



CITY OF MILWAUKIE

AGENDA

January 22, 2019

PLANNING COMMISSION

City Hall Council Chambers
10722 SS Main Street
www.milwaukieoregon.gov

- 1.0 Call to Order - Procedural Matters—6:30 PM**
- 2.0 Planning Commission Minutes—Motion Needed**
- 3.0 Information Items**
- 4.0 Audience Participation—**This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings—**Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Railroad Ave Zone Change
Applicant/Owner: I & E Construction, Inc./Jeff Bolton
Address: Railroad Ave at Stanley Ave
File: ZA-2018-002
Staff: Mary Heberling, Assistant Planner
- 6.0 Worksession Items**
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Officer Elections
- 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:**
 - February 12, 2019
 - 1. Public Hearing: CU-2018-004 Washington St Vacation Rental
 - 2. Public Hearing: AP-2019-001 Appeal of 43rd Ave Partition
 - February 26, 2019
 - 1. Public Hearing: CU-2018-003 Rusk Rd Senior Living Facility

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@milwaukieoregon.gov. Thank you.
- 2. PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
- 3. FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
- 4. TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

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

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

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

Milwaukie Planning Commission:

Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer

Planning Department Staff:

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



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Mary Heberling, Assistant Planner

Date: January 14, 2019, for January 22, 2019 Public Hearing

Subject: **File:** ZA-2018-002, CPA-2018-002
Applicant: Jeff Bolton, Multi Tech Engineering
Owner(s): I&E Construction, Inc.
Address: 5517-5525 SE Railroad Ave
Legal Description (Map & Tax Lot): 12E31DD 02900, 03000, 03100, and 12E31DB01300
NDA: Linwood

ACTION REQUESTED

Forward a recommendation approval to the City Council based on the proposed Findings found in Attachments 1 for land use applications #ZA-2018-002, CPA-2018-002.

Action by the Commission is to recommend approval to City Council of the application as submitted to allow for a zoning map amendment and comprehensive plan map amendment.

A. Site and Vicinity

The subject property consists of 4 residential parcels zoned Residential R-7 in the Linwood neighborhood. Two lots are undeveloped and two lots are occupied by existing single-family dwellings (5517 and 5525 SE Railroad Ave). The property is generally open grass area with some trees scattered throughout and is approximately 6.17 acres in size. The surrounding area consists of residential uses on 3 sides and a convalescent home to the northeast. To the south is Railroad Ave, an active rail line, and the Business Industrial Zone.

B. Zoning Designation

Residential zone R-7.

C. Comprehensive Plan Designation

Low Density Residential LD

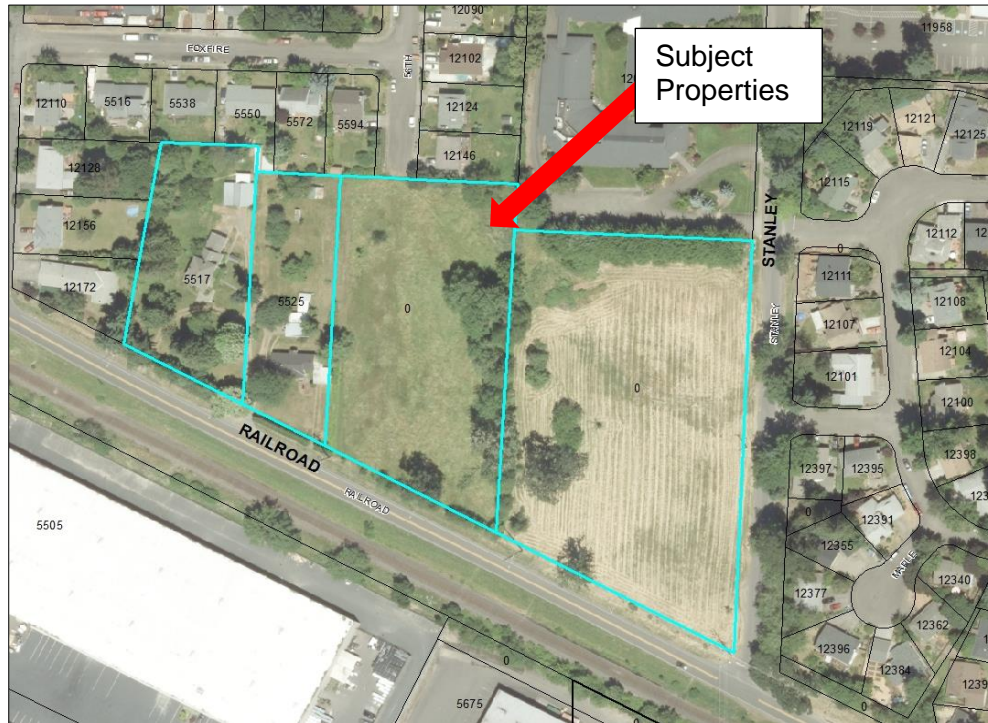


Figure 2 Site and Vicinity. Source: 2015 RLIS

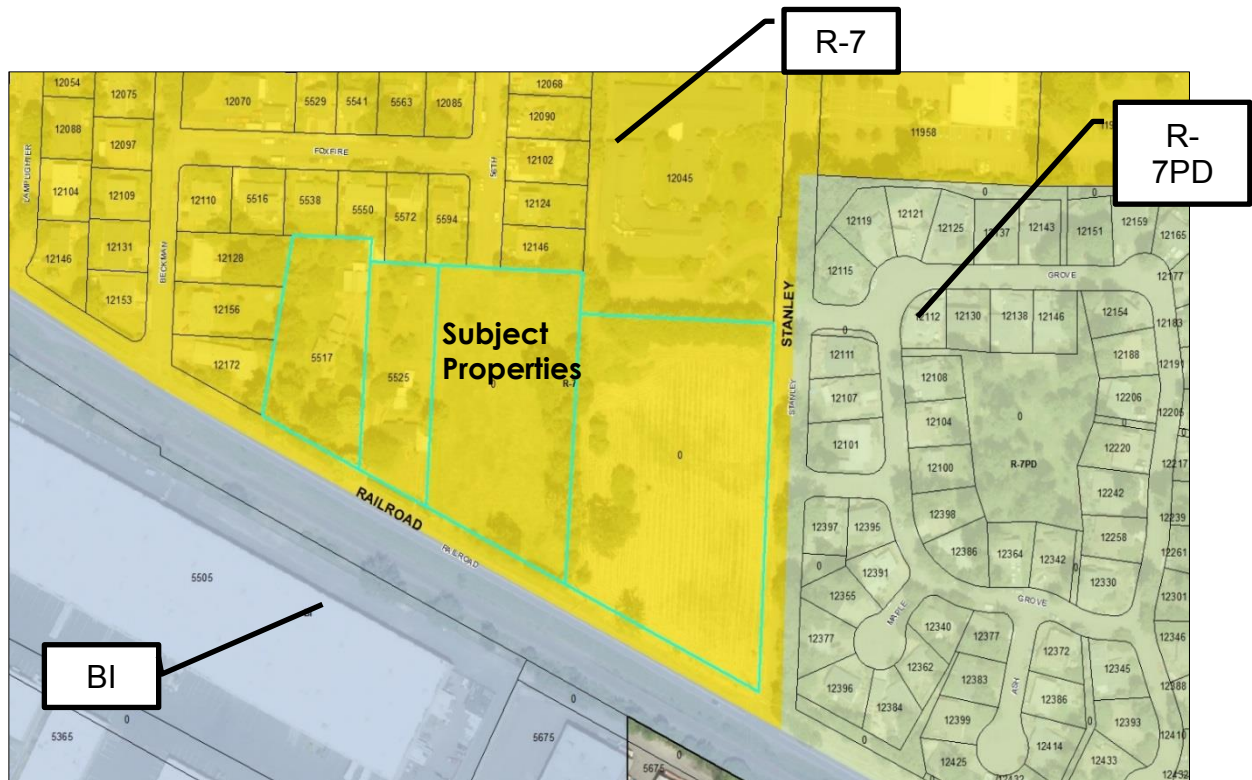


Figure 1 Zoning

D. Land Use History

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

E. Proposal

The application is a Zoning Map Amendment to rezone the subject properties from Residential R-7 to Residential R-5 and a Comprehensive Plan Map Amendment to change the land use designation of the subject properties from Low Density to Moderate Density.

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

The proposal requires approval of the following applications:

1. Zoning Map Amendments (ZA-2018-002)
2. Comprehensive Plan Map and Text Amendments (CPA-2018-002)

F. Land Use Review Process

The review process for this is Zoning Map Amendment and Comprehensive Plan Map Amendment (ZA-2018-002 and CPA-2018-002) is a Type V process. The Planning Commission reviews Type V applications and makes a recommendation to City Council, which is called with making the final decision.

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.

Is rezoning the site from R-7 to R-5 (and the associated Comprehensive Plan Map Amendment) appropriate?

Analysis

The zone change proposal is appropriate given the characteristics of the surrounding area. The site is surrounded by residential development on 3 sides, with Low Density to the north, west, and east. Directly north and northeast is a convalescent home which is also zoned R-7. To the east across SE Stanley Avenue is an area zoned R-7 PD with a Low Density designation in the Comprehensive Plan. In the adjacent R-7 and R-7 PD zoned areas to the east and west, many of the lots are sub-standard for the R-7 zone and less than 7,000 sq ft. 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 over what would be allowed in the R-7 zone. The R-7 zone is also the largest zone in the city, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

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 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.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

Forward a recommendation to City Council based on the recommended Findings found in Attachment 1 for land use applications #ZA-2018-002 and CPA-2018-002.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.902 Amendments to Maps and Ordinances
- MMC 19.1008 Type V Review

This application is subject to a Type V review. Type V 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. Recommend approval of the Type V applications to the City Council subject to the recommended Findings.
- B. Recommend approval of the Type V applications to the City Council subject to modified recommended Findings.
- C. Recommend denial of the Type V applications to the City Council.
- D. Continue the hearing to February 12, 2019.

The final decision on the Type V applications, which includes any appeals, must be made by March 6, 2019, 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; and the Linwood 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 January 2, 2019 and a sign was posted on the property on January 12, 2019.

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 zone change will provide for an additional 12-15 dwelling units. With the required right-of-way dedication, the net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. These trips will be accessing SE Stanley and Railroad Avenues, which are both Collector Streets. A traffic impact study is not required to analyze this minimal increase in trips. Existing sewer, storm and water systems do not have any identified deficiencies and can accommodate the increased demand.”

Metro – Responded that the proposal was consistent with the Metro Functional Plan and did not have other comments to submit.

Linwood NDA – Questions were submitted on 1/14/2019, they are summarized below with a staff response:

1. Why was a Transportation Impact Study (TIS) not ordered for this proposal? How many new trips will be generated with this zone change?

Staff Comment: With the zone change, redevelopment of these lots would provide 12-15 more dwelling units when right-of-way dedication on these properties are not considered. The Engineering Department found that with right-of-way dedication, net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. The Engineering Department found that this minimal increase in trips on collector streets, Stanley Ave and Railroad Ave, would not require a TIS.

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	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Applicant's Narrative and Supporting Documentation dated May 17, 2018				
a. Application Forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Preapplication Conference Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Zone Change Map	<input checked="" type="checkbox"/>	<input 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.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-23>.

Recommended Findings of Approval
File # ZA-2018-002, CPA-2018-002 (5517-5525 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, I&E Construction, Inc, has applied for approval of a zone change from R-7 to R-5 at 5517-5525 SE Railroad Ave and a Comprehensive Plan map amendment from Low Density (LD) to Moderate Density (MD). The site is made up of 4 contiguous lots and is zoned Low Density Residential R-7, later this year, with the approval of this zone change and Comprehensive Plan map amendment, the applicant intends to submit a subdivision application for tax lot 1231DD03000, one of the 4 lots that is vacant.
2. The zone change and Comprehensive Plan map amendment application was submitted on May 17, 2018. It was deemed complete by City staff on November 6, 2018.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1008 Type V Review

The application has been processed and public notice provided in accordance Section 19.1008 Type V Review. A public hearing was held on January 22, 2019, as required by law.

4. MMC 19.902 Amendments to Maps and Ordinances
 - a. 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 Legislative 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.

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 would also change the zoning map 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 applicant proposes a future subdivision for taxlot 12E31DD03000 which

will be developed with single family homes on lots ranging from 5,000 sq ft to 6,500 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, west, and east. Lot sizes in the neighborhood to the north are approximately 7,000 – 8,000 sq ft. To the north and northeast, there is a convalescent home. To the east and west of the site, lots are between 5,000 – 6,800 sq ft in size, less than the minimum 7,000 sq ft required in the Low Density, R-7 Zone. Industrial land 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 considered 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 Linwood NDA has provided comments and questions regarding the proposal, but has not recommended support or opposition to the proposal. Their questions have been answered in Section 11 below.

- (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 existing lot sizes in the surrounding neighborhood. The proposed zoning will allow smaller minimum lot sizes on this site and will provide more opportunity for the development of additional housing. The rezoning of this Low Density area does not create compatibility conflicts given the surrounding 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 for 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), there can be an assumption that the homes built on R-5 lots will be smaller and 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. This 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 Stanley Ave, both of which are collector streets. 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 Stanley Ave, both of which are collector streets. An additional 12-15 dwelling units with a zone change will have a minor impact on the local street system. Possible future development’s access will connect to Stanley Ave, a collector street, which can accommodate 5,000-10,000 trips per day.

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

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

The proposed zoning map amendment would rezone the site from Residential R-7 to Residential R-5.

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 east across SE Stanley Avenue is an area zoned R-7 PD with a Low 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 R-7 and R-7 PD zoned areas to the east and west, many of the lots are sub-standard for the R-7 zone and less than 7,000 sq ft. 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 over the R-7 zone. The R-7 zone is also the largest zone in the city, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

The Linwood 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 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 the proposed site is better suited for this proposed use than other properties with the same base zone designation. The R-7 zone is the largest zone in the city, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area. The size of the parcels are between 0.71 acres to 2.88 acres. There is a scarcity of parcels of similar size in the R-5 zone. Only 11% of R-5 parcels in the City are 0.71 acres or above.

- (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 15-inch sewer main and a 12-inch water line in SE Railroad Ave which are adequate to serve 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.

- (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.

Both Railroad Ave and Stanley Ave are classified as collector streets and additional development in the area is not expected to have a negative impact on the existing transportation network. A proposed subdivision on one of the vacant lots, tax lot 12E31DD03000, has not been reviewed yet, however, due to minimal increase in trips at peak time on collector streets (Railroad Ave and Stanley Ave) with the zone change, the Engineering Department will not require a transportation impact study.

- (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. The 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.

Natural Resources Objective #2, Policy #1 states the City shall protect designated natural resources and their associated values through preservation, intergovernmental coordination, conservation, mitigation, and acquisition of resources. Policy #2 in the same objective states that the City shall provide protection to important wetland and water body areas through designation of riparian area buffers between natural resources and other urban development activities and restrict non-water depended development within the riparian buffer area. One of the vacant parcels has a wetland, water quality resources, and habitat conservation areas. The City has been working with the application to protect those natural resources and the zoning code protects those resources by preventing development in those areas and providing mitigation. Any development in those natural resource areas will trigger a natural resource review in the land use code.

- (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 sites with a higher density land use and the accompanying zoning amendment, will provide the opportunity for 12-15 more dwelling 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 Stanley Ave, both of which are collector streets. An additional 12-15 dwelling units with a zone change will have a minor impact on the local street system. Possible future development's access will connect to Stanley Ave, a collector street, which can accommodate 5,000-10,000 trips per day.

The Planning Commission finds that this criterion is met.

5. 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; and the Linwood 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 zone change will provide for an additional 12 15 dwelling units. With the required right-of-way dedication, the net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. These trips will be accessing SE Stanley and Railroad Avenues, which are both Collector Streets. A traffic impact study is not required to analyze this minimal increase in trips. Existing sewer, storm and water systems do not have any identified deficiencies and can accommodate the increased demand.”

Metro – Felt the proposal was consistent with the Metro Functional Plan and did not have other comments to submit.

Linwood NDA – Questions were submitted on 1/14/2019, they are summarized below with a staff response:

Why was a Transportation Impact Study (TIS) not ordered for this proposal? How many new trips will be generated with this zone change?

Staff Comment: With the zone change, redevelopment of these lots would provide 12-15 more dwelling units when right-of-way dedication on these properties are not considered. The Engineering Department found that with right-of-way dedication, net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. The Engineering Department found that this minimal increase in trips on collector streets Stanley Ave and Railroad Ave would not require a TIS.

TRANSMITTAL



DATE: May 17, 2018

JOB #: 6423

TO: Mary Heberling
Assistant Planner
City of Milwaukie

PROJECT: Milwaukie CPC/ZC

FROM: Brandie Dalton, Land Use Planner

RE: *RAILROAD AVENUE CPC/ZC APPLICATION*

- | | | | |
|--|--|---|---|
| <input checked="" type="checkbox"/> ENCLOSED | <input type="checkbox"/> PLANS | <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> FOR VERIFICATION |
| <input type="checkbox"/> CHECKS INCLUDED | <input type="checkbox"/> DOCUMENTS | <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> REVISE & RETURN |
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR SIGNATURE | <input type="checkbox"/> FOR FINAL DISTRIBUTION | <input type="checkbox"/> OTHER |

COPIES	No.	DESCRIPTION
5		Land Use Application

Mary,

Enclosed is a Comprehensive Plan Change/Zone Change Application for Properties located on Railroad Avenue and identified as 1 2E 31DD/Tax Lot 1300, 2900, 3000 & 3100.

If you have any questions or need additional information please let me know ASAP.

Thank you,

Brandie Dalton, Land-Use Planner



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Application for Land Use Action

Master File #: _____

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

...

...

...

...

...

- Use separate application forms for:
- Annexation and/or Boundary Change
 - Compensation for Reduction in Property Value (Measure 37)
 - Daily Display Sign
 - Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): I+E Construction, Inc.

Mailing address: 9550 SE Clackamas Rd Zip: 97015

Phone(s): _____ E-mail: _____

APPLICANT'S REPRESENTATIVE (if different than above): Jeff Bolton

Mailing address: 1155 SE 13th St., Salem, OR Zip: 97302

Phone(s): 503-363-9227 E-mail: jbolton@amtenengineering.net

SITE INFORMATION:

Address: Railroad Ave. Map & Tax Lot(s): 12E3100/3000, 3100, 2900, 1300

Comprehensive Plan Designation: ... L10 Zoning: ... R7 Size of property: 6.35 AC ...

PROPOSAL (describe briefly):

Comp Plan / Zone Change from R-7 to R-5

SIGNATURE: Roy V. Myr / TTEE Julia E. Nuff / TTEE APRIL 4, 2018

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: MARCH 13, 2018

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

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



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Application for Land Use Action

Master File #: _____

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

...
...
...
...
...
...

- Use separate application forms for:
- Annexation and/or Boundary Change
 - Compensation for Reduction in Property Value (Measure 37)
 - Daily Display Sign
 - Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): I+E Construction, Inc	
Mailing address: 9550 SE Clackamas Rd	Zip: 97015
Phone(s):	E-mail:
APPLICANT'S REPRESENTATIVE (if different than above): Jeff Bolton	
Mailing address: 1155 SE 13 th St, Salem, OR	Zip: 97302
Phone(s): 503-363-9227	E-mail: jbolton@mtengineering.net

SITE INFORMATION:

Address: Railroad Ave	Map & Tax Lot(s): 12E3100/3000, 3100, 2900, 1300
Comprehensive Plan Designation: ... LD	Zoning: ... R-7 Size of property: 6.35 Ac ...

PROPOSAL (describe briefly):

Comp Plan / Zone Change from R-7 to R-5
 Gregory J. Vislocky - President CARIS INC. 4/33/18

SIGNATURE: Ray V. Ny / TEE Julia E. Nuff / TEE APRIL 4, 2018

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: MARCH 13, 2018

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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: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, _____, 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: _____

Date: _____

Official Use Only

Date Received (date stamp below):

RESET

Comprehensive Plan Change/ Zone Change

BACKGROUND/PROPOSAL

The subject properties are located on SE Stanley Avenue and Railroad Avenue. There are 4 tax lots included in this application, 1 2E 31DD/Tax Lots 1300, 2900, 3000, and 3100. The properties are zoned R-7, with a Low Density Comprehensive Plan designation.

On February 16, 2017, the City held a pre-application conference with the applicant and the applicant's engineering representative, Multi/Tech Engineering, Inc., for the purpose of discussing code requirements for developing the site as multi-family.

A Neighborhood Meeting is scheduled with the Linwood Neighborhood on April 12, 2018 @ 7pm. The meeting will be held at the Linwood Elementary School.

Proposal: The subject properties total 6.35 acres in size. The applicant is proposing to rezone the subject properties from R-7 to R-5, and change the comp. plan designation from low density to moderate density.

Vicinity Information:

The subject properties are located on the west side of Stanley Street and the north side of Railroad Avenue. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: R-7 zoned; existing single-family dwellings

East: R-7PD zoned (Across Stanley Road); existing single-family dwellings

South: BI zoned (Across Railroad Avenue); existing industrial uses

West: R-7 zoned; existing single-family dwellings



SECTION 19.902.3(B) COMPREHENSIVE PLAN CRITERIA

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

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The City's adopted Comprehensive Plan, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use inventories and buildable lands. The proposal adds to the housing inventory of the City and meets the intent of the Goal and Policies.

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

Applicant Findings: The development of this site as single-family dwellings is consistent with the existing current uses in the neighborhood. The rezone from R-7 to R-5 allows the site to be developed at a higher density because of allowed smaller lots sizes. The higher density will allow the site to be developed with 2 more lots than the R-7 zone would allow. Milwaukie has housing needs that need to be met. Smaller lot size help to make homes more affordable, which will help met housing and affordable housing needs. Therefore, this amendment is in the public's interest.

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

Applicant Findings: The site was chosen due to its size, location, existing level of development and access to major streets

There is a lack of appropriately designated sites within this vicinity for moderate density. There is low density zoned property surrounding the site. The proposed R-5 zone designation will allow the site to be developed at a high density than the current R-7 zone.

As shown on the City land use map there is no property contiguous to the existing site that is designated R-5 for the proposed use. The most feasible process is to rezone the subject property to allow it to be developed at max density with direct access onto the surrounding street system.

This area of Milwaukie is lacking in R-5 zoned property. R-5 zoning helps to provide needed housing. This rezone will help to provide a public need for single-family dwellings. The rezone will not no impacts on the public, especially since the site is already zoned for single-family dwellings. The R-5 zone allows the site to be developed at a moderate density. Which will help provide additional housing and help meet the public need.

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

Applicant Findings: All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use and that meet the Metro Urban Growth Management Functional Plan.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

By providing adequate public facilities and services for the proposed use, this criterion has been met.

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

Applicant Findings: The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the TSP. The proposal complies with the applicable intent statements of the Comprehensive Plan as addressed in this report.

The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing (if applicable), and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the zone change application. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands on the subject property. The City's applicable riparian, tree protection and wetland development standards

will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create any significant additional air quality impact.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The City's needs for leisure areas and open space areas have been identified. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Therefore, the proposal complies with this Goal.

Goal 10 – Housing

The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density

zone while helping meet the housing needs.

The existing neighborhood consists of single family housing and vacant land. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided adjacent to and throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject properties are located along Stanley Avenue and Railroad Avenue, thus linking the site to existing and proposed transportation. The major streets are in place due to previous development.

SECTION 19.902.6(B) ZONE CHANGE 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.**

Applicant Findings: The proposed comprehensive plan change/zone change fits the development pattern of the vicinity. The surrounding properties are zoned R-7 and/or developed as residential. However, the area is changing with recent rezoning of properties from R-7 to R-5. The R-5 zone allows the property to be developed with single family dwellings at a higher density than the R-7 zone.

The subject property gives the applicant the ability to provide a housing type consistent with the surrounding area and help Milwaukie meet their housing needs.

The subject property will not only be a site that will contribute to the residential housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed will provide street connections to adjacent properties for existing and future development.

In conclusion, the proposed CPC/ZC will allow the subject property to be developed with a needed housing type in the City of Milwaukie, while compatible with the existing housing in the neighborhood.

Therefore, the proposal satisfies this criterion has been met.

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

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

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

Applicant Findings: There is a lack of appropriately designated vacant R-5 sites within this vicinity. There is R-7 zoned property located along Railroad Avenue. However, these sites are either developed or available.

This rezone to R-5 gives the applicant the ability to provide housing at a higher density within this area and help Milwaukie meet their housing needs.

As shown on the City land zone map there is no property contiguous to the existing site that is zoned R-5 and vacant, and there is none in the necessary proximity. The only appropriately designated property

within the necessary proximity to the existing site to the far west is developed or under review for potential development.

In conclusion, there are no sites for the proposed use located along Railroad Avenue that provide the necessary access to the major street system and adjacent properties, an area large enough, or which are appropriately designated. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant

Therefore, the proposal satisfies this criterion has been met.

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

Applicant Findings: The City's adopted Comprehensive Plan Goal and Policies implement the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located in an area with major routes in place. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement public facilities and services by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

This criterion has been met.

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

Applicant Findings: See the above findings. A Traffic Impact Study was not required at this time.

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

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The City's adopted Comprehensive Plan, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use

inventories and buildable lands. The proposal adds to the housing inventory of the City and meets the intent of the Goal and Policies.

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

Applicant Findings: All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use and that meet the Metro Urban Growth Management Functional Plan.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

By providing adequate public facilities and services for the proposed use, this criterion has been met.

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

Applicant Findings: The proposed amendment is consistent with all State statutes, administrative rules, and zoning standards as identified on the site plan and the applicant's findings.

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the TSP. The proposal complies with the applicable intent statements of the Comprehensive Plan as addressed in this report.

The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing (if applicable), and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the zone change application. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands on the subject property. The City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create any significant additional air quality impact.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The City's needs for leisure areas and open space areas have been identified. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Therefore, the proposal complies with this Goal.

Goal 10 – Housing

The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The existing neighborhood consists of single family housing and vacant land. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided adjacent to and throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject properties are located along Stanley Avenue and Railroad Avenue, thus linking the site to existing and proposed transportation. The major streets are in place due to previous development.

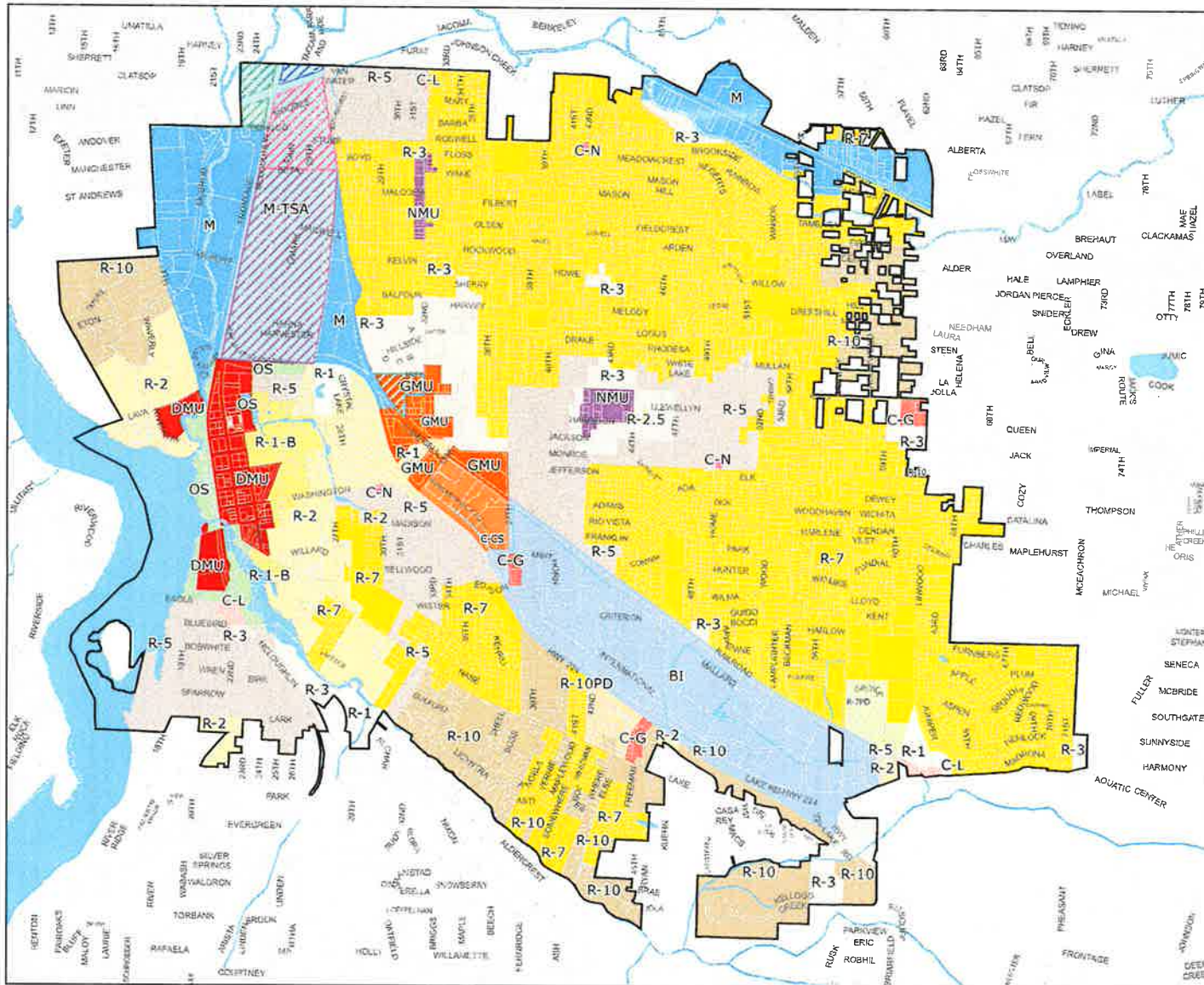
CONCLUSION

We believe that requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance

with the current Comprehensive Plan designation. As demonstrated herein, the R-5 zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

ZONING



- | | |
|--------------------|---------------------------------|
| Industrial | Commercial and Mixed Use |
| BI | NMU |
| M | C-N |
| M-TSA | C-L |
| | C-G |
| | C-CS |
| | GMU |
| Residential | Downtown |
| R-1 | DMU |
| R-1-B | OS |
| R-2 | |
| R-2.5 | |
| R-3 | |
| R-5 | |
| R-7 | |
| R-7PD | |
| R-10 | |
| R-10PD | |
| | TSAP Overlay |
| | Subarea 1 |
| | Subarea 2 |
| | Subarea 3 |
| | Subarea 4 |
| | Flex Space Overlay |
| | City Boundary |
| | Water Body |

Adopted by Ord. #1438, effective Dec. 5, 1979
 Rev. as of Ord. # 2151, effective August 17th, 2017

Data Sources: City of Milwaukie GIS, Metro Data Resource Center

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Please check with Planning Department for most up-to-date information.
 503-766-5533
 planning@milwaukieoregon.gov



0 0.25 0.5 Miles

MAR 06 2017

Brandie
Jeff

March 3, 2017

Jeff Bolton
Multi/Tech Engineering
1155 SE 13th Ave
Salem OR 97302

Re: Preapplication Report

Dear Jeff:

Enclosed is the Preapplication Report Summary from your meeting with the City on February 16, 2017, concerning your proposal for action on property located at tax lot 3000 on SE Railroad Ave.

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

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

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

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Karl Ivanov
File

MAR 06 2017

6423
Brandie
Jeff

CITY OF MILWAUKIE

PreApp Project ID #: 17-003PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 2/16/2017 at 10:00AM

Applicant Name: JEFF BOLTON
Company: MULTITECH
Applicant 'Role': REPRESENTATIVE
Address Line 1: 1155 SE 13TH ST.
Address Line 2:
City, State Zip: SALEM OR 97302

Project Name:

Description:

ProjectAddress: RAILROAD AVE TAXLOT 3000 EAST OF 5525 SE RAILROAD

Zone: R-7; Natural Resource Overlay

Occupancy Group:

ConstructionType:

Use: Low Density (LD)

Occupant Load:

AppsPresent: Jeff Bolton, Karl Ivanov

Staff Attendance: Brett Kelper, Mary Heberling, Alex Roller

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: No comments.

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

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: No comments.

PUBLIC WORKS ISSUES

Water:

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. The 6" line will be connected to the main on Railroad Avenue and to the 6" main at the end of 56th Avenue to connect the two systems. 6" ductile iron water mains will also be constructed to any streets stubbed to the property line for adjacent property development. Fire hydrant requirements will be addressed by Clackamas County Fire. 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" PVC sewer main will need to be extended to provide service to all newly constructed properties and to facilitate future development. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1,075 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 property. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm:

Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Public Works Standards. 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. Applicant may treat stormwater in the ditch between the walking path and Railroad Avenue, with approved planting and infiltration design.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$845 per unit. 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 route. The portion of SE Railroad Avenue fronting the proposed development has a right-of-way width of 60 feet and a paved width of 24 feet with undeveloped shoulders.

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 Railroad Avenue fronting the proposed development is of adequate width and no right-of-way dedication is required.

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 Milwaukie’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 Milwaukie 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. Any other site plan will be reanalyzed.

PW Notes:

Proposed street layout precluded neighboring taxlot 2900 and 3100 from developing. Majority of meeting centered on a revised design that included a stubbed street to the east, and a narrow connection to the west at the north end of the site. Final road layout will have to be approved before application is approved.

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.

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 maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks:

Per Milwaukie Municipal Code (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 (ROW) 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 R-7 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. However, effective as of March 9, 2017, the driveway approach shall not be wider than the approach within 5 ft of the right-of-way boundary. Alternately, a gradual widening of the onsite driveway is allowed to the 10 point at a ratio of 1:1 (driveway width: distance onto property), starting 2ft behind the front property line.

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:

1. Subdivision (Type III review)

The subject property is comprised of 1 large lot. 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. Natural Resource Review – Boundary Verification (Type II review)

A boundary verification process is required for the designated Natural Resource areas on the lot and lot to the east (TL 2900). Corrections to mapped Water Quality Resources (WQRs) are subject to a Type II review. The applicant is advised to review this section carefully to be sure that all relevant steps are followed. The boundary verification application can be submitted with the application for natural resource review required for the subdivision (see Note 3, below). Review criteria can be found in MMC 19.402.15.A.2: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_15

3. Natural Resource Review – Subdivision (Type III review)

If any lots from the proposed subdivision will be in a designated Natural Resource area, the application is subject to Type III Natural Resource review. Standards for subdivisions within Natural Resource areas can be found in MMC 19.402.13.I: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_13

4. Zoning Map Amendment (Type III review)

The proposal includes rezoning the subject property from R-7 to R-5. The applicant is encouraged to include Tax Lots 02900, 03100, and 01300 in the zone change proposal as well, for a total of 4 lots to be re-zoned. Regardless, 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.

The application for the zone/comp plan change can be submitted concurrently with the subdivision/Natural resources application. The zone/comp plan change application could be the primary issue to be decided, then the subdivision.

The current fee for Type II review is \$1,000; the fee for Type III review is \$2,000. For Type III Natural Resource applications, a refundable deposit of \$2,750 is required at the time of submittal, to cover the actual costs of the City's review of the applicant's technical report for Natural Resource review.

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 subject to 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 subdivision 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 Linwood NDA (7:00 p.m. on the second Thursday of every month at Linwood Elementary library, 11909 SE Linwood Ave): <http://www.milwaukieoregon.gov/citymanager/linwood-nda> Linwood NDA Chair: Zac Perry, Linwoodzp@gmail.com .

Natural Resource Review: The site for the proposed subdivision does have Water Quality Resource (WQR) and Habitat Conservation (HCA) areas on the east boundary line of the site. Per MMC Subsection 19.402.12.A, an Impact Evaluation and Alternatives Analysis will need to be done. Specific information about this Analysis and the approval criteria can be found at: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_12

With the evaluation and alternatives analysis, there may be a need for the applicant to apply for a boundary verification and natural resources subdivision standards. More information about those land use reviews are listed in the Application Procedures section.

Lot Geography: The subject property is comprised of 1 lot, with a total area of approximately 1.72 acres. The property has frontage on SE Railroad Ave to the south.

Minimum standards:

R-7 Zone: 7,000 square feet area, 60-foot width, 80-foot depth, 35-foot street frontage

R-5 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 Linwood Neighborhood District Association (NDA) about the proposal. The NDA Chair is Zac Perry, who can be reached at Linwoodzp@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 request to provide street connections to the surrounding properties for potential future development. The zone change would allow the applicant to be more flexible with their subdivision plan. The loss of R-7 zone area does not raise concern for Planning staff. 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.

As noted previously, staff encourages the applicant to contact the owners of Tax Lots 02900, 03100, and 01300 and attempt to include them in the zone change proposal. This would result in a more consistent zone pattern in this area.

The applicant is encouraged to review MMC Chapter 19.1200 Solar Access Protection, as its provisions must be addressed in the application narrative.

For reference, the density range allowed in the R-7 zone is 5.0 – 6.2 dwelling units per net acre, and 7.0-8.7 dwelling units per net acre for the R-5 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

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Geoff Nettleton - Civil Engineer - 503-786-760

Rick Buen - Engineering Tech II - 503-786-7610

Alex Roller - Engineering Tech I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652

Avery Pickard - Admin Specialist - 503-786-7656

Alicia Martin - Admin Specialist - 503-786-7600

Joyce Stahly - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kelter - Associate Planner - 503-786-7657

Vera Kolia - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

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

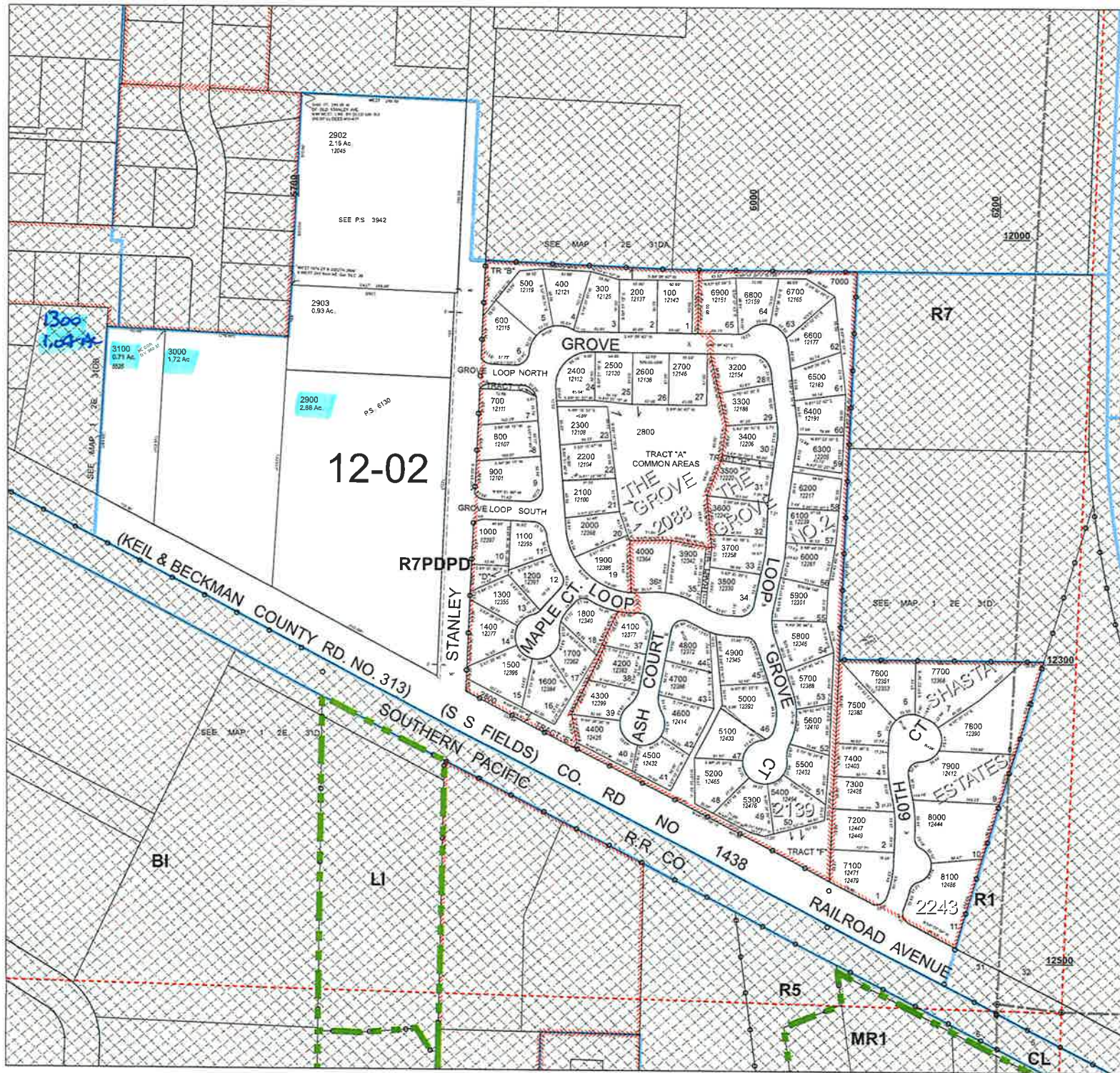
Matt Amos - Fire Inspector - 503-742-2661

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MILWAUKIE

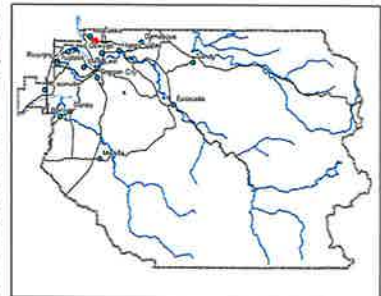
S.E.1/4 S.E.1/4 SEC.31 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
JOHN D. GARRETT NO. 38

Cancelled Taxlots
2901



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



11/16/2015

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