text Amendment.

The applicant has attempted to address all completeness items. However, should further items need to be addressed through this review and approval process the applicant will continue to work with staff to clarify, or address outstanding issues. But eth applicant is requesting that the City deem this application as complete.

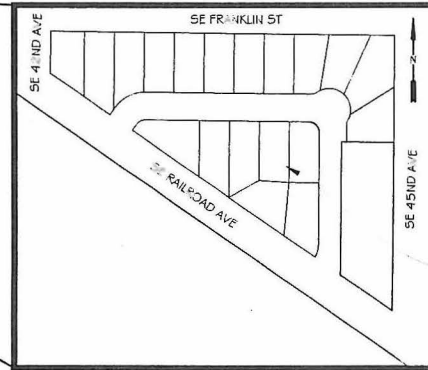
Twenty-five sets of the application to begin the referral and review process have been submitted for approvability.

PRELIMINARY SUBDIVISION PLANS FOR KEIL GARDENS SUBDIVISION

A PROPOSED SUBDIVISION
MILWAUKIE, CLACKAMAS COUNTY, OREGON
April 2017



OVERALL VICINITY MAP
NTS

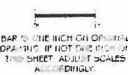


SITE PLAN
1" = 100'

KEIL GARDENS
SUBDIVISION

SUSTAINABLE INFILL DEVELOPMENT, LLC
KEIL GARDENS
SUBDIVISION
MILWAUKIE, OR

SCALE NOTE



Know what's below.
Call before you dig.

ATTENTION:
If you are planning to dig, call 811 to locate underground utilities. Digging without calling 811 can be dangerous and costly.

SHEET INDEX	
Sheet Number	DRAWING NAME
G-0-01	COVER SHEET
C-1-01	EXISTING CONDITIONS & DEMO PLAN
C-1-03	SITE PLAN
C-1-05	GRADING PLAN
C-1-07	SANITARY AND WATER PLAN
C-1-09	FINAL PLAN

PROJECT CONTACTS

OWNER:
FRANKLIN LLC
6925 NE ST. JOHNS ROAD
VANCOUVER, WA 98665

SURVEYOR:
CENTRAL CONCEPTS LAND
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OREGON CITY, OR 97145
503-650-0181 (OFFICE)
TOBY@CENTRALCONCEPTS.COM

CIVIL ENGINEER:
PROJECT DELIVERY GROUP, LLC
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503-344-4104 (OFFICE)
JAMES@PDMGN.COM

LOCAL JURISDICTION:
CITY OF MILWAUKIE
6101 SE JOHNSON ORCHARD BLVD
MILWAUKIE, OR, 97136
503-716-7600 (OFFICE)

COVER SHEET

G-0-01

MARK DANE PLANNING INC.

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Railroad Gardens

A Comprehensive Plan Map Amendment from Low to Medium Density

A Zone Change from R7 to R5

A Subdivision Land Use Application for 19 lots

Variances to street separation, and lot line standards

Comprehensive, Plan, and Map Amendment for Removal of an Historic Resource Preservation Overlay at 4217 SE Railroad Ave.

SUBJECT PROPERTY: Tax Map 12E31B
Tax Lots: 8000, 8100, 8200 and 8300
Tax ID: 00093149, 00093428, 00093400, 00093437

PROPERTY LOCATION: 4217 & 4219 SE RAILROAD AVE, Milwaukie, OR 97222

PROPOSAL: 19 Lot Subdivision

SITE SIZE: 3.5 Acres

CURRENT ZONING DESIGNATION: R-7

PROPOSED ZONING DESIGNATION: R-5

HISTORIC PRESERVATION OVERLAY FOR: 4217 SE Railroad Avenue

PROPERTY OWNER: Francar LLC - Marianne Russell, Member / Tom Hoesly, Member
Francar LLC., 6920 NE St. Johns Road, Vancouver, WA 98665

APPLICANT: Sustainable Infill Development LLC- Simon Lofts

APPLICANT'S REPRESENTATIVE: Mark Dane Planning Inc.- Mark Dane

APPLICANT'S ENGINEER: Project Delivery Group – Mark Ferris.

Narrative Updated 4.28.17

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Project Description

Comment: The proposed development subdivision comprised of 19 lots on a 3.25 acre property fronting the north side of SW Railroad Avenue between SE 42nd Ave, and SE 45th Avenue in the City of Milwaukie (4217 & 4219 SE Railroad Avenue, Tax Map 1S 2E 31BC, Tax Lots: 8000, 8100, 8200, and 8300). Two existing single family dwellings will be removed. Nineteen new lots will be served by a single new public loop street which will connect out to SW Railroad Avenue.

City utility services are available providing public water and public sewer in the adjacent Railroad Avenue public right-of-way. The proposed 19-lot subdivision proposes to extend public sanitary and water lines as necessary to serve all of the proposed new lots. To obtain preliminary subdivision approval, the applicant will be seeking a zone change from R-7 to R-5. This in turn will require a Comprehensive Plan Map Amendment from Low to Medium Density Residential Zoning. Staff noted that Tax Lot 08500 should be included in the zone change proposal.

In addition, the proposed loop street design will require the removal of a home currently on the City's Historical Register. The triangular nature of the parent parcel, in conjunction with the need to build a loop street results in parcel fragments that are not rectangular in shape, and may require some additional variances from the basic code standards. A pre-application Conference was held (Project ID #: 17-001PA), and the proposal presented to the Neighborhood Association.

Both the Neighborhood Association, and Staff appear supportive of the zone change proposal, subdivision, and removal of the listed home. The project is appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the adjacent R7 zoned areas, many of the lots are sub-standard for the R7 zone. Seventeen of the nineteen lots zoned R7 that are adjacent to the site are 6,500 square feet or less. The loss of R7 zone area does not raise concern for Planning Staff. The R7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R5 comprises just over 10% of the land area.

Overall Project Presentation.

Comment: The applicant presented the proposed zone change, and subdivision application, and described the proposed demolition process of the Historic Home at the Hector Campbell NDA on March 13th. It is anticipated that the HCNDA will support the proposed development.

For Type III reviews, the applicant will be submitting 5 complete copies of all application materials for the City's initial review. It is anticipated that a determination of the application's completeness will be issued within 30 days. Should additional copies or changes be required by staff as a part of this process they will be of course provided by the applicant. It is anticipated that Staff will determine the earliest available date for a public hearing with the Planning Commission that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing.

A sign giving notice of the application will be posted on the subject property at least 14 days prior to the hearing. Once the Planning Commission makes a decision on the application, notice of the decision will be issued, initiating a 15-day appeal period for the applicant and any party who has established standing by submitting comments or

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participating in the public hearing process. Following the appeal period, the applicant will submit the necessary Final Plat application.

Lot Geography:

Comment: The subject property is comprised of 4 lots, with a total area of approximately 141,730 sq ft (3.25 acres). The property has frontage on SE Railroad Ave to the south.

Minimum standards:

Comment: For the existing current R7 Zone, the minimum standards are as follows: 7,000 square feet area, 60-foot width, 80-foot depth, 35-foot street frontage. For the proposed R5 Zone, the minimum standards are: 5,000 square feet area, 50-foot width, 80-foot depth, 35-foot street frontage

Lots in the subdivision will be subject to the requirements of MMC Chapter 17.28, Design Standards. No flag lots are proposed (MMC 17.28.080). The following are also criteria for lot design (MMC 17.28.040): lots are required to be rectilinear where practical; the lateral change in direction for a compound lot line cannot exceed 10% of the distance between opposing lot corners; and double frontage lots are generally not allowed.

Natural Resource Review:

Comment: This review is not applicable. The development site is not in any natural resource overlay zone.

Application Procedures: The application procedures outlined below are for a 2-phase permitting process. The Applications in each phase will be submitted, and it is anticipated will be reviewed, concurrently.

Phase 1.

1. Subdivision (Type III review)

Comment: The subject property is comprised of 4 lots. The minimum size for new lots in the R-5 zone is 5,000 sq ft. The proposed development requires re-platting the subject property using the subdivision process. The current fee for subdivision applications (preliminary plat review) is \$4,400, plus \$100 for each lot over 4 lots. Thus the total fee will be $\$4,400 + (\$100 \times 15) = \$5900.00$

2. Variance (Type III review)

Comment: The proposal will require a Type III variance from street spacing standards under MMC 19.911.4.B:

3. Demolition of an Historic Resource (Type III review)

Comment: Due to the proposed roadway configuration of a loop road, the dwelling at #4217 SE Railroad Ave., an identified Significant Historic Resource (the Keil Hoesly Farm House), will be proposed for demolition. The applicant has submitted an application request and supporting narrative under MMC 19.403.7. The applicant has attached copies of all the steps necessary to meet this section.

4. Zoning Map Amendment (Type III review)

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Comment: The proposal includes rezoning all 4 lots to R-5. The applicant is attempting to include Tax Lot 08500 in the zone change proposal, for a total of 5 lots to be re-zoned. However the applicant does not own 08500, and this last lot may not be involved in the final application. Because the process for the proposed zone change is quasi-judicial in nature and subject to Type III review. The process and approval criteria for a zone change including a zoning map amendment those sections of the code under MMC 19.902.6: must be addressed

5. Comprehensive Plan Map Amendment (Type IV review)

Comment: The Comprehensive Plan Designation of the proposed R5 zone is different from R7 Designation. Therefore as part of the proposal to rezone the property to R-5, a concurrent amendment to the Comprehensive Plan Map 4 – Land Use is required (from Low Density to Moderate Density). Compliance with the approval criteria for a quasi-judicial map amendment are addressed under MMC 19.902.3.B:

6. Property Line Adjustment

Comment: Initially it was anticipated that a series of property line adjustments may be necessary. This is no longer the case as the applicant will be re-platting all four lots in question.

Phase 2. (now included in Phase 1)

Comment: Assuming the Planning Commission approves the demolition of the historic structure on #4217 SE Railroad, the following application is required:

The Deletion of a Landmark This is a Type IV review process, per MMC 19.403.4: This process will result in the removal of the property from the Historic Resources List (Appendix 1 in the Comprehensive Plan) and the Historic Preservation Overlay from this property in the Comprehensive Plan (Map 4) and from the Zoning Map. Subject to the review procedures of MMC 19.1011.4, Major Quasi-Judicial Review. The first hearing will be at the Planning Commission. The Planning Commission will make a recommendation to the City Council, who will make the final decision on the application.

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Compliance with Applicable Standards for :

Subdivision Approval / Variance Approval / Zone Change / Comprehensive Plan Amendment

Chapter 12.16.040 Access Requirements and Standards	10
Chapter 12.24.030 Requirements	13
Chapter 17.12 Application Procedure and Approval Criteria	15
Chapter 17.16 Application Requirements and Procedure	16
Chapter 17.20 Preliminary Plat	16
Chapter 17.28 Design Standards	19
Chapter 17.32 Improvements	22
Chapter 17.44 Exceptions and Variances	23
Chapter 19.300 Base Zones	24
Chapter 19.400 Overlay Zones and Special Areas	24
Chapter 19.500 Supplementary Development Regulations	25
Chapter 19.600 Off-Street Parking and Loading	30
Chapter 19.700 Public Facility Improvements	31
Chapter 19.10000 Review Procedures	34
Chapter 19.1200 Solar Access Protection	35
Chapter 19.111 Variances	36
Chapter 19.900 Amendments to Maps and Ordinances	40

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PLANNING ISSUES

Comment: The following Planning issues are based upon the assumption that the City has approved a zone change to the R-5 zone. The comments address the applicable criteria as they relate to said zone.

Setbacks:

Comment: Per MMC 19.301.4, setbacks for the R-7 zone are 20 feet front and rear yard, and side yard setbacks of at least 5 feet on one side and 10 feet on the other. In the R-5 zone, minimum front and rear yards are 20 ft, side yards are 5 ft, and street-side yards are 15 ft (for corner lots). Per MMC 19.501.2, setbacks for any yard bordering SE Railroad Avenue are measured 30 feet from the right of way centerline (e.g., a rear yard on SE Railroad Avenue must be at least 50 feet from the right of way center line (30 foot ROW setback + 20 foot rear yard setback)).

For Lot 19. The applicant has requested a variance to the street side-yard setback from 15ft to 10-ft to allow for a larger more reasonable envelope.

Landscape:

Comment: In the R-5 zone, a minimum of 25% of the site must be landscaped, including at least 40% vegetation in the front yard (measured from the front property line to the front face of the house). For example a 20-ft wide driveway over a 50-ft wide lot would result in 30-feet of 60% of the front yard being retained for landscaping. The Vegetated front yard areas will be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7).

A maximum of 35% of any R-5 lot may be covered by structures, including decks or patios over 18 in above grade. Therefore if the lot is a minimum of 5,000 SF the maximum building / structure coverage would be 1,750 SF.

Parking:

Comment: MMC Chapter 19.600, states that properties that contain single-family dwellings must provide at least 1 off-street parking space per dwelling unit, and under MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft. wide and 18 ft. deep. The applicant anticipates that each lot will have a minimum of four off-street spaces, two in the garage, and two in the driveway.

The garages spaces will meet the parking standards because the required spaces cannot be located in a required front or street-side yard. The driveway, and garages will be formed of concrete therefore having a durable and dust-free hard surface. The uncovered parking spaces and maneuvering areas will not exceed 50% of the front yard area and 30% of the required street-side yard area.

On any one lot no more than 3 residential parking spaces will be designed within the required front yard. The parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 10 ft of the right-of-way boundary.

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Transportation Review:

Comment: Because the proposed subdivision will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. The applicant will be meeting the requirements of MMC 19.700 and the necessary right-of-way dedication and street frontage improvements.

Public Works Issues

Water:

Comment: Applicant has revised the roadway design to include a loop road system. The applicant will extend, and loop a 6" ductile iron water main which will be constructed to provide service to all properties within the subdivision. It is likely that there will be at least one, and possibly two water hydrants internal to the loop road. The subdivision will connect to a City of Milwaukie 14-inch water main on SE Railroad Avenue.

The applicant is aware that the water System Development Charge (SDC) is based on the size of water meter serving the property, and that the corresponding water SDC will be assessed with installation of a water meter. The applicant is requesting SDC credits (will be provided based on the size of any existing water meter serving the property removed from service). The water SDC will be assessed and collected at the time the building permits are issued.

Sewer:

Comment: An 8" sewer main will be constructed to provide sewer service to all properties within the subdivision. Manholes will be located within 400 feet. The new sewer main will connect to a City of Milwaukie 10-inch wastewater main on SE Railroad Avenue. Said line will connect at the west end of the property, and will dead end at the proposed knuckle.

Storm:

Comment: The applicant has submitted a storm water management plan demonstrating that the post-development runoff does not exceed the pre-development. Also, the plan demonstrates compliance with water quality standards. The report notes that all new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. The proposed water quality swale to be located within the Railroad Right-of-way complies with the City of Milwaukie Public Works Standards for design and construction standards and detailed drawings.

Street:

Comment: The proposed development fronts the north side of SE Railroad Avenue, a collector. The portion of SE Railroad Avenue fronting the proposed development has a right-of-way width of 40 feet and a paved width of 25 feet with undeveloped roadside on both sides of the road. Said right-of-way will be widened by 20-feet, a water quality swale will separate the paved surface with a 12-ft asphalt – path / bicycle path that will run the length of the property.

Internally the applicant is proposing a 28-ft street with a curb tight sidewalk along the south, and west street frontage with a separated sidewalk, and planter strip along the north and east street frontage. The applicant will be

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constructing a 2/3rds street along the east boundary where it connects to the underdeveloped parcel to the east. It is anticipated that when this property develops it will finish that portion of street along its parcel frontage. The north south street will be 21-feet wide – 20feet for fire access, and 1 ft for the space adjacent to a curb line.

Frontage:

Comment: 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. Therefore The Railroad Avenue cross-section will be improved to the following standard: Two 10-foot travel lanes; 4' shoulder; Storm ditch separating the road from the walking path; 12-foot asphalt path set 6" from north edge of right-of-way. Because Railroad Avenue was recently paved additional resurfacing requirements will be required. Both cuts to the street where the applicant is proposing street egress will require a 20' minimum length 2" grind and inlay according to Public Works Standards drawing 516. This replacement is only required in the lane that was cut into (shoulder, travel, etc). The applicant has had to address where there is either double frontage, or corner lots, and how each lot will define the frontage, and where it will take access.

New Interior Roads

Comment: According to Code Table 19.708.2 and the Transportation Design Manual, the minimum local street cross-section is a 50' right-of-way which includes the following: Two 9' travel lanes; Two 6' parking lanes; Two 4' landscape strips; 5' setback sidewalk on both sides of the road. The applicant is requesting an adjustment to this standard to construct a 28-ft street with one planter strip, and a curb tight sidewalk on the south. The applicant has reduced the proposed right-of-way accordingly.

Right of Way:

Comment: The existing right-of-way on SE Railroad Avenue fronting the proposed development is 40 feet. The required right-of-way width for Railroad Avenue is 60'. The south side of the Railroad Avenue's right-of-way is adjacent to the Southern Pacific track right-of-way. This requires the full 20-foot dedication on the north side. Applicant has proposed a 20-foot dedication along entire frontage.

Driveways:

Comment: Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). The applicant either through direct access or through use of reciprocal access easements has restricted direct access to Railroad Avenue, instead proposing access to the proposed internal loop street. So that while some lot have frontage on Railroad, no access will be taken from said Collector Street. In addition the driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards. All driveways will be at least 7.5 feet from the adjacent property line.

Erosion Control:

Comment: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading,

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excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet. To this end the applicant has submitted a preliminary Erosion Control, and Grading Plan calling out the limits of cut/fill, and overall parcel disturbance. Where possible the applicant has not impacted the rear portion of the lots in an attempt to permit the retention of landscaping, and trees to continue to act as a buffer between adjacent lots, and to maintain a sense of the current age, and settled nature of the parcel.

Traffic Impact Study:

Comment: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. That this determination is based on proposed preliminary subdivision design and the number of lots created. Based on the pre-app discussion, the City of Milwaukie Engineering Director determined that a TIS will not be required with the proposed loop road design.

Fire Hydrants: Water Supply:

Comment: For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply: Any homes smaller than 3,600 square feet (including attached garage) shall have a water supply of 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction; any homes larger than 3,600 square feet (including attached garage) shall have a water supply that meets fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1) and meets hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)

Turn Arounds:

Comment: No Turn arounds are proposed. The subdivision is being proposed with a loop street, allowing for two points of egress to the site for the purposes of general access, and fire protection

Addressing:

Comment: The existing Addresses will be changed to reflect the new street frontage on the proposed public streets

Fire Access: Access:

- 1) Provide address numbering that is clearly visible from the street.
Comment: This will be included, and signed off on the individual building permits.
- 2) The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28 feet and 48 feet respectively, measured from the same center point.
Comment: The turning radius of the proposed internal roads are noted on the preliminary plat plan
- 3) Fire Department turnarounds shall meet the dimensions found in the fire code applications guide. These dimensions need to be shown on the plans.
Comment: No turnarounds are created because a through street is proposed permitting two points of egress from rail road some 300- feet apart.

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- 4) Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.

Comment: The applicant is proposing a 28-ft street with parking permitted on one the south side, and west side of the internal street.

Hazardous Mat.:

Comment: There are no know hazardous materials onsite. The applicant is reviewing the possible location of a well or septic associated with the historic house, and will be looking for any evidence of the lead paint, or asbestos on the site.

Fire Marshal Issues:

Comment: Because A Fire Access and Water Supply plan is required for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The submitted plan sets show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), the anticipated building square footage (1800 – 2400 SF) , and type of construction (wood) . As part of this application the applicant is providing fire flow tests per NFPA 291.

00

Land Use Permit Request: Subdivision Preliminary Plat Application

Per Milwaukie Municipal Code 17.12.020.E. (Application Procedure), subdivision preliminary plat applications shall be processed as a Type III Review in accordance with Section 19.1006. This application presents facts and narrative responses for approval of the Subdivision Preliminary Plat Application, pursuant to applicable requirements of the Milwaukie Municipal Code. The following text recites applicable provisions of the Milwaukie Municipal Code, followed by a Comment statement from the Applicant. References are made to several attached Exhibits containing evidence in support of the application.

TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES 12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards.

Comment: All lots have frontage on a public street. All lots will take direct access, or will use an access easement to the interior local street to minimize access onto Railroad.

B. Access Spacing

1. Standards

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- a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of six hundred (600) feet.
- b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of three hundred (300) feet.

Comment: The applicant is proposing to close the two driveways on Railroad, and to create two new street intersections. The centerline of SE 43rd Avenue will be roughly 175-feet from the intersection of SE 42nd Avenue. The proposed stubs of SE 43rd, and SE 44 will be about 425-feet centerline to centerline. The intersection between SE 44th, and SE 45th will be roughly 275-feet. The applicant will require approval of an adjustment to the access spacing onto Railroad Avenue between the existing, and proposed streets.

C. Accessway Location

1. Double Frontage: When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

Comment: Lots 18 & 19 are double frontage. For both lots access is being provided from SE 43rd. Lots 2 & 13 have frontage on Railroad but will take access via easements from SE 42nd and SE 44th. Lots 1, 9, 14, and 15 are corner lots. Each of these lots will take access from the lower classification of street.

2. Location Limitations

Individual access to single-family residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the Engineering Director only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

Comment: This provision is not applicable as no individual access to lots from arterial or collector streets is proposed. Lots 1, 2, 14, and 15 will take access from the proposed internal local street, either directly, or through a proposed easement.

3. Distance from Property Line

The nearest edge of the driveway apron shall be at least seven and one-half (7½) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two or more properties.

Comment: The applicant can satisfy this provision through the proposed lots that will allow future houses to be site upon each lot with driveways that can satisfy the standards of this section.

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curb, the distance shall be measured from the nearest intersecting street edge of pavement.

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a. At least forty-five (45) feet for single-family residential properties accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.

Comment: The applicant has satisfied this provision by proposing lots that will allow future houses to be site upon each lot with driveways that can satisfy the standards of this section.

b. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

Comment: This provision is not applicable as the proposed development does not include any access ways on a collector road. All access will be take from the newly proposed local street.

c. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

Comment: This provision is not applicable as the proposed development does not include any accessways on an arterial road.

D. Number of Accessway Locations

1. Safe Access Accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

Comment: The applicant has satisfied this provision by designing the proposed subdivision with the minimum necessary amount of accessways, so as to ensure safe circulation, and to not inhibit the carrying capacity of the streets. Each proposed lot has one access onto a public street.

2. Shared Access

The number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multifamily areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements.

Comment: Lots 1 & 2 will utilize and access easement to enter the local street rather than directly out onto Railroad. Lots 14 & 15 will do the same.

3. Single-Family Residential

One (1) accessway per property is allowed for single-family residential uses. a. For lots with more than one (1) street frontage on a local street and/or neighborhood route, one (1) additional accessway may be granted. Under such circumstances, a street frontage shall have no more than one (1) driveway approach.

Comment: Those lots with more than one frontage will take their access from the internal local street.

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b. For lots with one (1) street frontage on a local street and/or neighborhood route, one (1) additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the Engineering Director. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50)-foot spacing cannot be met, an additional accessway shall not be granted.

Comment: This provision is not applicable as the proposed subdivision does not propose lots with more than one accessway.

E. Accessway Design

1. Design Guidelines Driveway approaches shall meet all applicable standards of the Americans with Disabilities Act and Milwaukie Public Works Standards.

Comment: The applicant acknowledges this provision. All future driveway approaches will comply with applicable standards of the Americans with Disabilities Act and Milwaukie Public Works Standards.

F. Accessway Size

2. Single-family attached and detached residential uses shall have a minimum driveway apron width of nine (9) feet and a maximum width of twenty (20) feet.

Comment: The applicant has satisfied this provision by designing all proposed driveway aprons with a width between 9 and 20 feet.

12.24.030 REQUIREMENTS

A. No person shall maintain, or allow to exist on property which they own or which is in their possession or control, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of City streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

Comment: The applicant acknowledges the applicable provisions of this section

B. A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection as provided by Section 12.24.040.

Comment: The applicant is aware of these provisions. A clear vision area will be maintained at all driveways and accessways. Lots 1,2, 16, and 14 being adjacent to intersections, will also maintain a clear vision area. Compliance can be assured through a condition of approval.

C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum height of six (6) feet. (Ord. 2004 § 1, 2009; Ord. 1679 § 3, 1990)

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Comment: The applicant is aware of these provisions. A clear vision area will be maintained at all driveways and accessways. Lots 1, 3, 8, 10 and 11 being adjacent to intersections, will also maintain a clear vision area. Compliance can be assured through a condition of approval.

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TITLE 17: LAND DIVISION

17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT

A. Approval Criteria

The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.

Comment: The applicant is in compliance with this provision, as demonstrated by this application narrative and submitted exhibits, including preliminary engineering plans, preliminary plat and stormwater report.

2. The proposed division will allow reasonable development and will not create the need for a variance of any land division of zoning standard.

Comment: The applicant follows this provision as the proposed development will not create a need for a variance of any land division or zoning standard.

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).

Comment: The applicant follows this provision as the proposed subdivision plat name satisfies the applicable provisions of ORS 92.090(1) and is not duplicative (see Exhibit J).

4. The streets and roads are laid out to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.

Comment: The applicant has satisfied this provision by proposing streets and roads laid out so as to conform to the width, general direction, and all other respects of that of the adjacent Streets.

5. A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

Comment: The applicant follows this provision as this narrative herein and submitted exhibits demonstrate how the proposal satisfies all applicable code sections and design standards.

B. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for controlling access to adjoining undeveloped properties. (Ord.1965 §§ 6, 7, 2006; Ord. 1907 (Attach. 1), 2002)

Comment: The applicant is aware of this provision. Compliance can be assured through a condition of approval.

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17.16.060 PRELIMINARY PLAT FOR PARTITION AND SUBDIVISION

The following shall accompany applications for partition:

A. Completed application form signed by all owners of property included in the proposal;

Comment: The applicant has satisfied this provision by including with this application a completed application form signed by all property owners (see Exhibit A).

B. Application fee as adopted by the City Council;

Comment: The applicant has satisfied this provision by including with this application all associated fees.

C. Completed and signed "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;

Comment: The applicant has satisfied this provision by including with this application a completed and signed submission requirement form and subdivision checklist form (see Exhibit B and Exhibit C).

D. All information specified on the "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;

Comment: The applicant has satisfied this provision by including with this application a completed and signed submission requirement form and subdivision checklist form; all information specified is appropriate (see Exhibit B and Exhibit C).

E. Requirements and information specified in Chapter 17.20; and

Comment: The applicant has satisfied this provision by reviewing Chapter 17.20 and addressing compliance with all provisions found to be applicable to this application.

F. Any additional information as may be needed to demonstrate compliance with approval

Comments: The applicant has satisfied this provision by reviewing the Milwaukie Municipal Code and addressing compliance with all provisions found to be applicable to this application.

17.20.010 SUBMISSION OF PLANS

Applicants for partition, subdivision, and replat shall prepare a preliminary plat and such improvement plans and other supplemental material including as may be required to describe and represent the objectives of the proposal. (Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied this provision by including with this application a preliminary plat (see Exhibit H), improvement plans, and all other necessary supplemental materials to properly represent the objectives of the proposal.

17.20.020 SCALE

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The preliminary plat shall be drawn at a scale and on a sheet size that reliably and conveniently represents design details sufficient for the proper plan review and determination of compliance with this title. (Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied this provision by providing a preliminary plat drawn to scale and on a sheet size to insure all design details are legible (see Exhibit H).

17.20.030 GENERAL INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

A. Preliminary plats shall be prepared by an Oregon registered land surveyor.

Comment: The applicant has satisfied this provision by providing a preliminary plat prepared by a land surveyor registered in the state of Oregon.

B. The following general information shall be submitted with the preliminary plat:

1. Proposed name of the subdivision/partition. The name shall not duplicate nor resemble the name of another subdivision in the county. Subdivision names shall be approved by the County Surveyor in accordance with ORS Chapter 92; 2. Date, north point, and scale of drawing; 3. Appropriate identification clearly stating the map is a preliminary plat; 4. Location by section, township, and range; and a legal description sufficient to define the location and boundaries of the area to be divided; 5. Names and addresses of the owner, subdivider, and engineer or surveyor; 6. Acreage; 7. Structures and yard setbacks; 8. The location, width, and purpose of easements; 9. The location, approximate dimensions, and area of all lots; 10. Lot and block numbers; and 11. Other information as maybe specified on application forms and checklists prescribed by the Planning Director.

Comment: The applicant has satisfied 17.20.030.B.(1-11) by including all required general information with the preliminary plat (see Exhibit H).

C. Vicinity map shall be drawn at an appropriate scale, showing all existing subdivisions, streets, and un-subdivided land between the proposed subdivision and the nearest existing arterial or collector streets, and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property. (Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied 17.20.030.C by including all necessary design standards with the vicinity map (see Exhibit H).

17.20.050 EXISTING CONDITIONS

The following shall be shown on the preliminary plat: A. Location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features, such as section lines and corners, City boundary lines, and monuments.; B. Contour lines related to an established benchmark or other datum approved by the Engineering Director, with intervals at a minimum of 2 feet for slopes up to 10% and 5 feet for slopes over 10%.; C. Location within the area to be divided, and in the adjoining streets and property, of existing sewers, water mains, culverts, storm drain system, and electric conduits or lines proposed to service the property to be subdivided, and invert elevations of sewer manholes, drain pipes, and culverts.; D. Zoning and existing uses within the tract and 200 feet on all sides, including the location and use of all existing structures indicating those that will remain and those to be removed; E. Approximate location of areas subject to inundation

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or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract including wetlands and watercourses as shown on City-adopted natural resource and Title 3 maps; F. Natural features such as rock outcroppings, drainages whether seasonal or perennial, wooded areas, and isolated trees, including type and caliper; G. Floodway and floodplain boundary.; H. Areas containing slopes of 25% or greater. (Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied 17.20.050 by including all applicable design standards for this 19-lot subdivision on the preliminary plat plans (see Exhibit H).

17.20.060 PROPOSED CONDITIONS

A. 12 copies of a preliminary plat shall be submitted to the Planning Director. The plat shall include the following information: 1. Date, north point, scale, address, assessor reference number, and legal description; 2. Name and address of the record owner or owners and of the person who prepared the site plan; 3. Approximate acreage and square feet under a single ownership, or if more than 1 ownership is involved, the total contiguous acreage of all landowners directly involved in the partition; 4. For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and rights-of-way; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities; 5. Location of existing structures, identifying those to remain in place and those to be removed; 6. Lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements; 7. Existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees, topography, and other structures; 8. Elevation and location of flood hazard boundaries; 9. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; whether roads will continue beyond the plat; and existing and proposed grade profiles. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

Comment: The applicant has satisfied 17.20.050.A.(1-9) by including all applicable design standards with the preliminary plat (see Exhibit H).

B. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.

Comment: As depicted on the submitted preliminary plat, the 19 lots proposed in this application provide for the complete subdivision of the property under its proposed R5 zoning (see Exhibit I).

C. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title, Title 19, and City design standards, including the Public Works Standards.

Comment: The applicant has satisfied this provision by utilizing this narrative to demonstrate compliance with all applicable provisions of Title 17, Title 19, and City design standards, including the Public Works Standards.

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D. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title, Title 19, and City design standards, including the Public Works Standards.

Comment: The applicant has satisfied this provision by submitting plans and drawings which demonstrate compliance with all applicable provisions of Title 17, Title 19, and City design standards, including the Public Works Standards.

G. A drainage summary report and plan prepared in accordance with the applicable Public Works Standards.

Comment: The applicant has satisfied this provision by submitting with this application a drainage summary report and plan prepared in accordance with the applicable Public Works Standards (see Exhibit F).

H. Proposed deed restrictions, if any, in outline form.

Comment: The applicant has satisfied this provision by submitting with this application a title deed verifying ownership of the property (see Exhibit D).

I. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied this provision by submitting with this application detailed information regarding improvements to be made by the developer (see Exhibit H).

17.28.010 CONFORMITY OF SUBDIVISION

Partitions and subdivisions shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof and shall conform with the requirements of state laws and with the standards established by the City. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied this provision by proposing a subdivision which conforms to the development plans of the City, in accordance with the requirements of state laws and the standards established by the City.

17.28.020 PUBLIC FACILITY IMPROVEMENTS

All land divisions and boundary changes that increase the number of lots shall be subject to the requirements and standards contained in Chapter 19.700 Public Facility Improvements and the Public Works Standards for improvements to streets, sidewalks, bicycle facilities, transit facilities, and public utilities. (Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied this provision by reviewing Chapter 19.700 Public Facility Improvements and the Public Works Standards, and proposing designs in compliance with all applicable provisions (see Exhibit H).

17.28.030 EASEMENTS

A. Utility Lines - Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated

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wherever necessary. The easements shall be provided in accordance with applicable design standards in the Public Works Standards.

Comment: The applicant has satisfied this provision by providing easements for sewers, water mains, electric lines and other public utilities where necessary in accordance with applicable design standards set out by the Public Works Standards (see Exhibit H).

B. Watercourses

If a subdivision is traversed by a watercourse such as a drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of construction and maintenance. Streets, parkways, bicycle ways, or pedestrian ways parallel to major watercourses may be required. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: This provision is not applicable as the proposed subdivision is not traversed by a watercourse.

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

A. Size and Shape Lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19.

Comment: The applicant has satisfied this provision by proposing lots appropriate for the area and type of use. All lot standards established by Title 19 and applicable to the R-5 zone have been satisfied (see Exhibit H).

B. Rectilinear Lots Required

Lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street.

Comment: The applicant has satisfied this provision by proposing rectilinear lots. Sidelines of the proposed lots run at right angles to the street upon which the lots face, and rear lot lines run parallel to the street (see Exhibit H).

C. Limits on Compound Lot Line Segments Changes in direction along side and rear lot lines shall be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 10% of the distance between opposing lot corners along a given lot line is prohibited. Changes in direction shall be measured from a straight line drawn between opposing lot corners.

Comment: The applicant would like to determine with the City which lots can be described as rear lot lines, and which are side lot lines.

D. Adjustments to Lot Shape Standard Lot shape standards may be adjusted subject to Section 19.911 Variances.

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Comment: This provision is not applicable, as the applicant is not requesting a lot shape variance.

E. Limits on Double and Reversed Frontage Lots Double frontage and reversed frontage lots should be avoided, except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

Comment: This provision is not applicable as no lots with double frontage or reversed frontage are proposed. There are numerous corner lots, given the required geometry of the property, but none that could be defined as 'double frontage'

F. Measurement of Required Frontage

Pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: The applicant has satisfied this provision by measuring all frontage along the street upon which the lots takes access. The minimum street frontage requirement for a standard lot in the R-5 zone is 35 feet (see Table 19.301.4. Low Density Residential Development Standards). All applicable lot frontage standards have been satisfied (see Exhibit H).

17.28.050 FLAG LOT DEVELOPMENT AND FUTURE ACCESS

Applicants for flag lot partitioning must show that access by means of a dedicated public street is not possible. Consideration shall be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots. The creation of flag lots shall not preclude the development of street access to surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots may be allowed as an interim measure. In this case, Planning Commission review shall be required and the flag lot(s) must be designed to allow for future street development. Dedication of the future street right-of-way shall be required as part of final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: This provision is not applicable as no flag lots are proposed.

17.28.060 FLAG LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot design shall be consistent with Subsection 19.504.8.

B. More than 2 Flag Lots Prohibited: The division of any unit of land shall not result in the creation of more than 2 flag lots within the boundaries of the original parent lot. Successive land divisions that result in more than 2 flag lots are prohibited. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: These provisions are not applicable as no flag lots are proposed.

17.28.070 FLAG LOT LIMITATIONS

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Flag lots are prohibited in new subdivisions and subdivisions platted after August 20, 2002, the effective date of Ordinance #1907. (Ord. 2051 § 2, 2012; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: This provision is not applicable as no flag lots are proposed.

17.32.010 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by the applicant, either as a requirement of these regulations or their own option, shall conform to the requirements of this title and to improvement standards and specifications in the Public Works Standards and Chapter 19.700 Public Facility Improvements. The improvements shall be installed in accordance with the following procedure:

A. Work shall not begin until plans have been checked for adequacy and approved by the City in writing. All such plans shall be prepared in accordance with requirements of the City.

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

B. Work shall not begin until the City has been notified in advance, and if work is discontinued for any reason, it shall not be resumed until the City is notified.

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

D. All underground utilities, installed in streets by the applicant, including but not limited to, water, sanitary sewers, and storm drains shall be constructed prior to the surfacing of streets. Stubs for service connections shall be extended to property lines long enough to avoid disturbing the street improvements when service connections are made. How utilities are to be serviced shall be indicated.

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

E. A map showing all public improvements as built shall be filed with the City upon completion of the improvements. All such maps shall be prepared in accordance with requirements of the City. (Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

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17.32.030 GUARANTEE

All improvements installed by the applicant shall be guaranteed as to workmanship and material for a period of 1 year following acceptance by the City. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the Engineering Director. Said cash or bond shall comply with the terms and conditions of Section 17.24.060. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

17.44.010 VARIANCE

A variance of any provision of this title may only be granted in accordance with Section 19.911. (Ord. 2025 § 3, 2011; Ord. 1907 (Attach. 1), 2002)

Comment: The three variances proposed by the applicant have addressed under the response to Code Section 19.911 later in this narrative.

TITLE 19: ZONING

19.301 LOW DENSITY RESIDENTIAL ZONES

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Comment: The applicant has satisfied this provision as single-family detached dwellings are a permitted use in the R-5 zone (see Table 19.301.2)

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5. See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Comment: The property is zoned R5, a Low Density Residential zoning district as per the provisions of this section. The applicant has satisfied the provisions of 19.301.4 Development Standards by reviewing Table 19.301.4 Low Density Residential Development Standards, and proposing a 19-lot preliminary plat that complies with all applicable lot standards, development standards and density requirements for the R-5 Zone (see Exhibit H).

19.301.5 Additional Development Standards

A. Side Yards: In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

Comment: This provision is not applicable as the applicant's site is proposed to be zoned R-5.

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B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots: The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

Comment: The minimum lot size for a single-family detached home in the R-5 zone is 5,000 sq. this provision is thereby not applicable as no proposed lots are more than 2.5 times larger than the minimum lot size for the R-5 zone.

2. Increased Lot Coverage for Single-Family Detached Dwellings: The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 and no taller than one story can exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance. A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

Comment: This provision is not applicable as the applicant follows all applicable standards for maximum lot coverage percentages (see Exhibit H). No Type II variance per Subsection 19.911.4.A is requested.

3. Increased Lot Coverage for Duplexes

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

Comment: This provision is not applicable as no duplexes are proposed.

4. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

Comment: This provision is not applicable as no detached accessory dwellings are proposed.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Comment: At the future time of building permit, this section will be reviewed for compliance.

D. Residential Densities: The minimum and maximum development densities in Subsection 19.301.4.C.1 are

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applicable for land divisions and replats that change the number of lots. If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

Comment: The applicant has satisfied this provision by complying with all applicable minimum and maximum development densities. The minimum density requirement for the R-5 zone is 7 dwellings per acre and the maximum density requirement for the R-5 zone is 8.7 dwellings per acre. After dedication of Right-of-way both along Railroad Avenue, and internally along the proposed public streets there is a Net Developable Area (NDA) of 97,637 SF, or 2.24 acres. The maximum density permitted under 19.301.4.C.1 is 8.7 lots per acre with a minimum of 7 lots per acre. The NDA permits therefore between 15.69, and 19.49 lots. The applicant is proposing the development of 19 lots within the permitted range.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Comment: This provision is not applicable as no accessory structures are proposed.

F. Number of Dwelling Structures

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

Comment: The applicant has satisfied this provision by proposing only one primary dwelling per lot (see Exhibit H).

G. Off-Street Parking and Loading

Comment: The applicant has reviewed Chapter 19.600 and has satisfied all applicable standards regarding off-street parking and loading.

H. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

Comment: The applicant has reviewed Chapter 19.700 and has satisfied all applicable standards regarding transportation requirements and public facility improvements.

I. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.8 Flag Lot Design and Development Standards

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3. Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
4. Subsection 19.505.2 Garage and Carport Standards
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

Comment: Subsections 19.504.4 (Buildings on the Same Lot), 19.504.8 (Flag Lot Design and Development Standards), and 19.506.4 (Manufactured Dwelling Siting and Design Standard, Siting Standards) are not applicable as more than one building on the same lot, flag lots, and manufactured dwellings are not proposed. Future building permits for single family detached houses on each of the 19 lots proposed in this application will be reviewed for compliance with Subsection 19.505.1 (Design Standards for Single-Family Dwellings and Duplexes) and Subsection 19.505.2 (Garage and Carport Standards).

19.501 GENERAL EXCEPTIONS

The exceptions listed in Subsections 19.501.1–4 below are “by right” exceptions. “By right” exceptions require no special review or approval by the City to implement.

19.501.1 Lot Size Exceptions

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations: A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911. B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.

Comment: The applicant has satisfied all lot size dimensional requirements, and does not require any lot size exceptions.

19.501.2 Yard Exceptions

A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.

Comment: The applicant has reviewed Table 19.501.2.A (Additional yard Requirements) and all proposed lots are in compliance with all applicable provisions of this section.

B. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features extending from an accessory structure shall not be closer than 3 ft from a property line.

Comment: The applicant is aware of these provisions. Provisions will be satisfied at the time of future building permit and approval. Compliance can be assured through conditions of approval.

C. A covered porch on a single-family detached dwelling may extend 6 ft into a required front yard if the following standards are met.

1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.

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2. The surface of the porch does not exceed 18 in high above the average grade.
3. The porch is at least 5 ft from the front lot line.

Comment: The applicant is aware of these provisions. Provisions will be satisfied at the time of future building permit and approval. Compliance can be assured through conditions of approval.

19.501.3 Building Height and Side Yard Height Plane Exceptions

A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height and side yard height plane limitations of the Zoning Ordinance, except as provided in an LF Zone.

B. The following encroachments into a side yard height plane are allowed:

1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
2. The gable end of a roof, provided that the encroachment is not more than 8 ft high above the side yard height plane or more than 40 ft wide.
3. Dormers, with the following limitations:
 - a. The highest point of any dormer is at or below the height of the primary roof ridge.
 - b. The encroachment is not more than 6 ft high above the side yard height plane or more than 8 ft wide.
 - c. The combined width of all dormers does not exceed 50% of the length of the roof which they are located.

Comment: The applicant is aware of these provisions. Provisions will be satisfied prior to the design of homes. Compliance can be assured through conditions of approval.

19.501.4 Density Exceptions

In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same. (Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

Comment: This provision is not applicable as no variances to density requirements are requested.

19.504 SITE DESIGN STANDARDS

19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

Comment: The applicant has satisfied this provision by maintaining a clear vision area on the corners of all property at the intersection of two internal street access points out to SE Railroad.

19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

Comment: The applicant has satisfied this provision as no lot area, yard, other open space, or off-street parking or loading area reduced by conveyance have been proposed.

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19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

Comment: The applicant has satisfied this provision as no lot area, yard or off-street parking area has been used to meet the required lot area, yard or off-street parking area for another use.

19.504.4 Buildings on the Same Lot

- A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

Comment: The applicant has satisfied this provision as only one primary dwelling unit is proposed per lot.

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

Comment: This provision is not applicable as the proposed development is zoned R-5.

19.504.5 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

Comment: This provision is not applicable as the R-5 zone has required side and rear yard setbacks.

19.504.6 Transition Area Measures

Where commercial, mixed use, or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.

B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

Comment: These provisions are not applicable as the proposed development is not zoned commercial, mixed use or industrial.

19.504.7 Minimum Vegetation

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No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

Comment: The applicant will satisfy this provision as no more than 30% of the required vegetation area shall be covered in mulch or bark dust. Compliance can be assured through conditions of approval.

19.504.8 Flag Lot Design and Development Standards A. Applicability

Comment: These provisions are not applicable as no flag lots are proposed.

19.504.9 On-Site Walkways and Circulation

Comment: These provisions are not applicable as the proposed development is for single-family residential development.

19.504.10 Setbacks Adjacent to Transit

Comment: These provisions are not applicable as the proposed development is not zoned for commercial, office or institutional development.

19.505 BUILDING DESIGN STANDARDS

19.505.1 Design Standards for Single-Family Dwellings and Duplexes

C. Standards: All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard. An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

a. For buildings with 30-60 ft of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.

- (1) A porch at least 5 ft deep.
- (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
- (3) A bay window that extends at least 2 ft wide.
- (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
- (5) A gabled dormer.

b. For buildings with over 60 ft of street frontage, at least 1 element in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided for every 30 ft of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.

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c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

2. Eyes on the Street

At least 12% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

3. Main Entrance

At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

Comment: The applicant is aware of this provision. Compliance will be reviewed at the time of future building permit.

5. Standards for Duplexes

Comment: These provisions are not applicable as no duplexes are proposed.

19.505.2 Garage and Carport Standards

C. Standards

Subsection 19.505.1.C.2 is met.

Comment : The applicant is aware of this provision. Compliance can be assured through conditions of approval.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

19.605.1 Minimum and Maximum Requirements

A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

Comment: The applicant has satisfied this provision by more than meeting the minimum off street parking requirement for the R-5 zone of one parking space per dwelling unit. There is no maximum off-street parking requirement for the R-5 zone (see Table 19.605.1).

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19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

- A. Dimensions: Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.
- B. Location:
- C. Parking Surface Materials
- D. Parking Area Limitations

Comment: The applicant is aware of these provisions and will address compliance when designing the proposed off-street parking.

Figure 19.607.1.D

Front and Street Side Yard Parking Area Limits

E. Additional Driveway Standards

Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

19.703 REVIEW PROCESS

19.703.1 Preapplication Conference

For all proposed development that requires a land use application and is subject to Chapter 19.700 per Section 19.702, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.

Comment: This provision has been satisfied as the applicant attended a pre-application conference with the City on Thursday, March 10th, 2016.

19.703.2 Application Submittal

For all proposed development that is subject to Chapter 19.700 per Section 19.702, one of the following types of applications is required.

- A. Development Permit Application: If the proposed development does not require a land use application, compliance with Chapter 19.700 will be reviewed as part of the development permit application submittal.
- B. Transportation Facilities Review (TFR) Land Use Application: If the proposed development triggers a transportation impact study (TIS) per Section 19.704, a TFR land use application shall be required. Compliance with Chapter 19.700 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Section 19.1005. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications. If the proposed development does not trigger a TIS per Section 19.704, but does require the submittal of other land use applications, compliance with Chapter 19.700 will be reviewed during the review of the other land use applications.

Comment: This provision is not applicable as a TFR is not required. The 19-lot residential development currently proposed is projected to generate 14 new trips during the evening peak hour, with 9 entering and 5 exiting the site. The estimated daily traffic volumes for the site are 170 new trips, with half entering and half exiting.

19.703.3 Approval Criteria

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For all proposed development that is subject to Chapter 19.700 per Section 19.702, the required development permit and/or land use application shall demonstrate compliance with the following approval criteria at the time of submittal.

A. Procedures, Requirements, and Standards

Development and related public facility improvements shall comply with procedures, requirements, and standards of Chapter 19.700 and the Public Works Standards.

Comment: The applicant has satisfied this provision and has documented compliance with the standards of Chapter 19.700 and the Public Works Standards via this narrative.

B. Transportation Facility Improvements

Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction. Development in downtown zones that is exempt per Subsection 19.702.3.B shall only be required to provide transportation improvements that are identified by a Transportation Impact Study as necessary to mitigate the development's transportation impacts. Such development is not required to provide on-site frontage improvements.

Comment: To satisfy this provision, at the time of development the applicant will provide transportation improvements and mitigation in rough proportion to the potential impacts of the development. Compliance can be assured through conditions of approval.

C. Safety and Functionality Standards

Comment: The applicant will satisfy these provisions by demonstrating compliance upon submittal of a development permit application.

19.704.2 TIS General Provisions

A. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.

Comment: The provisions of section 19.704.2. are not applicable as a transportation impact study is not required.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards- A. Access Management: All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

Comment: The applicant has utilized this narrative to address compliance with the access management standards contained in Chapter 12.16.

B. Clear Vision: All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

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Comment: The applicant has utilized this narrative to address compliance with the clear vision standards contained in Chapter 12.24.

C. Development in Downtown Zones

Comment: This provision is not applicable as the proposed development is not within a downtown zone.

D. Development in Non-Downtown Zones

Comment: These provisions govern implementation following approval of a plan to construct a public street. Compliance can be assured through a condition of approval.

E. Street Layout and Connectivity

Comment: The applicant examined the subject property's existing conditions, as well as the surrounding street network, circulation needs and traffic safety prior to the design of the proposed internal street loop. To show the lack of possible future development of surrounding properties the applicant has provided a future connectivity and development concept plan (see Exhibit J). This plan depicts conceptually how surrounding adjacent properties to the east of the subject site may be divided under current zoning. When overall configuration, gross lot areas, existing improvements, minimum setbacks and current zoning are combined for each, adjacent parcels east are divisible as depicted on Exhibit J and in the case of all other lots along the north, and east property line not dividable. The proposed public streets in this application to allow for and provide for future development adjoining properties. There are no permanent turnarounds proposed. The applicable provision of these sections are satisfied.

F. Intersection Design and Spacing

Comment: In satisfaction of these subsections, this subdivision application proposes local public streets on the property that are designed and located to provide for traffic flow and turning movements into and through the subject site. The proposed local streets are aligned at right angles and facilitate local circulation. The proposed SE 43rd and 44th local public streets will intersect with the existing Railroad Avenue and there is no existing intersection centerline offsets involved given there is no existing street opposite the subject site on the south side of Railroad. Future extension of the proposed local street comply with block perimeter local street standards. This application proposes a 19 lot subdivision and two new local street intersections onto SE Railroad, a collector street some 150-feet east of SE 42nd, and some 300-feet west of SE 45th, with approximately 300 feet between the proposed intersections of SE 43rd and 44th the middle of the existing block between SE 42nd and 45th Avenues, which is less than 300' minimum distance between Collector intersections. The intersection location is proposed in this location due to a combination of existing conditions including the total length of public street frontage of the subject site on Railroad Road, existing driveway access of the adjacent property at the southeast corner of the subject site, underlying R5 zoning lot area and dimensional standards, and the proposed 20 feet of Railroad Road right-of-way dedication along the subject site Railroad frontage. The proposal is the best available given the size, and shape of the underlying parcel.

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19.708.2 Street Design Standards

Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on existing conditions and the surrounding development pattern. The additional street design, Street, Classification, Minimum Distance Between Street Intersections, Maximum Distance Between Street Intersections, Maximum Block Perimeter. Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.

Comment: As depicted on the preliminary plan set submitted with this application, the internal street is proposed with 28' of asphalt which provides for parking on one side of street. All proposed on-street parking will have a minimum width of 6'. The applicant has proposed sidewalks on both side of the street. The proposed 2/3rds Street on SE 44th will be 21-feet wide to permit fire access, and vehicular circulation. It is anticipated that this street will be fully improved when the property to the east is developed.

19.708.3 Sidewalk Requirements and Standards

B. Sidewalk Requirements

1. Requirements: Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.
2. Design Standards: Sidewalks shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards.
3. Maintenance: Abutting property owners shall be responsible for maintaining sidewalks and landscape strips in accordance with Chapter 12.04.

Comment: The applicant has proposed curb-tight 6 foot sidewalks on the south and west side of the internal street.. Proposed sidewalks are designed to satisfy all applicable Milwaukie Development Standards. ADA compliant ramps are proposed at the end of all sidewalks (see Exhibit H). The sidewalks on the north, and east right-o-fway will be separated by a planter strip.

19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

19.1003.2 Application Submittal Requirements

- A. Application form, including signature(s) of the property owner or public agency initiating the application.
- B. Deed, title report, or other proof of ownership.
- C. Detailed and comprehensive description of all existing and proposed uses and structures, including a summary of all information contained in any site plans. The description may need to include both a written and graphic component such as elevation drawings, 3-D models, and photo simulations, etc. For applications

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- where the subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site “story pole” installations that simulate the proposed development, and photographic representations thereof, may be required at the time of application submittal. D. Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations, and development standards. E. Site plan(s), preliminary plat, or final plat as applicable. F. All materials identified on the Submittal Requirements form, including the signature(s) of the applicant submitting the materials. G. Payment of all applicable land use application fee(s) and deposit(s), based on the fee schedule in effect on the date of application submittal. H. Copy of a valid preapplication conference report if one was required per Subsection 19.1002.2.

Comment: The applicant has satisfied this provision by submitting with this application all required materials (see page List of Exhibits)

19.1006 TYPE III REVIEW

19.1006.1 Preapplication Conference

A preapplication conference is required for Type III applications per Section 19.1002.

Comment: This provision has been satisfied as the applicant attended a pre-application conference with the City in February 2017

19.1006.2 Type III Application Requirements

A. Type III applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.

Comment: The applicant has satisfied this provision by including with this application all submittal materials required by Subsection 19.1003.2 (see page i – List of Exhibits).

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.3 Design Standard: At least 80% of the lots in a development subject to these provisions shall comply with one or more of the options in this subsection; provided a development may, but is not required to, use the options in Subsections 19.1203.3.B or C below to comply with Section 19.1203.

A. Basic Requirement

A lot complies with Subsection 19.1203.3 if it:

1. Has a north-south dimension of 90 ft or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis (see Figure 19.1203.3).

Figure 19.1203.3

Comment: As per the applicable provisions of this section, the design standard for solar access for a development creating lots in a single-family zone are contained in Section 19.1203.3, including the basic requirement of 80% of lots having a north-south dimension of 90 ft or more and a front lot line oriented within 30 degrees of a true east-west axis. Lots 1-10, + 15-18, or 84% of the lots meet this requirement.

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Summary and Request

The applicant has utilized a design team consisting of planning, engineering, development, and environmental disciplines to conduct research and reports and produce a detailed plan for the 2.35 acre site. The Applicant has presented substantial evidence to demonstrate that the proposed Railroad subdivision complies with all applicable standards and approval criteria, and requests approval of the Land Use Request.

19.911 VARIANCES

19.911.1 Purpose

Variations provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variations are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variations may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variations shall not be granted that would be detrimental to public health, safety, or welfare.

19.911.2 Applicability

A. Eligible Variations

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

Comment: The applicant is requesting the following variations:

- 1) A Variance for the spacing of a local Street (SE 43rd) from the required 300-foot standard. This variance is requested to allow for the safe and functional development of the "Railroad" property with a loop Street. The design as proposed will meet the street spacing between the existing 45th, Avenue and the proposed 44th Drive, and between 44th and 43rd. The variance is necessary between 42nd and 43rd.
- 2) The applicant is also seeking a variance from the Street-side yard setback for Lot 19 to allow for a buildable envelope on said lot.
- 3) The third variance is from the requirement to allow double frontage lots, where they are necessary, in this case for lots 18 & 19

C. Exceptions

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either "by right" or as part of a specific land use application review process.

Comment: the applicant has asked for a modification to the basic street standard to allow for one planter strip rather than two, to help retain a lot, and to retain the buildability of Lot 19. The applicant has also request permission for alternative access for lots 2, and 13 which have frontage on Railroad, but which will be taking access via easement from 42nd, and 44th.

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19.911.3 Review Process

A. General Provisions

1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.
2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.
3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

Comment: The applicant is making a Variance Application. Said application does include multiple variances to the basic standards. All variances are necessary to allow development to proceed given the shape, and nature of the underlying parcel.

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.

Comment: the applicant is requesting a variance to the street side yard setback from lot 19 to be reduced from 15-feet to 10 feet. This is a 33% adjustment to the standard. This is only being request for this lot to assist in the creation of a more buildable area on a heavily restricted lot layout.

7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically

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listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Comment: The proposed street spacing, and double frontage lots require a type III variance.

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.
2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.
3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
4. Impacts from the proposed variance will be mitigated to the extent practicable.

Comment: For the side yard setback variance to Lot 19, said setback will allow for the construction of a more useable home. There is no evidence to suggest that the reduction in the street side yard setback would in any way impact the public improvements, the Transportation system or any other public service. It is also the only Street side yard setback on Railroad from this development. The applicant does not anticipate any negative impacts from the granting of this relief to allow a 10-ft street side yard setback on Railroad.

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

- a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.
- b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (1) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (2) The proposed variance has desirable public benefits.
 - (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

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- c. Impacts from the proposed variance will be mitigated to the extent practicable.
- 2. Economic Hardship Criteria
 - a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.
 - b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.
 - c. Impacts from the proposed variance will be mitigated to the extent practicable.

Comment: *The proposed reduction in the intersection spacing between SE 42nd, and SE 43rd does not create any real world issue. The standard was put in place to allow spacing points of egress. The requirement for the construction of a loop street internally requires two points of egress. The proposed locations allow for complete access to the site, and to the adjacent property to the west. It also allows compliance with the scaping standards between 43rd, 44th, and 45th. SE 42nd is a control intersection. Likewise, 43rd will also be Stop controlled. There are no sight distance issues either vertically or horizontally on Railroad between said intersections. There are no know impacts to adjacent properties caused by an approval of this variance. Granting this variance allows the property to be developed with a loop street, and for the property to be developed at its appropriate density. This variance is in fact a response to the underlying shape of the triangular parent parcel. There are further arguments noted in 19.708 TRANSPORTATION FACILITY REQUIREMENTS, subsections E and F.*

The variance to the double frontage lots is proposed to allow the development of the parcel without the creation of a 'buffer tract' that would serve no purpose, and would in fact create more a of a maintenance problem. This variance is necessary to allow the loops street to be effectively designed to access all lots. The triangular nature of the parent parcel obviously results in a portion of the property being designed in a 'pie' shape. The variance is a necessary requirement for the proposed design solution.

Both of these variances are necessary to allow the applicant to design, and efficient and effective subdivision that is both functional and safe, and allows an unusually shaped remnant parcel be developed to respond to the ever-increasing demand for housing. The granting of these variances has an overall benefit for the public good, creating efficiencies, and allowing the construction of single family homes where there is an insufficient supply for a balanced housing market.

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19.902 AMENDMENTS TO MAPS AND ORDINANCES

Comment: The applicant is requesting a Comprehensive Plan Map Amendment to change the underlying Designation of the proposed development property from Low Density residential to Moderate Density residential. This is made a little confusing since both the R7, and R5 zoned are both included under 19.301 LOW DENSITY RESIDENTIAL ZONES. However, they have separate Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan. Therefore, this Section of the Code must be addressed.

Secondly the applicants request to remove the Historic House from 4217 Se Railroad Avenue has the consequence of requiring both a Comprehensive Plan Map Amendment, and Comprehensive Plan Text Amendment. This second request is specific to this parcel, rather than the larger development property

19.902.2 Applicability

The requirements of Section 19.902 apply to the amendments described below.

- A. Amendments to add, modify, or delete the text of the Milwaukie Comprehensive Plan or its ancillary documents.
- B. Amendments to add, modify, or delete the text of Titles 14, 17, and 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.
- C. Amendments to change the maps of the Milwaukie Comprehensive Plan, including maps within ancillary documents. Changes to these maps resulting from actions taken by Section 19.1104 Expedited Process are exempt from the requirements of Section 19.902.
- D. Amendments to change the "Zoning Map of Milwaukie, Oregon," which is the map established by Subsection 19.107.2. Changes to this map resulting from actions taken by Section 19.1104 Expedited Process are exempt from the requirements of Section 19.902.

Comment: the application as proposed will change both eth Comprehensive Plan Map, and the text of the code, and therefore a review under this section is applicable.

19.902.3 Comprehensive Plan Text Amendments

Changes to the text of the Milwaukie Comprehensive Plan shall be called Comprehensive Plan text amendments.

A. Review Process

Changes to the text of the Milwaukie Comprehensive Plan described by Subsection 19.902.2.A shall be evaluated through a Type V review per Section 19.1008.

B. Approval Criteria

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

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1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.
2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.
3. The public need is best satisfied by this particular proposed amendment.
4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.
5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Comment: The proposed change to the Comprehensive Plan text is a requirement necessary to update the Text as it relates to Site Specific elements. In this case, the removal of the house at 4217 SE Railroad Avenue from the Historical Inventory. Changing the code to accurately reflect a change to this specific designation is a response to a request by the applicant, and does in no way set a precedent for any further Text Changes. This is a reactive change, rather than a causal text amendment. Correcting the Text of a portion of the code to reflect a change approved by the City is necessary to keep the Plan Text consistent with the map change, and the removal of the property from the inventory.

The amendment is supported by the Neighborhood Association, the local Historical Society, and City Staff. The removal of the designation is necessary to allow the demolition of the structure, which in turn is necessary to allow the development of the subdivision in a manner that is consistent with the need to provide a loop street, and to develop the property in an efficient and effective manner.

19.902.4 Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be called Comprehensive Plan map amendments.

A. Review Process

Changes to the maps of the Milwaukie Comprehensive Plan described in Subsection 19.902.2.C shall be evaluated through either a Type IV review, per Section 19.1007, or Type V review, per Section 19.1008. The City Attorney shall have the authority to determine the appropriate review process for each Comprehensive Plan map amendment. The City Attorney's review process determination is not a land use decision per ORS 197.015 and is not subject to appeal.

Generally, Comprehensive Plan map amendments that involve 5 or more properties or encompass more than 2 acres of land are legislative in nature and subject to Type V review. Comprehensive Plan map amendments that involve fewer properties and encompass a smaller area of land are quasi-judicial in nature and subject to Type IV review.

B. Approval Criteria

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.

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Comment: The applicant is requesting a Comprehensive Plan Map Amendment to change the underlying Designation of the proposed development property from Low Density residential to Moderate Density residential. This property is located on the boundary between the R7 and R5 boundary. The subdivided lots adjacent to the north and east boundaries have been developed at a size, and with dimensions that would not be approvable under the R7 zone. There is a significant imbalance between the R7 and R5 zone with R7 by far the dominant zone. This is a reflection in large part of the size of the lotting patterns that were established prior to the zoning being put in place. They reflect a responsive designation. The R5 zone allows a slightly greater density that is a natural transition from larger 7,000 SF lots to the adjacent 6,000 SF lots to the proposed 5,000 SF lots. The Zoning code still considers these lots as being part of the Low Density Residential zoning.

19.902.5 Zoning Text Amendments

Changes to the text of land use regulations within the Milwaukie Municipal Code shall be called zoning text amendments, regardless of the individual titles involved.

A. Review Process

Changes to Titles 14, 17, or 19 of the Milwaukie Municipal Code, or any land use regulation as defined by ORS 197.015, that are described by Subsection 19.902.2.B shall be evaluated through a Type V review per Section 19.1008.

B. Approval Criteria

Changes to the Milwaukie Municipal Code described by Subsection 19.902.2.B may be approved if the following criteria are met:

1. The proposed amendment is consistent with other provisions of the Milwaukie Municipal Code.
2. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.
3. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.
4. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.
5. The proposed amendment is consistent with relevant federal regulations.

Comment: There should be no change in the Zone Text as a result of the zone change of the map from R7 to R5. Further the change in the Historical designation is a change to the Comprehensive Plan text NOT the Zoning Text.

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19.902.6 Zoning Map Amendments

Changes to the Zoning Map of Milwaukie, Oregon, shall be called Zoning Map amendments.

A. Review Process

1. Changes to the Zoning Map described in Subsection 19.902.2.D shall be evaluated through either a Type III review, per Section 19.1006, or Type V review, per Section 19.1008. The City Attorney shall have the authority to determine the appropriate review process for each Zoning Map amendment. The City Attorney's review process determination is not a land use decision per ORS 197.015 and is not subject to appeal.

Generally, Zoning Map amendments that involve 5 or more properties or encompass more than 2 acres of land are legislative in nature and subject to Type V review. Zoning Map amendments that involve fewer properties and encompass a smaller area of land are quasi-judicial in nature and subject to Type III review.

2. Changes that affect both the Zoning Map and text of Titles 14, 17, or 19, or other land use regulations within the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008. These changes are subject to the approval criteria of Subsections 19.902.5.B and 19.902.6.B.

B. Approval Criteria

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

1. The proposed amendment is compatible with the surrounding area based on the following factors:
 - a. Site location and character of the area.
 - b. Predominant land use pattern and density of the area.
 - c. Expected changes in the development pattern for the area.
2. The need is demonstrated for uses allowed by the proposed amendment.
3. The availability is shown of suitable alternative areas with the same or similar zoning designation.
4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.
5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.
6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

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7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.
8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Comment: *The applicant is requesting a zone change from R7 to R5. This property is located on the boundary between the R7 and R5 boundary. The subdivided lots adjacent to the north and east boundaries have been developed at a size, and with dimensions that would not be approvable under the R7 zone. There is a significant imbalance between the R7 and R5 zone with R7 by far the dominant zone. This is a reflection in large part of the size of the lotting patterns that were established prior to the zoning being put in place. They reflect a responsive designation. The R5 zone allows a slightly greater density that is a natural transition from larger 7,000 SF lots to the adjacent 6,000 SF lots to the proposed 5,000 SF lots. The Zoning code still considers these lots as being part of the Low Density Residential zoning.*

The frontage on Railroad Avenue, and the proximity to the Expressway reflect an ability of the site to have the capacity to absorb the increased vehicular traffic. There is also sufficient capacity in the sanitary, storm, and water systems.

The zone change was presented to the Neighborhood Association as part of the development package, and there were no objections.

There is a strong housing need in the area, and this parcel has remained an undeveloped remnant parcel for decades. The proposed Plan, and Zoning changes are necessary steps to the subdivision, and development of this parcel.

The proposal as submitted is consistent with the Housing Policies, and Goals of the City without coming into conflict with other general goals for the welfare, and growth of the City. Ultimately the development of this property will lead to a short-term employment for local trades from the Metro area, and will increase the tax base of the State, and City. This parcel has always been intended for residential development. But because of its shape, location, and the presence of several structures this property has not been able to develop for its intended use. Amendments to the Comprehensive Plan Map, the Plan Text, and the Zoning Map will aid in successful subdivision of this parcel.

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 1/26/2017 at 10:00AM

Applicant Name: MARK DANE

Company: MARK DANE PLANNING INC

Applicant 'Role': Other

Address Line 1: 12725 SE GLENHAVEN ST

Address Line 2:

City, State Zip: PORTLAND OR 97225

Project Name: ZONE CHANGE ETC

Description: ZONE CHANGE TO R-5, PLA - MULTIPLE LINES, 15 LOT SUBDIVISION

ProjectAddress: 4217 & 4219 SE RAILROAD AVE

Zone: R7; Historic Resource Preservation Overlay at 4217 SE Railroad Avenue.

Occupancy Group:

ConstructionType:

Use: Low Density (LD)

Occupant Load:

AppsPresent: Mark Dane, Simon Lofts, Curtis Eschman

Staff Attendance: Vera Koliass, Chuck Eaton, Alex Roller, Matt Amos, Stuart Campbell

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes:

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

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Water Supply:

1)1) For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:

<3,600 square feet (including attached garage)

a)1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)

>3,600 square feet (including attached garage)

a)Shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1)

b)Shall meet hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Access:

1)Provide address numbering that is clearly visible from the street.

2)The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28 feet and 48 feet respectively, measured from the same center point.

3)Fire Department turnarounds shall meet the dimensions found in the fire code applications guide. These dimensions need to be shown on the plans.

4)Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.

Hazardous Mat.:

Fire Marshal Notes:

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. The following items should be addressed by the applicant:

A Fire Access and Water Supply plan is required for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291, and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.

PUBLIC WORKS ISSUES

Water: Applicant had submitted a roadway design that included a permanent turn around, which is prohibited. A dead end road requires a city approved cul-de-sac. Proposed street layout also precluded neighboring taxlot 8500 from developing. Majority of meeting centered on a design that included a loop road system. Final road layout will have to be approved before application is approved.

A 6” ductile iron water main will be constructed to provide service to all properties within the subdivision. Milwaukie public works standards 4.0012 prohibits the construction of a permanent dead-end main greater than 250 feet in length. Fire hydrant requirements will be addressed by Clackamas County Fire. The subdivision will connect to a City of Milwaukie 14-inch water main on SE Railroad Avenue.

The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer: An 8” sewer main will be constructed to provide sewer service to all properties within the subdivision. Manholes may not be spaced further than 400 feet apart. The new sewer main will connect to a City of Milwaukie 10-inch wastewater main on SE Railroad Avenue. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City’s SDC charge of \$1075.00 and the second component is the County’s SDC for treatment of \$6,130 that the City collects and forwards to the County. Both SDC charges are per single family unit.

Storm: The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland 2008 Stormwater Management Manual for design of water quality facilities.

All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings.

The storm SDC is based on the amount of new impervious surface constructed at the site. The storm SDC is currently \$845 per single family property. The storm SDC will be assessed and collected at the time the building permits are issued.

Street: The proposed development fronts the north side of SE Railroad Avenue, a collector. The portion of SE Railroad Avenue fronting the proposed development has a right-of-way width of 40 feet and a paved width of 25 feet with undeveloped roadside on both sides of the road.

Frontage: Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as “Code”, applies to partitions, subdivisions, and new construction.

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.

Railroad Avenue

The Railroad Avenue cross-section includes the following:

- Two 10-foot travel lanes
- 4' shoulder
- Storm ditch separating the road from the walking path
- 12-foot asphalt path set 6" from north edge of right-of-way

Applicant will only be required to construct the walking path, and size the ditch to contain the water that it will carry. Railroad avenue was recently paved; so additional resurfacing requirements will be required. All cuts to the street will require a 20' minimum length 2" grind and inlay according to Public Works Standards drawing 516. This replacement is only required in the lane that was cut into (shoulder, travel, etc).

New Interior Roads

According to Code Table 19.708.2 and the Transportation Design Manual, the minimum local street cross-section is a 50' right-of-way which includes the following:

- Two 9' travel lanes
- Two 6' parking lanes
- Two 4' landscape strips
- 5' setback sidewalk on both sides of the road

Applicant must provide justification to remove any components from this cross-section and/or reduce the right-of-way width according to MMC 19.708.2.B.

Right of Way:

The existing right-of-way on SE Railroad Avenue fronting the proposed development is 40 feet. The required right-of-way width for Railroad Avenue is 60'. The south side of the Railroad Avenue's right-of-way is adjacent to the Southern Pacific track right-of-way. This requires the full 20-foot dedication on the north side. Applicant is responsible for 20-foot dedication along entire frontage.

Driveways:

Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukee's Public Works Standards.

Erosion Control:

Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study:

Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukee Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created. Based on the pre-app discussion, a TIS will not be required as proposed, or with a loop road. Any other site plan will be reanalyzed.

If required, the transportation impact study triggers a Transportation Facilities Review (TFR) Land Use Application to be filed concurrent with the land use application. Once the scope of the proposed

development is determined and a deposit of \$1000.00 is paid, the City of Milwaukie will provide a detailed transportation impact study scope for the traffic study. When the traffic impact study is completed in accordance with the TIS scope, the applicant shall schedule a second pre-application meeting with Milwaukie Engineering Staff. The second pre-application meeting will allow Engineering staff to review and comment on the applicant's traffic impact study prior to submission of any land use applications. The fee for the second pre-application meeting is \$100.00 and a deposit of \$2500.00. Upon completion of the second pre-application meeting, the applicant may submit their land use applications.

PW Notes:

TRANSPORTATION SDC

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,921 per trip generated. Credits will be given for any demolished structures, which shall be based upon the existing use of the structures.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is \$3,985.00. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

The loop road layout will require a variance for road spacing on a collector according to MMC table 19.708.1.

REQUIREMENTS AT FINAL PLAT

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.
- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.
- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.
- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.
- The applicant shall provide a 12-month maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks:

Per MMC 19.301.4, setbacks for the R-7 zone are 20 feet front and rear yard, and side yard setbacks of at least 5 feet on one side and 10 feet on the other. In the R-5 zone, minimum front and rear yards are 20 ft, side yards are 5 ft, and street-side yards are 15 ft (for corner lots).

Per MMC 19.501.2, setbacks for any yard bordering SE Railroad Avenue are measured 30 feet from the right of way centerline (e.g., a rear yard on SE Railroad Avenue must be at least 50 feet from the right of way center line (30 foot ROW setback + 20 foot rear yard setback)).

Landscape:

In the R-5 zone, a minimum of 25% of the site must be landscaped, including at least 40% vegetation in the front yard (measured from the front property line to the front face of the house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). A maximum of 35% of any R-5 lot may be covered by structures, including decks or patios over 18 in above grade.

The minimum landscaped area for the R7 zone is 30% of lot area.

Parking:

As per the off-street parking standards of MMC Chapter 19.600, properties that contain single-family dwellings must provide at least 1 off-street parking space per dwelling unit. As per MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. The required spaces cannot be located in a required front or street-side yard and must have a durable and dust-free hard surface.

Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 10 ft of the right-of-way boundary.

Transportation Review:

The proposed subdivision will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. Please see the Public Works notes for more information about the requirements of MMC 19.700 and the necessary right-of-way dedication and street frontage improvements.

Application Procedures:

The application procedures outlined below are for a 2-phase permitting process. Applications in each phase may be submitted, and will be reviewed, concurrently.

Phase 1.

1. Subdivision (Type III review)

The subject property is comprised of 4 lots. The minimum size for new lots in the R-5 zone is 5,000 sq ft. The proposed development requires replatting the subject property using the subdivision process. Standards and requirements for land division can be found Title 17 of Milwaukie Municipal Code: <http://www.qcode.us/codes/milwaukie/view.php?topic=17&frames=off>.

Preliminary and Final Plat checklists and procedures can be found at: <http://www.milwaukieoregon.gov/planning/plat-checklists>.

The current fee for subdivision applications (preliminary plat review) is \$4,400, plus \$100 for each lot over 4 lots.

2. Variance (Type III review)

The proposal will require a Type III variance from street spacing standards (see Public Works section). Review criteria can be found in MMC 19.911.4.B: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_911&frames=off.

3. Demolition of an Historic Resource (Type III review)

Due to the proposed roadway configuration of a loop road, the dwelling at #4217 SE Railroad Ave., an identified Significant Historic Resource (the Keil Hoesly Farm House), will be proposed for demolition. The process to demolish an historic resource can be found in MMC 19.403.7:

http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_403-19_403_7&frames=off. Applicant is advised to review this section carefully to be sure that all steps are covered.

4. Zoning Map Amendment (Type III review)

The proposal includes rezoning all 4 lots to R-5. The applicant is encouraged to include Tax Lot 08500 in the zone change proposal, for a total of 5 lots to be re-zoned. The City Attorney has determined that the process for the proposed zone change is quasi-judicial in nature and subject to Type III review. The process and approval criteria for a zone change (zoning map amendment) can be found in MMC 19.902.6: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off.

5. Comprehensive Plan Map Amendment (Type IV review)

As part of the proposal to rezone the property to R-5, a concurrent amendment to the Comprehensive Plan Map 4 – Land Use is required (from Low Density to Moderate Density).

The approval criteria for a quasi-judicial map amendment can be found in MMC 19.902.3.B: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off.

6. Property Line Adjustment

The process and approval criteria for a property line adjustment, Type I review, can be found in MMC 17.12: http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_12&showAll=1&frames=off.

The applicant should submit 5 complete copies of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the associated Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Once the Planning Commission makes a decision on the application, notice of the decision will be issued, initiating a 15-day appeal period for the applicant and any party who has established standing by submitting comments or participating in the public hearing process.

Following the appeal period, the applicant may submit the necessary Final Plat application, which will require Type I review (current fee, \$200). The final plat is reviewed as a Type I administrative review. The application requirements are found in MMC 17.16.070 and MMC 17.24. The approval criteria are found in MMC 17.12.050. Because the final plat must follow the approval of the preliminary plat, it is not eligible for concurrent review.

Prior to submitting the subdivision application, the applicant is encouraged to present the project at the regular meetings of the Hector Campbell NDA (6:30 p.m. on the second Monday of every month at the

City's Public Safety Building, 3200 SE Harrison St).
<http://www.milwaukieoregon.gov/citymanager/hector-campbell-nda>.

Phase 2.

Assuming the Planning Commission approves the demolition of the historic structure on #4217 SE Railroad, the following application is required:

Deletion of a Landmark

This is a Type IV review process, per MMC 19.403.4:
http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_403-19_403_4&frames=off.
This process will result in the removal of the property from the Historic Resources List (Appendix 1 in the Comprehensive Plan) and the Historic Preservation Overlay from this property in the Comprehensive Plan (Map 4) and from the Zoning Map.

Subject to the review procedures of MMC 19.1011.4, Major Quasi-Judicial Review. The first hearing will be at the Planning Commission. The Planning Commission will make a recommendation to the City Council, who will make the final decision on the application.

Natural Resource Review: Not applicable. The development site is not in any natural resource overlay zone.

Lot Geography:

The subject property is comprised of 4 lots, with a total area of approximately 141,730 sq ft (3.25 acres). The property has frontage on SE Railroad Ave to the south.

Minimum standards:

R7 Zone: 7,000 square feet area, 60-foot width, 80-foot depth, 35-foot street frontage

R5 Zone: 5,000 square feet area, 50-foot width, 80-foot depth, 35-foot street frontage

Lots in the subdivision are subject to the requirements of MMC Chapter 17.28, Design Standards. Flag lots are not allowed in newly platted subdivisions (MMC 17.28.080). The following are also criteria for lot design (MMC 17.28.040): lots are required to be rectilinear where practical; the lateral change in direction for a compound lot line can not exceed 10% of the distance between opposing lot corners; and double frontage lots are generally not allowed.

The above lot design standards do not apply to areas for parks, tracts, or other areas that will not be developed.

Planning Notes:

The Planning Department strongly suggests conferring with the Hector-Campbell Neighborhood District Association (NDA) about the proposal. The NDA Chair is David Aschenbrenner, who can be reached at 503-804-3837 or 2dasch@gmail.com. The City of Milwaukie refers all applications to NDAs for comments, and the Planning Commission and City Council give serious consideration to the views of the NDAs when making decisions.

Staff's general response to the zone change proposal is that it seems appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the adjacent R7 zoned areas, many of the lots are sub-standard for the R7 zone. Seventeen of the nineteen lots zoned R7 that are adjacent to the site are 6,500 square feet or less. The loss of R7 zone area does not raise concern for Planning Staff. The R7 zone is also the largest zone in the city, comprising over

40% of the land area (including right of way). By comparison, R5 comprises just over 10% of the land area.

Staff notes that Tax Lot 08500 should be included in the zone change proposal.

The applicant is encouraged to review MMC 19.1200 Solar Access Protection, as its provisions must be addressed in the application narrative.

For reference, the density range allowed in the R7 zone is 5.0 – 6.2 dwelling units per net acre, and 7.0-8.7 dwelling units per net acre for the R5 zone.

The full zoning code can be found here:
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>.

The Comprehensive Plan can be found here:
http://www.qcode.us/codes/milwaukie/view.php?topic=comprehensive_plan&frames=off.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

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

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Sam Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

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Alex Roller - Engineering Tech II - 503-786-7695

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COMMUNITY DEVELOPMENT DEPARTMENT

Vacant, Comm. Dev. Director - 503-786-7652

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Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

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

Matt Amos - Fire Inspector - 503-742-2660

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 2/9/2017
Re: 15 Lot Subdivision 4217 & 2419 Railroad Ave. 17-001PA

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. The following items should be addressed by the applicant:

A Fire Access and Water Supply plan is required for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291, and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.

COMMENTS:

Access:

- 1) Provide address numbering that is clearly visible from the street.
- 2) The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28 feet and 48 feet respectively, measured from the same center point.
- 3) Fire Department turnarounds shall meet the dimensions found in the fire code applications guide. These dimensions need to be shown on the plans.
- 4) Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.

Water Supply:

- 1) 1) For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:
 - <3,600 square feet (including attached garage)
 - a) 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)
 - >3,600 square feet (including attached garage)
 - a) Shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1)
 - b) Shall meet hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)

PRELIMINARY STORMWATER MANAGEMENT REPORT

For

Railroad Avenue Subdivision, Milwaukie

Sustainable Infill Development, LLC
795 NW Torrey View Lane
Portland, OR 97229

Prepared for:



10722 SE Main St.
Milwaukie, OR 97222

Date:
March 10th, 2017

Site Location:
4219 SE Railroad Avenue
12E31BC 8000, 8100, 8200, & 8300 – 3.24 Acres

Prepared by:

Project Delivery Group, LLC
3772 Portland Road NE
Salem, Oregon 97301



Designer's Certification and Statement

I hereby certify that this Stormwater Management Report for SE Railroad Avenue Subdivision has been prepared by me or under my supervision and meets minimum standards of the City of Milwaukie and normal standards of engineering practice. I hereby acknowledge and agree that the jurisdiction does not and will not assume liability for the sufficiency, suitability, or performance of drainage facilities designed by me.



RENEWS:



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Project Overview and Description

Size and Location of Project

The proposed project encompasses approximately 3.24 acres and is located at 4219 SE Railroad Avenue, Milwaukie Oregon 97222 (Site). The tax map and lot numbers are 12E31BC 8000, 8100, 8200, & 8300. Refer to the preliminary drawings for the Site map.

Property Zoning

Although the property is to be subdivided, there will be no effect to the zoning.

Type of Development and Proposed Improvements

The project consists of a 19-Lot single-family residential subdivision with public streets and public utilities. The project is being designed to 2016 City of Portland Stormwater Management Manual requirements. The proposed development incorporates drywells for the exfiltration of the runoff due to impervious roofs and an infiltration basin to provide the required stormwater flow control and water quality treatment for the new impervious streets, sidewalks, and driveways. A copy of the drainage basin developed for this report is provided in Appendix A.

Description and Size of the Watershed Draining to the Site

The Site is in Milwaukie, near the Milwaukie Business – Industrial area, on the northeast side of SE Railroad Avenue, east of SE 42nd Avenue and west of SE 45th Avenue. The Site generally slopes southwest toward SE Railroad Avenue. Slopes range from 3 to 8%. The Site is bordered with upgradient properties along the northern and eastern boundaries. There is “run-on” of surface water onto the Site from these adjoining properties; yet, this water will be considered “flow-through,” since the existing properties to the north and east will remain the same in the Pre-Developed and Post-Developed Site conditions.

There is a constructed storm water collection and conveyance drainage ditch along SE Railroad Avenue which will convey both the “pass-through” water from the adjoining properties as well as the run-off from the Site. For purposes of this report, it is assumed that this existing conveyance system has adequate capacity to convey the pre-development flows from the Site.

Regulatory Permits Required

A 1200-C permit from the Oregon Department of Environmental Quality (DEQ) is required along with City of Milwaukie permits. There are not any environmental constraints on the Site or any wetlands; therefore, no additional regulatory permits are required.

Existing vs. Post Construction Conditions

The existing Site contains two single-family residences with associated landscaping and paved access ways. There are also some out-buildings and graveled access ways on the Site. The remainder of the Site is lightly forested to open areas with trees and grass. The proposed Site will have 19 single-family residences with associated driveways, all gaining access from the proposed local street. The street will have parking along one side, with a landscape strip along the other, and sidewalks on both sides. The proposed Site will replace the existing trees (many are diseased and dying or dead) with new street trees and incorporate modern landscaping to minimize stormwater runoff. Each lot will have a drywell for infiltrating the runoff from their respective roofs (see the Milwaukie Drywell Sizing Requirements provided in Appendix D). The street stormwater conveyance system will terminate at the proposed curb inlets located at the intersections of SE 43rd and 44th Avenues with SE Railroad Avenue. The water will then be



conveyed in a reconfigured and regraded roadside ditch along Railroad Avenue which will have two infiltration basins located in the downgradient portion of the ditch, with any remaining waters being conveyed off-site in the existing roadside ditch.

Methodology

Drainage Conveyance

As mentioned above, the proposed stormwater treatment and infiltration system will be primarily for the additional runoff created by the impervious street and sidewalks. It also incorporates 400 sf for driveways from each lot.

The drain basin splits along the 43rd Avenue, at the proposed crown in the street just in front of lot 7 (refer to the attached Site Plan in appendix A). From this crown along the curb to the curb inlet, the distance in either direction is less than 400 sf, so catch basins are not needed until the crosswalks. This will reduce the cost for the Developer to construct and for the City to maintain. Once the water is in the drainage ditch, it will flow west toward the edge of the Site. The last 260 ft of the ditch will be reconstructed as an infiltration basin. The overflow for the infiltration basin will be a Type D manhole at the end of the second infiltration basin ditch (at the intersection with SE 42nd Ave). The water will be treated, detained, and infiltrated by the use of the basins, with any surplus waters being conveyed into the type D catch basin and continuing down the ditch to the west and off the Site.

Infiltration Testing Results

A geotechnical evaluation of the Site has not been performed by the time this report was prepared. Groundwater elevations are expected to fluctuate seasonally in accordance with rainfall conditions, with levels greater than 80 inches from the surface for the northern half of the Site and 25 to 32 inches for the lower half of the Site according to information obtained from the Natural Resource Conservation Service (NRCS) Soil Survey website. Site grading will be accomplished to ensure that groundwater does not reach the foundation grades of the finished lots. Thus, groundwater was not included in the hydrology calculations of this report. After reviewing recent infiltration tests at nearby sites with City staff, and a review of on-site soils and soil infiltration and run-off performance during heavy and extended rainfall periods, it is assumed that the water table is deep enough and the soils are permeable enough to utilize drywells. According to City staff at the Pre-App meeting, a recent test at a nearby site yielded infiltration rates of 14 inches/hour. Using a minimum factor of safety of 2, as outlined in the infiltration testing procedures for the open pit falling head test, we utilized a design infiltration rate of 7 inches/hour for design. Once the geotechnical investigation and associated infiltration testing work has been completed, the design infiltration rate will be adjusted as needed as utilized in the final drainage design report.

Stormwater Hierarchy Category Justification

This Site incorporates two categories of stormwater hierarchy. The first category is the roofs, which will use individual drywells for treatment and disposal. This falls into the hierarchy “Category 2” as identified in Figure 1-5 Stormwater Infiltration and Discharge Hierarchy of the 2016 City of Portland Stormwater Management Manual. The City of Milwaukie Drywell Sizing Requirements in Appendix D was used to select the drywell size. The second is the streets, driveways, and sidewalks that will run into the reconstructed drainage ditch along SE Railroad Avenue. These waters will be treated/detained/infiltrated and overflow discharged to the existing drainage way, eventually making its way to the wetlands, which is west of the Site. This falls into “Category 3” as identified in Figure 1-5 Stormwater Infiltration and Discharge Hierarchy of the 2016 City of Portland Stormwater Management Manual.



Proposed Stormwater Management Techniques

Analysis

Design assumptions

Downstream System is Adequate

It is assumed that there are no downstream capacity problems in the existing systems in SE Railroad Avenue, as the outflows from the Site are being limited to the calculated peak flow rates of the existing conditions of the Site (i.e. pre-development), for the various storm events, and the downgradient public storm drain systems should have been designed to accommodate these existing peak flow rates from the adjoining upgradient lands and the Site in a pre-development condition.

Description of Soil Types and Any Other Geologic Features Impacting Stormwater Infrastructure Design

Per the Natural Resource Conservation Service (NRCS) Soil Survey, the Site predominately (73.5%) consists of Woodburn silt loam (91B) hydrologic soil group C and (26.5%) Latourell loam (53B) hydrologic group B. See Appendix B for the NRCS soils report for this Site. The Latourell loam is primarily on the northern third of the Site according to the Soil Survey. Based on existing soil characteristics noted during the site walk during a period of intense and extended rainfall (i.e. noting very little run-off or and no ponded water presence), it is our belief that the Latourell loam type soil cover the Site more extensively. This will be confirmed with the geotechnical investigation for the final drainage report. The Site visit occurred on a rainy day, with intermittent precipitation for the prior week, yet, the Site appeared to drain very well; there was no accumulation of water in the low lying southern area and the ground still felt firm. Because of the infiltration properties of the Latourell loam, it is assumed that the drywells can be strategically located where this material occurs. There are no other geological features impacting stormwater infrastructure design or installation noted for the Site.

Computation Methods and Software Utilized

In accordance with 2016 City of Portland Stormwater Management Manual, the City of Portland Environmental Services online Stormwater Presumptive Approach Calculator (PAC) was utilized to calculate the treatment/detention facility. The storms, which the program utilizes, are as follows:

- 2 year 24-hour storm (2.40 inches)
- 5 year 24-hour storm (2.90 inches)
- 10 year 24-hour storm (3.40 inches)
- 25 year 24-hour storm (3.90 inches)

The Site has been modeled as 1 drainage basin

The Site will drain along the proposed curb and gutter before entering the catch basins at the crosswalks and then discharging into the drainage ditch. Roof drain laterals from each lot will be connected to drywells.

The drainage basin is illustrated on the drainage basin map provided in Appendix A.

The storm runoff will be treated and discharged utilizing drywells

Because of the limited space in the lots the house footprint will not be large. This coupled with high infiltration rates make this site an excellent candidate for the use of drywells. The Milwaukie Drywell Sizing Requirements were used



in selecting the correct size of drywell. It is assumed that the roofs per lot will be approximately 1600SF, thus a 48 inch diameter drywell with a depth of 5.09 feet will be sufficient. In the event that a larger or smaller home is built, the drywell size will be adjusted accordingly.

Infiltration Basin Assumptions:

As mentioned above, the infiltration basin will act as the detention and treatment facility. In accordance with 2016 City of Portland Stormwater Management Manual, the basin has been designed to have a 3H:1V slope. The basin has been sized to maintain a freeboard of 6-inch from the 25-year design storm water elevation as shown in the calculations in Appendix C. A riprap protected scour pad will be installed at the inflow into the drainage ditch from the proposed pipe outflow from the catch basins, to protect from erosion.

Approved Results from the Presumptive Approach Calculator

The Presumptive Approach Calculator was used for the design of the infiltration basin to be used for treating the streets, driveways, and sidewalk. The results of the Presumptive Approach Calculator are attached in Appendix C. Both the Pollution Reduction and the Flow Control as designed passed the requirements.

Conveyance Requirements and Design

For run-off estimation, a pre- and post-development flow path was determined for the drainage basin as illustrated in the drainage basin maps provided in Appendix A. The pre-development flow paths typically consist of sheet flow that transitions into shallow concentrated flow. The post-development flow paths typically consist of sheet flow across the lot and street. They then transition to shallow concentrated flow, down the gutter and drainage ditch to the infiltration basin. The Pre-Developed and Post-Developed areas and runoff CNs are shown below in Table A:

Table A: Pre and Post-Development Areas and CNs

PRE-DEVELOPMENT				
	Area (SF)	CN	Description	Notes
	35,432	69	50-75% Grass cover, Fair, HSG B	
	3,968	98	Roofs, HSG B	
	4,183	96	Gravel surface, HSG B	
	928	98	Unconnected pavement, HSG B	
	2,432	82	Dirt roads, HSG B	
	9,323	83	1/4 acre lots, 38% imp, HSG C	Run-on from neighboring lots
	618	98	Unconnected pavement, HSG C	Existing Sidewalk at SE 42nd Ave
Total	156,884			
Weighted CN	72			
POST-DEVELOPMENT				
	Area (SF)	CN	Description	Notes
	82,831	61	>75% Grass cover, Good, HSG B	
	30,530	98	Paved parking, HSG B	Streets and sidewalks
	3,800	98	Paved parking, HSG B	private driveways
	9,323	83	1/4 acre lots, 38% imp, HSG C	Run-on from neighboring lots
Total	126,484		30,400sf of roofs (1,600 sf/lot) treated by drywells. 126,484 + 30,400 = 156,484sf	
Weighted CN	73			

Table A: Calculated CN



The characteristics of each flow path and the associated runoff CN and areas were input into the Presumptive Approach Calculator and a pre- and post-development derived time of concentration (Tc) for the drainage basin was determined. A listing of the Tc for the basin, is shown below in Table B.

PRE-DEVELOPMENT							
	TC (Minutes)	Method	Description	Mannings's No	Velocity Factor (ft/sec)	Flow Length (ft)	Slope
	5.0	Direct	ODOT prescribed lag time between when rainfall starts and run-off begins				
	14.4	Sheet	Sheet Flow Across Grass	0.150		300	0.0930
	2.6	Shallow	Concentrated Flow Across Grass		7.0	152	0.0197
Total	22.0						
POST-DEVELOPMENT							
	TC (Minutes)	Method	Description	Mannings's No	Velocity Factor (ft/sec)	Flow Length (ft)	Slope
	5.0	Direct	ODOT Allowed Delay				
	6.3	Sheet	Sheet Flow Across Grass	0.150		131	0.1400
	0.8	Sheet	Sheet Flow Across Road	0.011		55	0.0200
	1.1	Shallow	Concentrated Flow Along Gutter		20.3	275	0.0400
	2.9	Shallow	Concentrated Flow Through the Ditch		15.0	407	0.0250
Total	16.1						

Table B: Calculated TC

Using the derived Tc's, and other drainage basin parameters, the following peak pre-and post-development flow rates (with and without stormwater conveyance system outlet control) for the water quality, 2-year, 10-year, and 25-year-design storm events were determined, and are as summarized in the Figure2-35 below: see output from the Presumptive Approach Calculator in Appendix C.

Figure 2-35. Catchment and Facility Summary

Catchment or Facility ID	IA Type (roof, road)	Impervious Area (SF)	Ownership (Private/Public)	Facility Type	Facility Size (SF)	CN
1	Street & Sidewalk	30,530	Public	Infiltration Basin	520	98
1	Driveways	7,600	Private			98

Detention Basin and Flow Control for the 2, 10, and 25-year Storm Event

The estimated peak pre-development flow rate for the project Site for the 2, 5, 10, and 25-year storm events are 0.035, 0.085, 0.146, and 0.216 cubic feet per second (cfs) respectively (summarized in the Presumptive Approach Calculator report in Appendix C). In order to obtain post-development outflow rates equal to or less than peak pre-development outflow rates, supplemental stormwater detention (with outlet control) will be required. To reduce the outflow to pre-development flow rate, a total of 2,580 cubic feet (cf) of supplemental storage is required for the Project's drainage basin, as determined by the Presumptive Approach Calculator for the 25-year storm event. Detention will be facilitated by utilizing the detention storage volume of the proposed infiltration basin.



Infiltration / Detention Basin:

An outlet control type “D” ditch inlet (outlet control structure) will be placed at the downgradient end of the infiltration basin for head control. The Type “D” inlet grate will be set at an elevation 59.5 feet. The 2, 5, and 10 year storms will be infiltrated while the PAC model indicated the outflow from the 25-year design storm event will peak at 0.213 cfs, with a storage requirement of 2,580 cf. The PAC results indicated that there would be approximately 0.5 feet of freeboard at the peak of the 25-year storm event. The calculated peak predevelopment flow rate during the same storm event was 0.213 cfs.

The infiltration basin incorporates a permeable bottom, with an 18-inch depth of growing medium. The design assumes a minimum percolation rate through the permeable bottom of 2.0 inches per hour. PAC model results for the infiltration basin are provided in Appendix C and summarized below in Figure 2-36.

Figure 2-36. Pre vs. Post Construction Flow Rates

Catchment ID	Peak Flow Rate (CFS)								Time of Concentration	
	2 YR		5 YR		10 YR		25 YR			
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
1	0.035	0.000	0.085	0.000	0.146	0.022	0.216	0.213	22min	15min

Escape route for the 100-year storm

The escape route for the stormwater runoff from the Site due to a 100-year storm event will be via the overflow device (type D inlet grate in the outlet control structure) and existing storm drainage ditch along SE Railroad Avenue. Refer to the Post-Developed basin map provided in Appendix A.

Engineering Conclusions

The stormwater treatment and flow control for the Site have been designed and sized to be in compliance with the 2016 City of Portland Stormwater Management Manual (available online) and Milwaukie Drywell Sizing Requirements (copy provided in Appendix D).

For the streets, driveways and sidewalks, water quality improvement of the surface/storm water run-off will be provided using an infiltration basin. Stormwater detention storage will be provided in the same basin. A flow control structure is provided at the downgradient end the infiltration basin with an overflow type “D” inlet, which releases the runoff into the existing drainage ditch flowing west from the Site. The flow control structure limits the discharge from the Site to no more than the Pre-Developed flow rate for the 2-year, 5-year, 10-year, and 25-year design storm events. Flow control is designed and sized so that the drainage basin of the Site complies by limiting peak stormwater run-off discharge rates to be at or below the calculated peak pre-development runoff rates.

For the runoff created by the roofs, water quality improvement of the surface/storm water run-off will be provided using drywells.

The sizing of water quality and detention storage facilities are preliminary, and with detailed infrastructure design may change from what is presented in this report. It is possible that the areas of infiltration basin will be reduced with refinements in design. A final drainage report, documenting the resulting final design of the storm water infrastructure for the subdivision, will be submitted with the final improvement drawings for City of Milwaukie approval for infrastructure development of the subdivision.



APPENDIX A—DRAINAGE BASIN MAPS

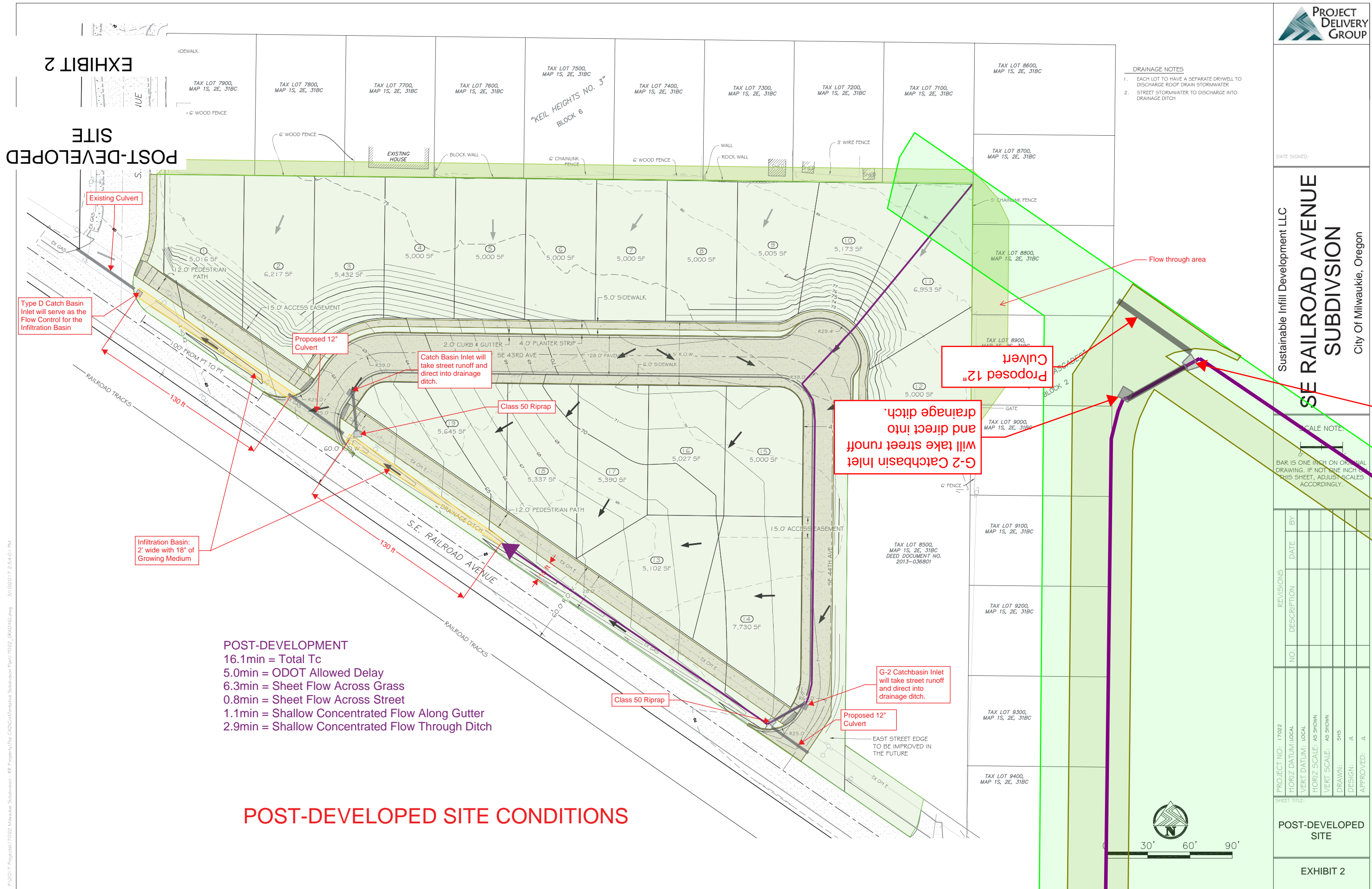


EXHIBIT 2

POST-DEVELOPED SITE

DRAINAGE NOTES

1. EACH LOT TO HAVE A SEPARATE DRYWELL TO DISCHARGE ROOF DRAIN STORMWATER.
2. STREET STORMWATER TO DISCHARGE INTO DRAINAGE DITCH



POST-DEVELOPED
 16.1min = Total Tc
 5.0min = ODOT Allowed Delay
 6.3min = Sheet Flow Across Grass
 0.8min = Sheet Flow Across Street
 1.1min = Shallow Concentrated Flow Along Gutter
 2.9min = Shallow Concentrated Flow Through Ditch

POST-DEVELOPED SITE CONDITIONS

DATE SIGNED:

Sustainable Infill Development LLC
SE RAILROAD AVENUE
SUBDIVISION
 City of Milwaukie, Oregon

SCALE NOTE:
 BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

REVISIONS NO.	DESCRIPTION	DATE	BY

PROJECT NO: 17082	HORIZ DATUM: LOCAL	VERT SCALE: AS SHOWN	DRAWN: SHS	DESIGN: JL	APPROVED: JL
HORIZ DATUM: LOCAL	VERT SCALE: AS SHOWN	DRAWN: SHS	DESIGN: JL	APPROVED: JL	

SHEET TITLE:
POST-DEVELOPED SITE

EXHIBIT 2

P:\2017 Projects\17022 Milwaukie Subdivision - RS Property\The CAD\Civil\Terraine Subdivision Plan\17022_GRADING.dwg 3/1/2017 2:54:01 PM

APPENDIX B— NRCS SOIL REPORT





United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Clackamas County Area, Oregon**



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

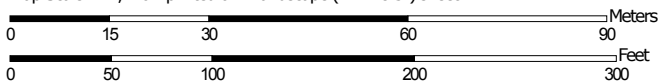
Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:1,140 if printed on A landscape (11" x 8.5") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon
 Survey Area Data: Version 11, Sep 16, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 26, 2014—Sep 5, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Clackamas County Area, Oregon (OR610)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
53B	Latourell loam, 3 to 8 percent slopes	0.9	26.5%
91B	Woodburn silt loam, 3 to 8 percent slopes	2.6	73.5%
Totals for Area of Interest		3.5	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the

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development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Clackamas County Area, Oregon

53B—Latourell loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 225k
Elevation: 50 to 400 feet
Mean annual precipitation: 40 to 60 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Latourell and similar soils: 90 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Latourell

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Stratified glaciolacustrine deposits

Typical profile

H1 - 0 to 15 inches: loam
H2 - 15 to 48 inches: loam
H3 - 48 to 60 inches: gravelly sandy loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: High (about 9.5 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: B
Hydric soil rating: No

91B—Woodburn silt loam, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 227z

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Elevation: 150 to 400 feet
Mean annual precipitation: 40 to 50 inches
Mean annual air temperature: 52 to 54 degrees F
Frost-free period: 165 to 210 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Woodburn and similar soils: 90 percent
Minor components: 4 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Woodburn

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Stratified glaciolacustrine deposits

Typical profile

H1 - 0 to 16 inches: silt loam
H2 - 16 to 38 inches: silty clay loam
H3 - 38 to 60 inches: silt loam

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 25 to 32 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Huberly

Percent of map unit: 2 percent
Landform: Swales on terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Aquolls

Percent of map unit: 1 percent

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Landform: Flood plains

Hydric soil rating: Yes

Dayton

Percent of map unit: 1 percent

Landform: Terraces

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Other vegetative classification: Poorly Drained (G002XY006OR)

Hydric soil rating: Yes

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APPENDIX C – PRESUMPTIVE APPROACH CALCULATIONS RESULTS



PAC Report

Project Name SE Railroad Avenue Subdivision	Permit No.	Created 3/8/17 10:34 AM
Project Address 4219 SE Railroad Ave Milwaukie, OR 97222	Designer Lee Brennan	Last Modified 3/10/17 12:36 PM
	Company Project Delivery Group	Report Generated 3/10/17 12:36 PM

Project Summary

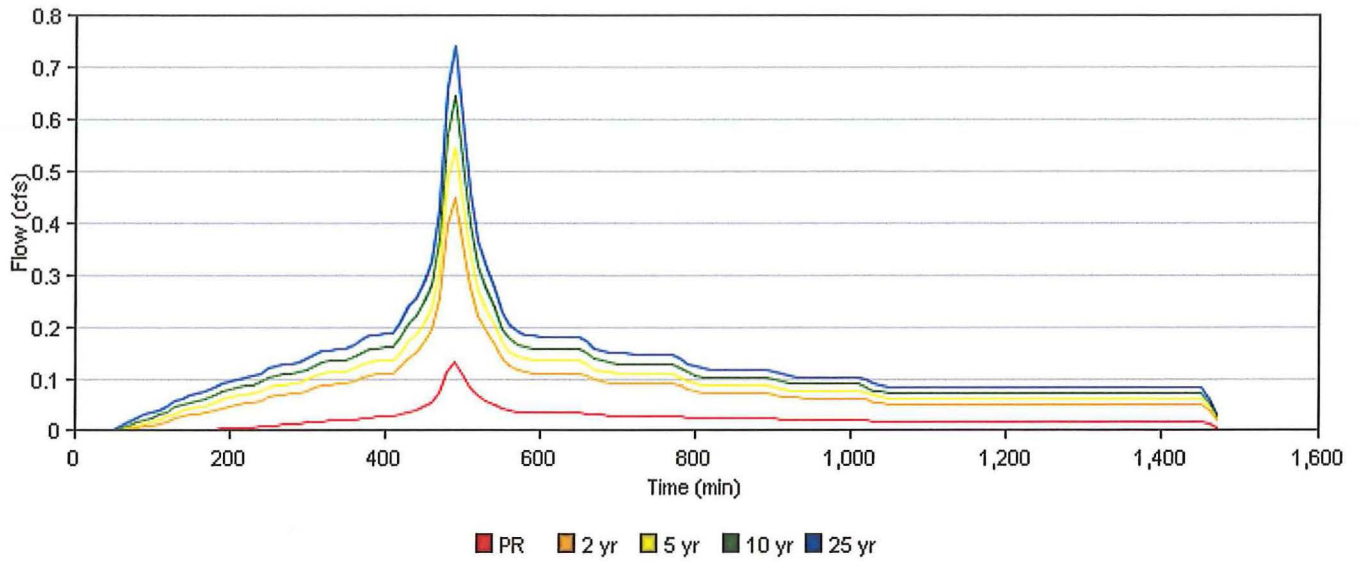
The proposed project encompasses approximately 3.24 acres and is located at 4219 SE Railroad Avenue, Milwaukie Oregon 97222(Site). Tax map and lot numbers 12E31BC 8000, 8100, 8200, & 8300. The project consists of a 19-Lot single-family residential subdivision with public streets and public utilities. The project is being designed to 2016 City of Portland Stormwater Management Manual. The development incorporates drywells for the exfiltration of the runoff due to impervious roofs and a Combination Swale to provide the required stormwater flow control and water quality treatment for the new impervious streets.

Catchment Name	Impervious Area (sq ft)	Native Soil Design Infiltration Rate	Hierarchy Category	Facility Type	Facility Config	Facility Size (sq ft)	Facility Sizing Ratio	PR Results	Flow Control Results
Streets, Sidewalks	38130	14.00	3	Basin	A	520	9.9%	Pass	Pass

Catchment Streets, Sidewalks

Site Soils & Infiltration Testing Data	Infiltration Testing Procedure	Open Pit Falling Head
	Native Soil Infiltration Rate (I_{test})	14.00
Correction Factor	CF_{test}	2
Design Infiltration Rates	Native Soil (I_{dsgn})	7.00 in/hr
	Imported Growing Medium	2.00 in/hr
Catchment Information	Hierarchy Category	3
	Disposal Point	B
	Hierarchy Description	Off-site flow to drainageway, river, or storm-only pipe system
	Pollution Reduction Requirement	Pass
	10-year Storm Requirement	N/A
		If discharging to an overland drainage system or to a storm sewer that discharges to an overland drainage system, including streams, drainageways, and ditches, the 2-year post-development peak flow must be equal or less than half of the 2-year pre-development rate and the 5, 10, and 25-year post-development peak rate must be equal or less than the pre-development rates for the corresponding design storms.
	Flow Control Requirement	
	Impervious Area	38130 sq ft 0.875 acre
	Time of Concentration (T_c)	15
	Pre-Development Curve Number (CN_{pre})	72
	Post-Development Curve Number (CN_{post})	98

SBUH Results



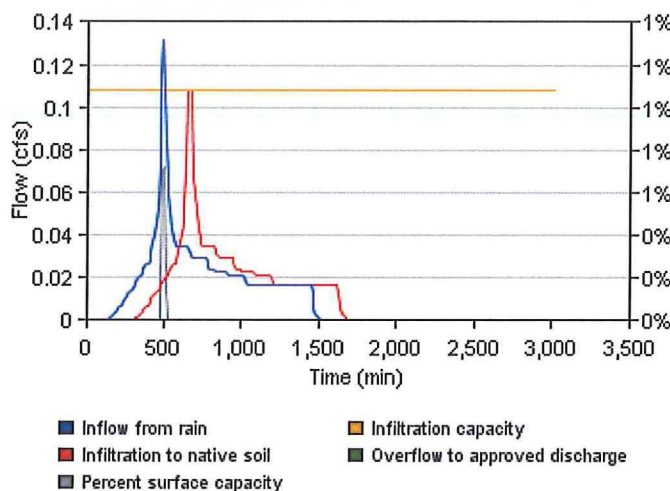
	Pre-Development Rate and Volume		Post-Development Rate and Volume	
	Peak Rate (cfs)	Volume (cf)	Peak Rate (cfs)	Volume (cf)
PR	0	2.199	0.131	1992.4
2 yr	0.035	1517.285	0.447	6899.466
5 yr	0.085	2380.743	0.546	8479.789
10 yr	0.146	3355.594	0.644	10062.477
25 yr	0.216	4418.006	0.742	11646.657

Facility Streets, Sidewalks

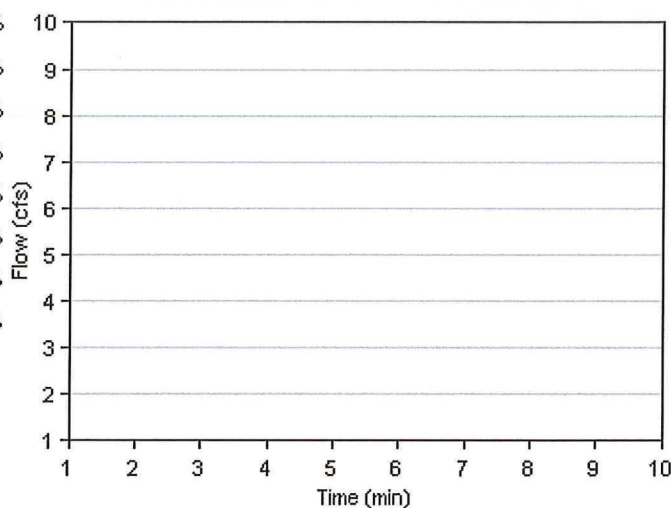
Facility Details	Facility Type	Basin
	Facility Configuration	A: Infiltration (Infl.)
	Facility Shape	Rectangle
	Above Grade Storage Data	
	Bottom Area	520 sq ft
	Bottom Width	2.00 ft
	Side Slope	3.0:1
	Storage Depth 1	18.0 in
	Growing Medium Depth	18 in
	Freeboard Depth	6.00 in
Facility Facts	Surface Capacity at Depth 1	2580.3 cu ft
	Design Infiltration Rate for Native Soil	0.377 in/hr
	Infiltration Capacity	0.108 cfs
Facility Facts	Total Facility Area Including Freeboard	3777.10 sq ft
	Sizing Ratio	9.9%
Pollution Reduction Results	Pollution Reduction Score	Pass
	Overflow Volume	0.000 cf
	Surface Capacity Used	1%
Flow Control Results	Flow Control Score	Pass
	Overflow Volume	100.758 cf
	Surface Capacity Used	100%

	Post-development outflow (cfs)		Pre-development inflow (cfs)	
2 year	0	≤ ½ of	0.035	Pass
5 year	0	≤	0.085	Pass
10 year	0.022	≤	0.146	Pass
25 year	0.213	≤	0.216	Pass

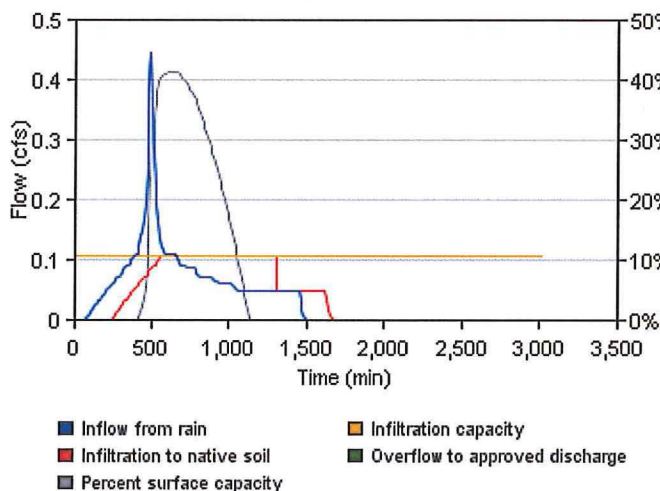
Pollution Reduction Event Surface Facility Modeling



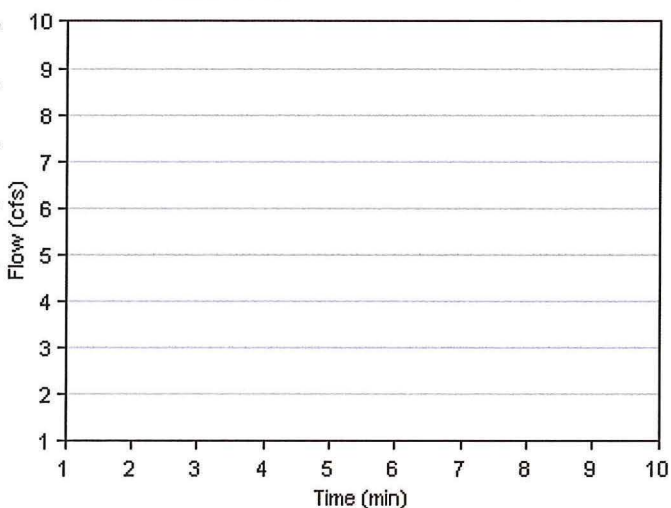
Pollution Reduction Event Below Grade Modeling



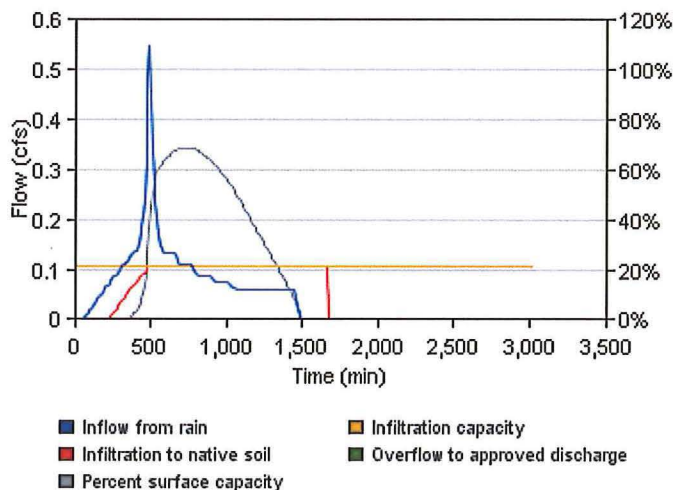
2 Year Event Surface Facility Modeling



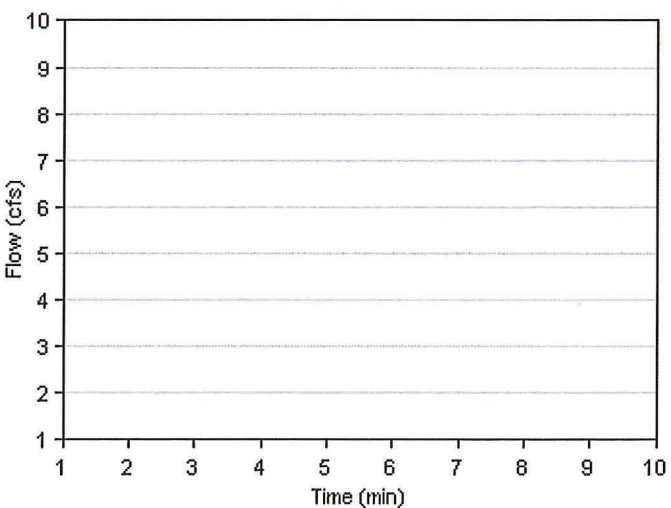
2 Year Event Below Grade Modeling



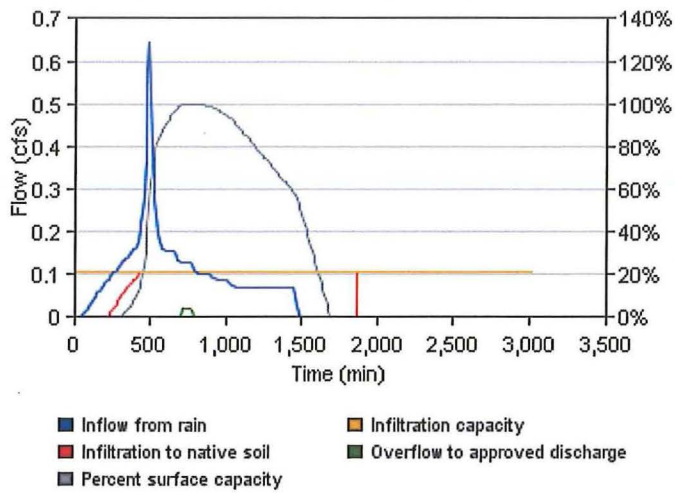
5 Year Event Surface Facility Modeling



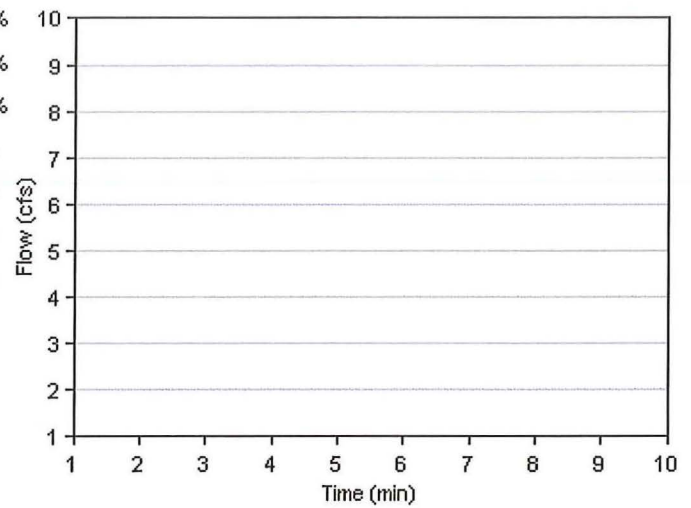
5 Year Event Below Grade Modeling



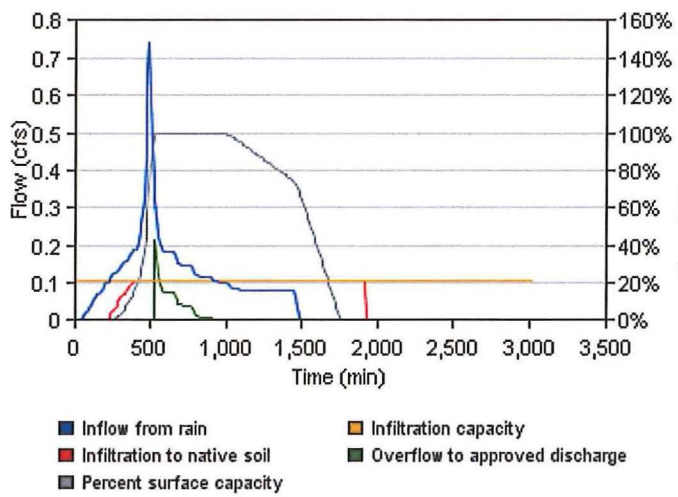
10 Year Event Surface Facility Modeling



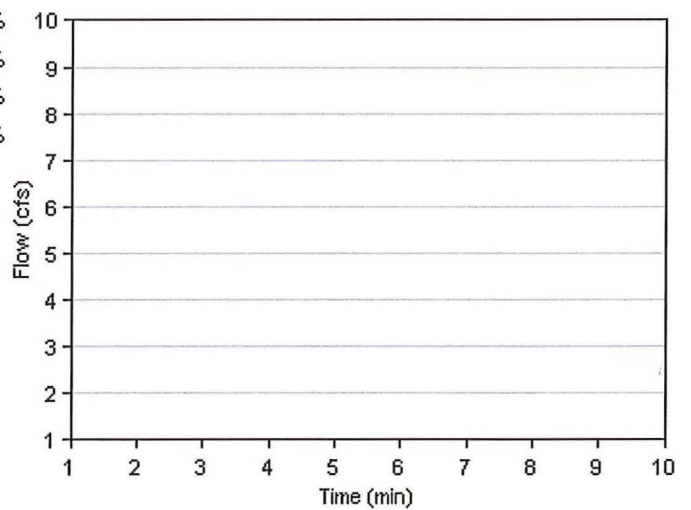
10 Year Event Below Grade Modeling



25 Year Event Surface Facility Modeling



25 Year Event Below Grade Modeling



APPENDIX D – MILWAUKIE DRYWELL SIZING REQUIREMENTS





ENGINEERING DEPARTMENT

6101 SE Johnson Creek Blvd
Milwaukie OR 97206

INSPECTIONS: 503-786-7575
PHONE: 503-786-7606
FAX: 503-774-8236
E-MAIL: engineering@ci.milwaukie.or.us

Residential/Light Traffic Drywell Requirements

AUTHORIZATION:

City of Milwaukie Municipal Code Section 13.12.060(B) authorizes the use of drywells for the disposal of runoff water from roof rain drains and parking areas. **The City may require percolation tests** as proof that soil conditions are suitable for drywells.

INSTALLATION:

The installation of drywells shall meet or exceed the requirements of Chapter 11 of the Oregon Plumbing Specialty Code (OPSC) as authorized by ORS 447.020(2), April 1, 2000. Installation shall further be in accordance with City of Milwaukie standard drawing 613B for residential drywells and shall meet all specifications and requirements stated in this outline.

SIZES:

Drywells are intended to handle a known capacity of water based on the area in square feet being drained. The OPSC, Chapter 11, Section 1107, requires that reinforced concrete rings have a **minimum inside diameter** of twenty-eight (28) inches and a **minimum depth** of five (5) feet. Sizes larger than the minimum are determined by calculations for a specific drainage area. Larger sizes of rings for specific areas to be drained are shown on the attached drywell size chart.

MATERIALS:

Drywells within the city of Milwaukie shall be reinforced concrete rings, constructed to the dimensions and specifications shown on standard drawing 613B. All other materials shall meet the sizes and specifications shown on drawing 613B. The City **may require certification** by an independent testing laboratory as proof that all drywell materials meet the stated specifications.

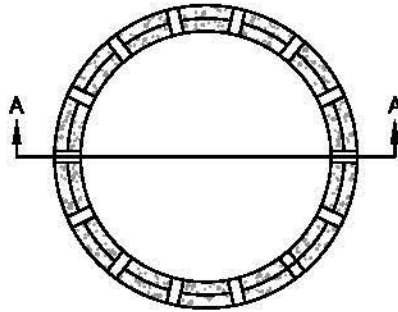
PERMITS:

Property owners may install drywells on their own property if they do all of their own work. All **contractors must provide proof that they are licensed** by the State of Oregon and that they have a City of Milwaukie or Metro business license and a certificate of liability insurance. Any person seeking to install a drywell within the city of Milwaukie must first obtain a permit from the Building Department and pay all fees pertaining to such permit. Installation of a drywell without a permit is a violation of City Ordinance and may result in fines, additional fees, and the added expense for removal and disposal of unacceptable materials from the site.

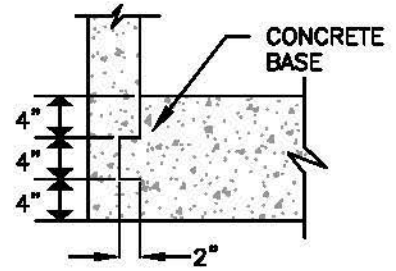
INSPECTIONS:

Inspection and final approval of drywell installation and materials shall be by personnel of the City of Milwaukie Building Department. To avoid delays, **requests for inspection must be made before 7:30 a.m. of the day inspection is desired. Call 503-786-7575.**

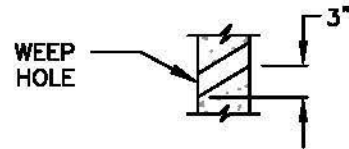
Two inspections are required: (1) when excavation is complete, **before** placing drywell rings or any other materials, and (2) when filter fabric and drywell rings are in place, **prior** to placing drain rock.



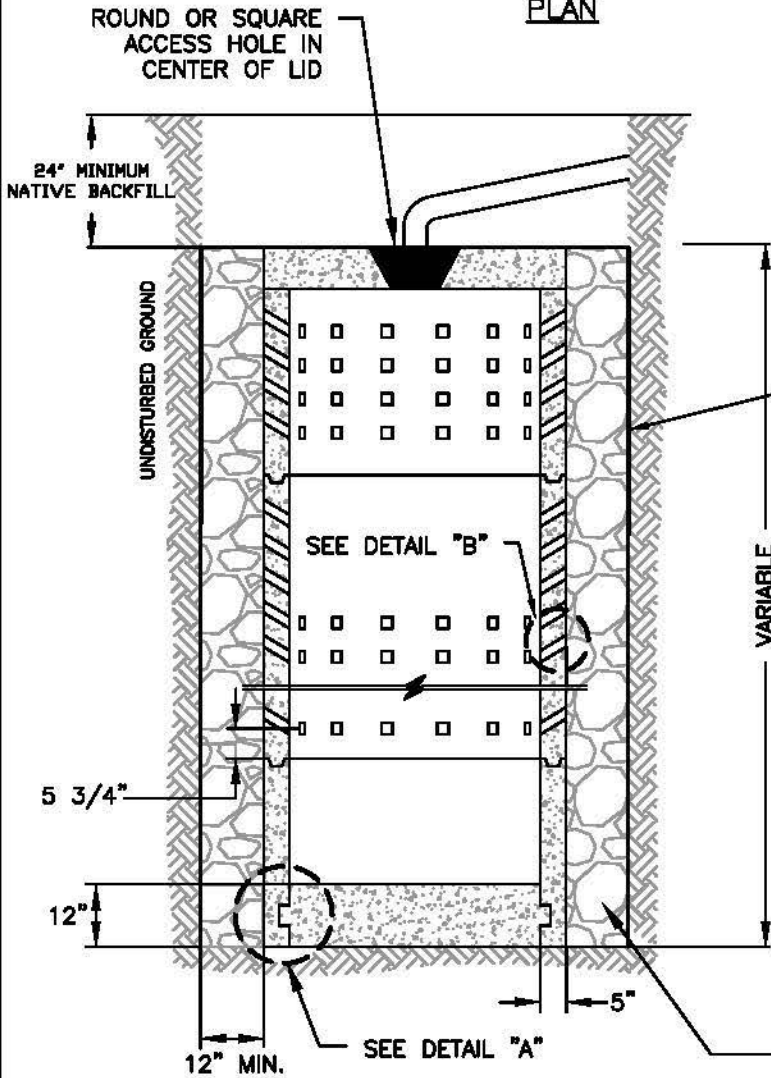
PLAN



DETAIL "A"



DETAIL "B"



SECTION A-A

GEOTEXTILE FABRIC - AMOCO NONWOVEN GEOTEXTILE NO. 4545, OR APPROVED EQUAL

NOTES:

1. ALL PRECAST SECTIONS SHALL CONFORM TO REQUIREMENTS OF ASTM C 478.
2. INVERT SHALL BE LEVEL AND SMOOTH.
3. EDGE OF DRYWELL RINGS MUST BE LOCATED A MINIMUM OF TEN (10) FEET FROM ANY BUILDING FOUNDATION AND A MINIMUM FIVE (5) FEET FROM ANY PROPERTY LINE.



CITY OF MILWAUKIE, OREGON - PUBLIC WORKS DEPT.

Drywell - Residential

DRAWING NO.

613B

APPROVED *[Signature]* 12/14
CITY ENGINEER DATE

NO.	REVISIONS	DATE	BY
1	NEW DRAWING	12/14	AJR



ENGINEERING DEPARTMENT

6101 SE Johnson Creek Blvd
Milwaukie OR 97206

INSPECTIONS: 503-786-7575
PHONE: 503-786-7606
FAX: 503-774-8236
E-MAIL: engineering@ci.milwaukie.or.us

Drywell Sizes

DRAINAGE AREA (square feet)	2.33' Diameter* (28 inches) Depth shown in feet	2.5' Diameter (30 inches) Depth shown in feet	3.0' Diameter (36 inches) Depth shown in feet	4.0' Diameter (48 inches) Depth shown in feet
<550	5.00*	5.00*	5.00*	5.00*
550	5.16	"	"	"
600	5.63	"	"	"
700	6.57	5.70	"	"
800	7.50	6.52	"	"
900	8.44	7.33	5.09	"
1000	9.38	8.15	5.66	"
1100	10.32	8.96	6.22	"
1200	11.26	9.78	6.79	"
1300	12.20	10.59	7.36	"
1400	13.13	11.41	7.92	"
1500	14.07	12.22	8.49	"
1600		13.04	9.05	5.09
1700		13.85	9.62	5.41
1800		14.66	10.18	5.73
1900		15.48	10.75	6.05
2000			11.32	6.36
2100			11.88	6.68
2200			12.45	7.00
2300			13.01	7.32
2400			13.58	7.64
2500			14.14	7.96
2600			14.71	8.27
2700			15.28	8.59
2800			15.84	8.91
2900			16.41	9.23
3000			16.98	9.55
3100			17.54	9.87
3200			18.11	10.19
3300				10.51
3400				10.83
3500				11.15

The above chart indicates the depth of drywell required to serve a specified drainage area. Diameters shown are those generally available from suppliers.

	DEPTH	=	$\frac{(A \times 0.04 \text{ feet})}{[(\frac{1}{2} \text{ diameter})^2 \times \pi]}$	NOTE:
Depth	=		depth, in feet, of drywell excluding thickness of cover	Preferred Maximum depth to diameter ratio is 6:1
A	=		total drainage area in square feet	
0.04	=		constant for depth of water covering the drainage area	
diameter	=		the diameter, in feet, of the drywell to be installed	
π	=		3.1416	

Oregon P.S.C. requires minimum **inside** diameter of 28" and min. depth of 5.0 ft of reinforced concrete rings.

Section 1107.0 Dry Wells; Construction, Use and Limitations

1107.0 Dry Wells; Construction, Use and Limitations

1107.1 Construction. Where permitted by the Administrative Authority, dry wells may be used. The Administrative Authority may require soil percolation tests. When authorized, dry wells may be of reinforced concrete rings with an inside diameter of not less than twenty-eight (28) inches (0.7 m) with a minimum depth of five (5) feet (1.5 m), measured from the bottom to the top of the reinforced concrete cover and set on undisturbed soil. All dry wells shall be covered with at least two (2) feet (0.6 m) of compacted earth when measured from the top of the lid to the finished grade. When first approved by the Administrative Authority, dry wells may be constructed of brick or other approved material in of not less than four (4) inches (0.1 m) thickness. Brick or block may be assembled with or without openings, provided the openings on the outside of the dry well are not greater than three (3) inches (7.5

cm). This type of dry well shall have a brick arched top or an arched top of other approved materials.

1107.2 Location. No dry well shall be located closer than five (5) feet (1.5 m) of a property line nor closer than ten (10) feet (3 m) to any building unless approved by the Administrative Authority. Each drainage connection to a dry well shall be made at the top center of the lid by the use of an approved ninety (90) degree waste fitting. Support of piping shall be as required by Chapter 3 of this Code. Special permission may be granted to enter the side of the dry well when grade and structural conditions make top entrance impractical.

1107.3 Backfill. The particle size of the backfill surrounding a dry well shall be of sufficient size to prevent its incursion into the interior of the dry well. The backfill shall form a continuous layer around the dry well not less than six (6) inches (150 mm) in thickness and shall extend to the full height of the dry well.

Exception: When the dry well is installed in sandy-type soil an approved filter material shall be placed around the exterior of the liner to prevent infiltration of sand. The backfill shall be of native soil properly compacted.

1107.4 Abandonment. When required by the Administrative Authority, every drywell which has been abandoned or has been otherwise discontinued from further use shall be completely filled with earth, sand, gravel, concrete, or other approved material.



ENGINEERING DEPARTMENT

6101 SE Johnson Creek Blvd
Milwaukie OR 97206

INSPECTIONS: 503-786-7575
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Drywell Materials Specifications & Suppliers

Specifications

Geotextile Filter Fabric

The following geotextile filter fabrics are approved "equals" for use in drywells within the city of Milwaukie. Fabrics manufactured by other suppliers, which meet or exceed the quoted specifications, are also acceptable **if the City receives verifiable written specifications prior to installation.**

	LINQ GTF 125EX	MIRAFI 140NL	AMOCO 4545
Grab	95	90	90
Elongation	50	50	50
Puncture	55	55	55
Tear	45	35	40
Mullen burst	215	185	185
AOS	70	70	70
Permitivity	2.0	2.0	2.1

All three of the above fabrics meet ODOT requirements for Type I drainage geotextile.

Suppliers:

The following are lists of local suppliers who carry some or all of the required materials for drywells. These lists are provided as **information only, and do not constitute recommendations.**

Geotextile Filter Fabric

Note: Some suppliers will cut fabric to size, while others sell only full rolls. **Ask before you buy!**

ACF West Inc.

Geosynthetic Products

8951 SE 76th Dr.
Portland OR 97206
ph) 503-771-5115 fax) 503-771-1161
1-800-878-5115

ADS Advanced Drainage Systems Inc

3695 Truman St
Washougal WA 98671
ph) 1-360-835-8522 fax) 1-360-835-3822
1-800-733-8523

CSI Geosynthetics

3500 SE Columbia Way
Bldg 44 Suite 100
Vancouver WA 98661
ph) 1-360-699-1426 fax) 1-360-699-1344
1-800-426-7976

Familiar Northwest Inc

Clackamas Showroom
14600 SE 82nd Dr
Clackamas OR 97015
ph) 503-655-1911

Fowler HD Co Inc

15632 SE 102nd
Clackamas OR 97015
ph) 503-656-3900

Oregon Culvert Co

Tualatin Sherwood Rd
ph) 503-692-0410

United Pipe & Supply Co Inc

7600 SE Johnson Creek Blvd
Portland OR 97206
ph) 503-788-8813 fax) 503-788-9747
1-800-933-8813

Drywell Rings

Johnson Cement Products

6500 SE Johnson Creek Blvd
Portland OR 97206
ph) 503-774-2351

Others may be available

Drain Rock

Many suppliers—listed in yellow pages under "Rock"

SCALE NOTE:

BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

PROJECT NO.:	REVISIONS NO.	DESCRIPTION	DATE	BY
17022				
HORIZ DATUM: LOCAL				
VERT DATUM: LOCAL				
HORIZ SCALE: AS SHOWN				
VERT SCALE: AS SHOWN				
DRAWN: JBL				
DESIGN: JDL				
APPROVED: JDL				

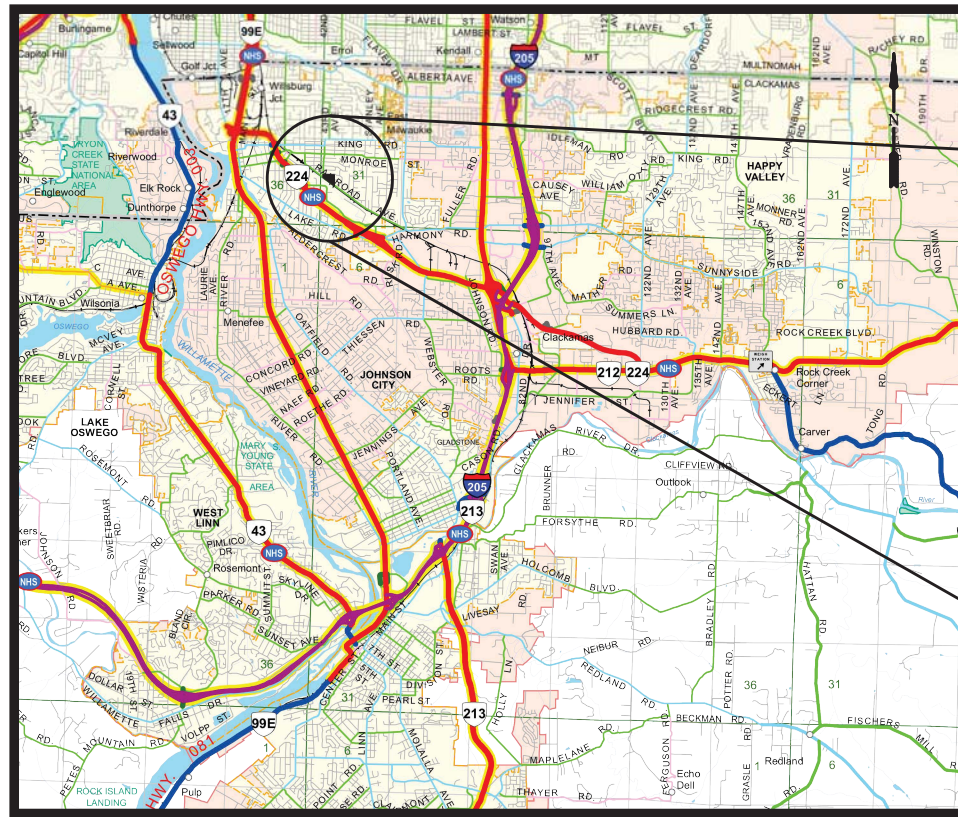
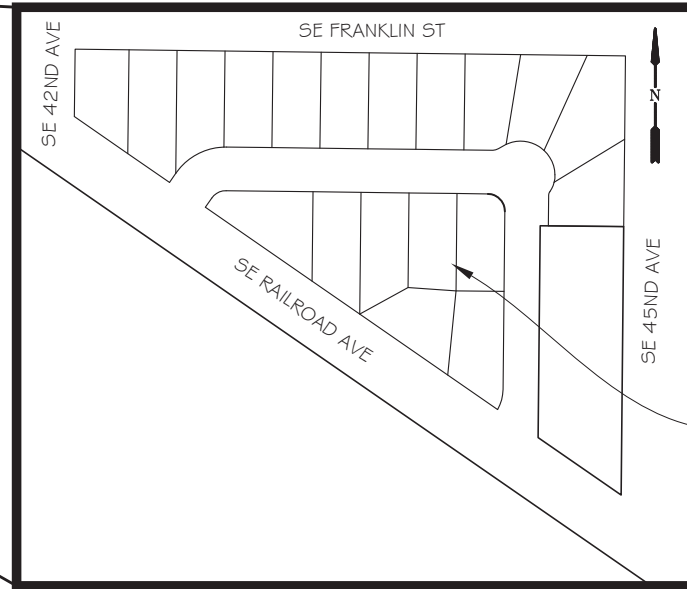
SHEET TITLE:
COVER SHEET
 G-0.01

PRELIMINARY SUBDIVISION PLANS FOR KEIL GARDENS SUBDIVISION

A PROPOSED SUBDIVISION
 MILWAUKIE, CLACKAMAS COUNTY, OREGON
 April 2017

KEIL GARDENS
 SUBDIVISION

SITE PLAN
 1" = 100'



OVERALL VICINITY MAP
 NTS

SHEET INDEX	
Sheet Number	DRAWING NAME
G-0.01	COVER SHEET
C-1.01	EXISTING CONDITIONS & DEMO PLAN
C-1.03	SITE PLAN
C-1.05	GRADING PLAN
C-1.07	SANITARY AND WATER PLAN
C-1.09	PRE-PLAT

PROJECT CONTACTS

OWNER:
 FRANCAR LLC
 6920 NE ST. JOHNS ROAD
 VANCOUVER, WA 98665

SURVEYOR:
 CENTERLINE CONCEPTS LAND
 SURVEYING, INC.
 TOBY BOLDEN, PLS
 19376 MOLALLA AVE SUITE 120,
 OREGON CITY, OR 97045
 503-650-0188 (OFFICE)
 TOBYB@CENTERLINECONCEPTS.COM

CIVIL ENGINEER:
 PROJECT DELIVERY GROUP, LLC
 JAMES LOFTON, PE
 3772 PORTLAND RD NE
 SALEM, OREGON 97301
 503-364-4004 (OFFICE)
 JAMESL@PDGNW.COM

LOCAL JURISDICTION:
 CITY OF MILWAUKIE
 6101 SE JOHNSON CREEK BLVD
 MILWAUKIE, OR, 97206
 503-786-7600 (OFFICE)

**Know what's below.
 Call before you dig.**

ATTENTION:
 OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER AT (503) 232-1987.

SUSTAINABLE INFILL DEVELOPMENT, LLC
KEIL GARDENS SUBDIVISION
 MILWAUKEE, OR

SCALE NOTE:

 BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

PROJECT NO: 17022	REVISIONS		DATE	BY
	NO.	DESCRIPTION		
HORIZ DATUM: LOCAL				
VERT SCALE: AS SHOWN				
DRAWN: JBL				
DESIGN: JDL				
APPROVED: JDL				

EXISTING CONDITIONS & DEMO PLAN

C-1.01

GENERAL CONSTRUCTION NOTES

1. ALL EXISTING HOUSES AND STRUCTURES ON SIGHT TO BE REMOVED.

KEYNOTES - WORK BY CONTRACTOR

- 100. REMOVE EXISTING BUILDING
- 101. ABAANDON EXISTING UTILITIES
- 102. SAWCUT AND REMOVE EXISTING PAVEMENT AS SHOWN
- 103. RELOCATE EXISTING CATCH BASIN TO LOCATION SHOWN ON GRADING PLAN
- 104. PROTECT EXISTING FENCEWALL

LEGEND

REMOVE EXISTING TREE



SUSTAINABLE INFILL DEVELOPMENT, LLC
KEIL GARDENS SUBDIVISION
 MILWAUKEE, OR

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			DATE	
17022				

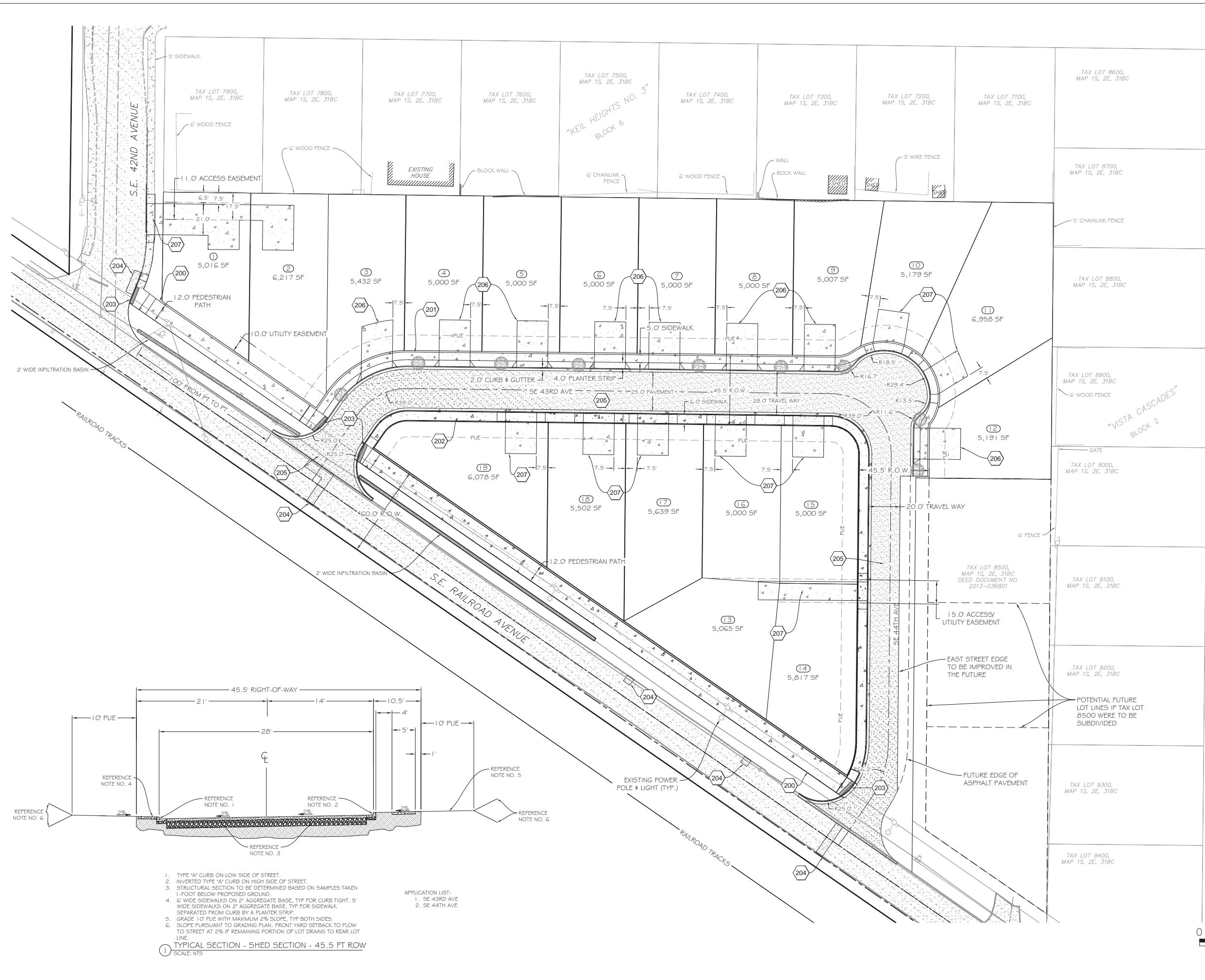
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SHEET TITLE:				
SITE PLAN				
C-1.03				

GENERAL CONSTRUCTION NOTES

- REFERENCE SHEET C-1.01 FOR EXISTING CONDITIONS AND DEMOLITION PLAN
- REFERENCE SHEET C-1.05 FOR GRADING AND DRAINAGE PLAN
- REFERENCE SHEET C-1.07 FOR SANITARY AND WATER PLAN

KEYNOTES - WORK BY CONTRACTOR

- CONSTRUCT 12' PEDESTRIAN WALKWAY
- CONSTRUCT 5' SIDEWALK
- CONSTRUCT 6' CURBSIDE SIDEWALK
- CONSTRUCT ADA COMPLIANT RAMP
- PATCH PAVEMENT OVER TRENCH CUT AFTER INSTALLATION OF UTILITIES
- CONSTRUCT 5" ASPHALT IN TWO LIFTS OVER 8" 3/4" O CRUSHED ROCK AGGREGATE
- CONSTRUCT DRIVEWAY PER MILWAUKEE STANDARD DRAWING 502 A
- CONSTRUCT DRIVEWAY PER MILWAUKEE STANDARD DRAWING 502 C



- TYPE "A" CURB ON LOW SIDE OF STREET.
- INVERTED TYPE "A" CURB ON HIGH SIDE OF STREET.
- STRUCTURAL SECTION TO BE DETERMINED BASED ON SAMPLES TAKEN 1-FOOT BELOW PROPOSED GROUND.
- 6" WIDE SIDEWALKS ON 2" AGGREGATE BASE, TYP FOR CURB TIGHT. 5' WIDE SIDEWALKS ON 2" AGGREGATE BASE, TYP FOR SIDEWALK SEPARATED FROM CURB BY A PLANTER STRIP.
- GRADE 1' 0" PUE WITH MAXIMUM 2% SLOPE, TYP BOTH SIDES.
- SLOPE PURSUANT TO GRADING PLAN. FRONT YARD SETBACK TO FLOW TO STREET AT 2% IF REMAINING PORTION OF LOT DRAINS TO REAR LOT LINE.

- APPLICATION LIST:
- SE 43RD AVE
 - SE 44TH AVE

1 TYPICAL SECTION - SHED SECTION - 45.5 FT ROW
 SCALE: NTS

P:\2017 Projects\17022 Milwaukee Subdivision - R&R Property\The CAD\cadd\Tentative Subdivision Plan\17022_SITE PLAN.dwg 4/26/2017 9:00:44 PM



DATE SIGNED:

SUSTAINABLE INFILL DEVELOPMENT, LLC
KEIL GARDENS SUBDIVISION
 MILWAUKIE, OR

SCALE NOTE:

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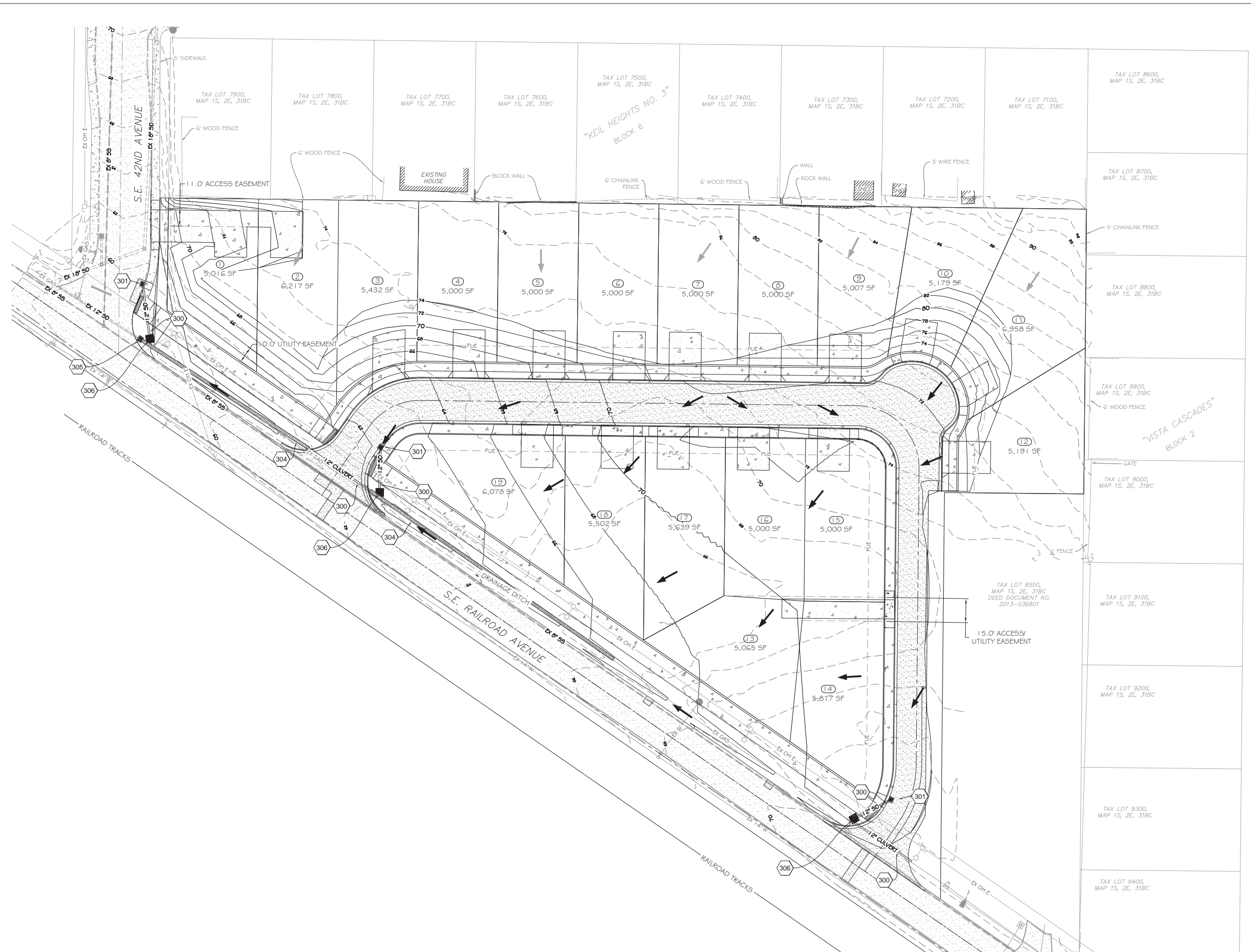
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								NO.	DESCRIPTION

SHEET TITLE:
GRADING PLAN
 C-1.05


- DRAINAGE NOTES**
- EACH LOT TO HAVE A SEPARATE DRYWELL TO DISCHARGE ROOF DRAIN STORMWATER.
 - STREET STORMWATER TO DISCHARGE INTO DRAINAGE DITCH

- GENERAL CONSTRUCTION NOTES**
- REFERENCE SHEET C-1.01 FOR EXISTING CONDITIONS AND DEMOLITION PLAN
 - REFERENCE SHEET C-1.07 FOR SANITARY AND WATER PLAN

- KEYNOTES - WORK BY CONTRACTOR**
- INSTALL 12" ADS-12 PVC CULVERT
 - INSTALL G-2 CATCH BASIN INLET PER MILWAUKIE STANDARD DRAWING 000
 - CONSTRUCT 2' WIDE INFILTRATION BASIN. PROVIDE 18" OF GROWING MEDIUM.
 - INSTALL TYPE D CATCH BASIN WITH FLOW CONTROL ORRIFICE(S) AS SPECIFIED BY ENGINEER
 - INSTALL 5 X 5 X 1 CLASS 50 RIPRAP SPLASH PAD



SUSTAINABLE INFILL DEVELOPMENT, LLC
KEIL GARDENS SUBDIVISION
 MILWAUKEE, OR

SCALE NOTE:

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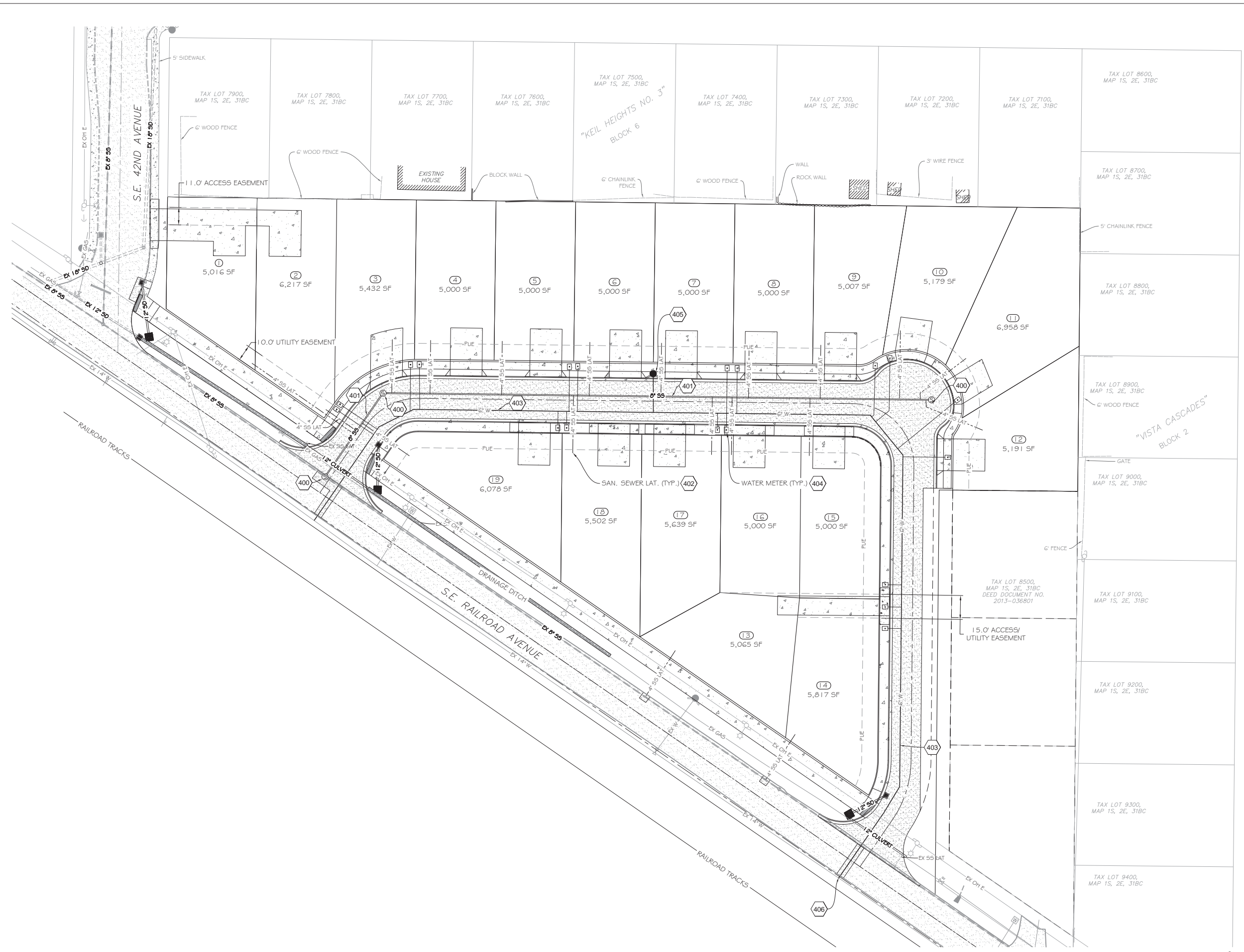
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		DESCRIPTION	DATE
17022			
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VERT DATUM: LOCAL			
HORIZ SCALE: AS SHOWN			
VERT SCALE: AS SHOWN			
DRAWN: JBL			
DESIGN: JDL			
APPROVED: JDL			

SHEET TITLE:
SANITARY AND WATER PLAN

C-1.07

- GENERAL CONSTRUCTION NOTES**
- REFERENCE SHEET C-1.01 FOR EXISTING CONDITIONS AND DEMOLITION PLAN
 - REFERENCE SHEET C-1.05 FOR GRADING AND DRAINAGE PLAN

- KEYNOTES - WORK BY CONTRACTOR**
- INSTALL 48" SANITARY SEWER MANHOLE
 - INSTALL 8" SANITARY SEWER LATERAL
 - INSTALL 6" WATER MAIN
 - INSTALL WATER SERVICE INCLUDING WATER METER, BOX, 1" COPPER LINE, COVER STOP AND TAP
 - INSTALL FIRE HYDRANT
 - INSTALL HOT TAP



601-17-600171



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: S-2017-002
VR-2017-006

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

<input type="checkbox"/> Amendment to Maps and/or Ordinances: <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion	<input type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking <input type="checkbox"/> Planned Development <input type="checkbox"/> Preliminary Circulation Plan	<input type="checkbox"/> Residential Dwelling: <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input checked="" type="checkbox"/> Variance: <input type="checkbox"/> Building Height Variance <input type="checkbox"/> Use Exception <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Willamette Greenway Review <input type="checkbox"/> Other: _____ Use separate application forms for: <ul style="list-style-type: none"> • Annexation and/or Boundary Change • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal
---	---	---

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): SIMON LOFTS.

Mailing address: 795 NW Torrey View Ln Zip: 97229

Phone(s): 971-300-6862 E-mail:

APPLICANT'S REPRESENTATIVE (if different than above): MARK DANE 97003

Mailing address: 14631 SW MILLIKAN WAY #6 Zip: BEAVERTON

Phone(s): 503-332-7167 E-mail: markdaneplanning@gmail.com

SITE INFORMATION:

Address: Map & Tax Lot(s):

Comprehensive Plan Designation: Zoning: Size of property:

PROPOSAL (describe briefly): VARIANCE TO REAR YARD SETBACK FOR LOT 13 + VARIANCE TO ALLOW ALTERNATE ACCESS FOR LOTS 1+2+13+14.

SIGNATURE: 5/19/19

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Date:

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	RECEIVED MAY 19 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$		\$		
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:	

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

*After discount (if any)

VR-2017-006 (601-17 500671)



Transaction Receipt

Record Number: 601-17-000071-PLNG

Receipt Number: 12804

MILWAUKIE

6101 SE Johnson Creek Blvd

Milwaukie, OR 97206

Phone: 503-786-7613

www.milwaukieoregon.gov

Address: 4217 SE RAILROAD AVE, MILWAUKIE, OR 97222

Parcel Number: 12E31BC08100

building@milwaukieoregon.gov

Receipt Date: 5/22/17

Fee Items Paid

DESCRIPTION	ACCOUNT CODE	AMOUNT PAID
Type III Quasi-Judicial Review	110-000-4480-0000	\$1,500.00
		\$1,500.00

Payment Summary

PAYMENT METHOD	PAYER	COMMENTS	AMOUNT PAID
Credit Card Authorization - 01851G	SIMON W LOFTS	PAYOR IS SIMON LOFTS	\$1,500.00
			\$1,500.00

19.911.1 Purpose

Variations provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variations are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variations may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variations shall not be granted that would be detrimental to public health, safety, or welfare.

19.911.2 Applicability

A. Eligible Variations

Except for situations described in Subsection 19.911.2.B, a variation may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

Comment: The applicant is submitting two variation applications:

The first variation application is for the following three variations

1A. A variation to permit alternate access for lots 1, 2, 13, and 14, all of whom have frontage onto Railroad, but are required to seek alternative access from an adjacent local Street. For lots 1 & 2 this is SE 42nd. For lots 13 & 14 this is SE 43rd.

1B. A reduction in the rear yard setback from lot 19 from 20-feet to 10-feet to create a more viable building envelope.

1C. A reduction in the rear yard setback for lot 13 to create a more variable rear yard setback.

The second variation application is to the following standards

2A. A Variation for the access spacing between SE 42nd, and SE 43rd to reduce the necessary street spacing from 300-feet down to the spacing proposed by the applicant.

2B. A variation to permit both lots 18 & 19 to have double frontage, where the lot front yard takes access from SE 43rd, but each lot's rear yard abuts SE Railroad.

B. Ineligible Variations

Comment: None of the variations proposed by the applicant are ineligible

C. Exceptions

A variation application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either "by right" or as part of a specific land use application review process.

19.911.3 Review Process

A. General Provisions

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Comment: All of the variances are proposed in response to the requirements placed on the applicant either by the underlying shape of the site, or to comply with a conflict in the code, whereby the once section take precedent over the other. For example the need to take access from the front property line is superseded by the need to not allow access directly from any lot onto SE Railroad.

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

(1) The proposed variance avoids or minimizes impacts to surrounding properties.

(2) The proposed variance has desirable public benefits.

(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

2. Economic Hardship Criteria

a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.

b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

Comment: All of the variances proposed are to allow this project to be built in a manner that meets as many of the zoning criteria as applicable. The secondary access variance is necessary to prevent access on SE Railroad. The double frontage variance is a consequence of the shape of the underlying parcel, combined with the required internal loop street. The loop street in turn to provide access to all lots requires that it be pushed as far east and west as possible, which as a consequence requires a variance to access spacing.

The variance to the rear yard setbacks for lots 13 and 19 is to allow a buildable envelope that is similar in nature to those adjacent lots.

19.911.5 Use Exceptions N/A

19.911.6 Building Height Variance in the Downtown Mixed Use Zone N/A

19.911.7 Building Height Variance in the General Mixed Use Zone N/A

Kolias, Vera

From: Amos, Matt <Matt.Amos@clackamasfire.com>
Sent: Thursday, May 18, 2017 11:56 AM
To: Kolias, Vera
Subject: S-2017-002, ZA-2017-002, CPA-2017-001, VR-2017-001

Good morning Vera,

Upon review of the application, the only missing information is the hydrant flow test. All other concerns with the site appear to have been met.

Thank you,

Matt Amos

Fire Inspector | Fire Prevention

direct: [503.742.2661](tel:503.742.2661)

main: [503.742.2600](tel:503.742.2600)



*To Safely Protect & Preserve
Life & Property*

CLACKAMAS FIRE DISTRICT #1

www.clackamasfire.com

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Kolias, Vera

From: BROOKING Joshua C <Joshua.C.BROOKING@odot.state.or.us>
Sent: Thursday, May 11, 2017 3:44 PM
To: Kolias, Vera
Subject: S-2017-002/ZA-2017-002/CPA-2017-001 -- 4217-4219 SE Railroad Avenue

Hi Vera,

I hope all is well. We've reviewed the proposal for Zone Change/Comprehensive Plan Amendment and Subdivision at 4217-4219 SE Railroad Avenue for a proposed 19-lot subdivision. Due to the proximity to the railroad, ODOT's comments are advisory:

- The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight trains, passenger trains or transit vehicles. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.

Please let me know if you need anything! Have a great close to your week!

Joshua Brooking
Planner
Region 1, Planning
Oregon Department of Transportation
503.731.3049
joshua.c.brooking@odot.state.or.us

Kolias, Vera

From: David Aschenbrenner <dlasch@comcast.net>
Sent: Friday, June 02, 2017 11:38 AM
To: Kolias, Vera
Cc: MarkDaneplanning@gmail.com; Heather Ray; Hedges, Linda; 'Smith, Sarah'
Subject: Comments on File S-2017-2002, ZA-2017-002 Za-2017-002, CPA-2017-001 and VR 2017-001

Follow Up Flag: Follow up
Flag Status: Flagged

Vera,

Below are the comments from the Hector Campbell NDA. We plan to be present at any hearing and may have more comments at that time. In general we support the project with concerns as noted below:

1. We prefer a diversity of street trees.
2. We would also like to see plans that include trees on each lot.
3. We have concerns about the road way access for Lots 1 &2 onto 42 Ave. We would prefer a variance for access to the new 43rd Ave.
4. We have no concerns about double frontages and reversed of lots of lots 1,14,2,18 and 19.
5. We would also like to see some of the wood, from the historic house, used in the new home construction if possible as a way to honor the history of the area.

Again sorry for the lateness of our comments and we reserve the right to make more and revise comments at any public hearing.

David Aschenbrenner
Chair, Hector Campbell NDA
MilwaukieOR 97222
503-804-3837
2dasch@gmail.com