

PLANNING COMMISSION MINUTES  
TUESDAY, MAY 28, 1996

**COMMISSIONERS PRESENT**

Carolyn Tomei, Chair  
Debi Linn  
Bill Johnson  
Michael Smith  
Calvin Walter

**STAFF PRESENT**

Maggie Collins,  
Com. Dev. Dir.  
Stacey Lawson,  
Assistant Planner  
Diana Myrvang,  
Pub. Inv. Coord.  
Shirley Richardson,  
Hearings Recorder

**COMMISSIONERS ABSENT**

Gordon Jones

1.0 CALL TO ORDER

**Chair Tomei** called the meeting to order at 8:05 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes - May 14, 1996

**Debi Linn** moved to approve the minutes of May 14, 1996, as corrected. **Calvin Walter** seconded. MOTION CARRIED 4-0 with on abstention. Bill Johnson was not at that meeting.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

Applicant: Steve Blazo  
Property Owner: Steve Blazo  
Location: 9900 SE Cambridge Lane (Tax Lots 700 and 800 of Tax Map R1  
1E 26DB)

Application: Requested Time Extension to Variance VR-94-14

**Chair Tomei** opened the public hearing on a one-year time extension of Variance VR-94-14, requested by the Applicant, Steve Blazo, pursuant to Section 1013 of the Zoning Ordinance and Comprehensive Plan. She asked the Commissioners if there were any ex-parte contacts or conflicts of interest to declare. There were none. Mike Smith abstained from voting on this Application. **Chair Tomei** asked if there were any Commissioners who visited the site. Three hands were raised. No one who visited the site spoke to anyone at the site or noticed anything different from what is indicated in the Staff Report for this Application. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

#### STAFF REPORT

**Stacy Lawson** explained that this was a request for a one-year time extension to Variance VR-94-14. This Application is pursuant to Section 1013 of the City Zoning Ordinance. This Section permits a one-year extension for projects that have not been able to achieve substantial construction in the six months after approval. The Notice of Decision went out on November 27, 1995. The sixth month period expired yesterday, May 27, 1996, and the extension request was filed on April 22nd.

One of the conditions of approval of this variance was to allow for a 2-lot subdivision to take access off of two private drives rather than public access. The Applicant was required to obtain a deeded access to SE Waverley Drive, obtain approval by South Metro Fire Marshal for a turnarounds, and file for a minor land partition prior to construction.

Because of the difficulty of the season, and difficulty with deed access, Staff recommends approval of the one-year time extension subject to the original conditions of the variance.

**Chair Tomei** asked if Staff had received any phone calls or correspondence? **Stacy Lawson** stated there had been no other inquiries.

#### APPLICANT PRESENTATION

Speaking: Steven L. Blazo, Portland

**Mr. Blazo** reported that he had contracted with Centerline Concepts, Inc. for surveying of the land. The survey has been completed and filed. The Lot Line Adjustment with Mr. Smith's property and the 2-lot Minor Land Partition have

been filed. He has also contracted with Mr. Smith and an escrow account has been opened.

QUESTIONS FOR THE APPLICANT FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR OF THE APPLICATION -- None

QUESTIONS OR COMMENTS ON THE APPLICATION -- None

TESTIMONY IN OPPOSITION OF THE APPLICATION -- none

ADDITIONAL COMMENTS FROM STAFF -- None.

**Chair Tomei** closed the public hearing portion of the hearing and opened it to discussion among the Commissioners.

**Bill Johnson** moved to approve a one-year time extension of Variance VR-94-14, requested by the Applicant, Steve Blazo, pursuant to Section 1013 of the Zoning Ordinance. **Debi Linn** seconded. MOTION CARRIED 4-0.

- 6.0 Worksessions
- 6.1 Regional Center/Riverfront Steering Committee -- Meeting from 6:30-8:00 p.m.
- 6.2 Starland Construction Condition Compliance

**Chair Tomei** opened discussion on Starland Construction Company. **Stacey Lawson** explained that on April 9, 1996, the Planning Commission took action to conditionally approve MLP-96-01 and VR-96-02, a three-lot land partition. One issue addressed protection of three large fir trees existing on proposed parcel 3. The following condition was applied: "A Certified Arborist shall be retained by the applicant and a report submitted, prior to issuance of a building permit, to the City of Milwaukie, giving an opinion as to the health of the trees and measures necessary to preserve their health. The applicant shall be encouraged to apply for a minor variance if a minor relocation of the building area would preserve the trees. If trees designated to be preserved are damaged during construction, appropriate mitigation, as determined by the Community Development Director shall be required, prior to issuance of an occupancy permit."

After that hearing, the Community Development Department was contacted by the Applicant informing them that the location of the three trees shown on the plans submitted for review was not exact. He provided a revised plan (Exhibit A) which shows the location of the trees on the property. The actual location of the trees is quite a bit further in toward the center of the building area.

Upon hearing this information, Staff suggested that the Applicant get a survey of the site to accurately determine the location of the trees and an Arborist report about protection of the trees, all to establish whether or not there is adequate building space remaining.

The Applicant submitted a letter from a Certified Arborist stating that the trees would each have to be protected by a 20 foot setback in order to ensure their health and preservation (Exhibit B).

If the tree setback was followed, the area remaining for a building envelope would be minimal. As a result, it was concluded by Staff that removal of these trees is necessary in order to allow for construction of a new home on this lot.

Taking this into consideration, staff has approved a mitigation plan for the removal of these three trees. The plan stipulates that three trees shall be planted in the rear yard setback. Each tree is required to be a minimum 4-inch caliper at the base of the trunk and a minimum of 15 feet high. The Applicant plans to plant two birch trees and a maple tree (Exhibit C). All three of these trees are to be located in the rear setback area.

It was the consensus of the Commission that no action from the Planning Commission will be taken on this Compliance process.

**Calvin Walter** voiced concern about the type of trees used for replacement. He stated that in his opinion, they are not good choices. He suggested that in the future, developers must provide a plot plan for a Minor Land Partition request. Replacement trees should be at least, longevity-wise, in the same category as what's being taken out. The Minor Land Partition process will need to be changed to include review of the proposed structure in addition to the division of land.

Discussion followed on how the City must apply requirements equally to the builders. Design Review is not under the purview of the Planning Commission. **Debi Linn** suggested that design review be made a part of the Zoning Ordinance. **Mike Smith** suggested that a tree survey should be added to the Minor Land Partition process. **Calvin Walter** feels that City Council should review the possibility of design review for the Minor Land Partition process.

**Chair Tomei** asked Staff to prepare information on design review options for Commission review.

### 6.3 Milwaukie Urban Design Preferences

**Chair Tomei** opened discussion on urban design preferences. **Maggie Collins** reviewed with the Commission the Milwaukie detailed design Visual Preference Survey. She asked that the Commission recommend designs that can be used for review by the Milwaukie Regional Center Committee as good examples for Milwaukie. Suggestions made were:

A-1 Good example of landscaping, a buffer, boulevard, transit area.

A-2, P. 8 Good landscaping example, standardized landscaping to tie neighborhoods together, provide uniformity.

A-4 P. 10 Good example of creating spaces for walking, commercial with texture, open spaces, recognizable area.

C-1 P. 17 Good example for the riverfront area, small business (one-owner), windows.

A-2 P. 23 Good example of landscaping replacing concrete jungle, places for people to wait.

Pp. 4 & 6 Good example of wide sidewalks, places for people to sit and wait with landscaping, shelter, parallel parking.

6.4 Riverboats in Milwaukie

Deferred to the next meeting.

6.5 Community Development Report

**Maggie Collins** reported that the City Council did pass its ordinance that confirms the Planning Commission. A standard package of model by-laws is anticipated. Staff will put together a package with proposed by-laws for review and discussion at a later meeting.

7.0 Discussion Item

Thomason Ford **Chair Tomei** asked about the status of the Sign Ordinance violation by Thomason Ford. **Stacey Lawson** reported Staff has not been able to survey the sign violations. An intern is being hired that will review ordinance violations.

**Sheri's Restaurant Debi Linn** voiced concerns about not enough water for the ducks in the wetland area next to Sheri's Restaurant. This area was to be maintained as a wetland and not disturbed. The water is drying up and there is not enough for the ducks to swim. Staff will look into the issue and report back.

- 8.0 Old Business
- 8.1 Light Rail Update -- No report.
- 8.2 2040 Study Update

**Maggie Collins** reported that the draft 2040 Plan was taken to the City Council for review and comment on May 21, 1996. The first MPAC hearing on the 2040 draft will be on May 29th and another hearing will be held on June 12, 1996. The City Council at this point, did not recommend a letter of endorsement, nor did any member have concerns with the implementation. Population and employment figures are in place and will continue to be used for Metro's evaluation. City Council, at a later date, may outline an endorsement of the 2040 Plan.

- 9.0 Other Business/Updates
- 9.1 Historic Review Commission Report

**Debi Linn** reported that the video is underway. The projected finish date will be in a couple of months. She and Stacey updated the Historic Commission on what is happening with Light Rail, development, riverfront, etc. The next project will include reviewing possible landmarks in neighboring areas with the help of the Historical Society.

- 9.2 Town Center Area Task Force Report

**Mike Smith** reported that there has not been a Task Force meeting since the last Planning Commission meeting. A meeting is being planned for next week.

- 9.3 Tree Committee Report

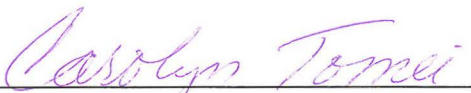
**Chair Tomei** reported that a consultant has been hired to finish the draft ordinance.

- 9.4 Community Development Report

None.

- 10.0 Next Meeting - June 11, 1996
- 10.1 Griffith and Associates (LA-96-01)
- 10.2 Alex Garkusha (S-96-02)
- 10.3 Riverboat Request Worksession
- 10.4 Community Development Report

**Calvin Walter** moved to adjourn the meeting of May 28, 1996. **Debi Linn** seconded.  
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:34 p.m.

  
\_\_\_\_\_  
Carolyn Tomei, Chair

  
\_\_\_\_\_  
Shirley Richardson, Hearings Reporter

**MILWAUKIE PLANNING COMMISSION  
WORKSESSION AGENDA**

**Public Safety Building Community Room, 3200 SE Harrison  
Tuesday, May 28, 1996  
RIVERFRONT STEERING COMMITTEE - 6:30 pm  
PLANNING COMMISSION - 8:00 pm**

		<b>ACTION REQUIRED</b>
<b>1.0</b>	<b>Call to Order</b>	
<b>2.0</b>	<b>Procedural Questions</b>	
<b>3.0</b>	<b>Consent Agenda</b> Planning Commission Minutes: May 14, 1996 City Council Minutes: April 16, 1996 (upon approval by Council)	<b>Motion Needed Information Only</b>
<b>4.0</b>	<b>Public Comment</b> This is an opportunity for the public to comment on any item not on the agenda	
<b>5.0</b> 5.1	<b>Public Hearings</b> Blazo request for time extension (VR-94-14)	<b>Motion Needed</b>
<b>6.0</b> 6.1 6.2 6.3 6.4 6.5	<b>Worksessions</b> <b>REGIONAL CENTER/RIVERFRONT STEERING COMMITTEE</b> Starland Construction Condition Compliance Milwaukie Urban Design Preferences Riverboats in Milwaukie CD Report	<b>These items are discussion only - no motion is needed</b>
<b>7.0</b>	<b>Discussion Items</b>	
<b>8.0</b> 8.1 8.2	<b>Old Business</b> Light Rail Study Update 2040 Study Update	<b>Information Only Information Only</b>
<b>9.0</b> 9.1 9.2 9.3 9.4	<b>Other Business/Updates</b> Historical Review Commission Report Town Center Area Task Force Report Tree Committee report Community Development Report	<b>Information Only Information Only Information Only Review and Comment</b>
*****		
<b>10.1</b> 10.1 10.2 10.3 10.4	<b>Next Meeting</b> Griffith & Associates (LLA-96-01) Alex Garkusha (S-96-02) Riverboat Request Worksession Community Development Report	
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**The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.**

## **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

### **Public Hearing Procedure**

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested persons who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

**The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 786-7650.**

### **Milwaukie Planning Commission**

Carolyn Tomei, Chair  
Scott McClure, Vice-Chair  
Debi Linn  
Michael Smith  
Calvin Walter  
Gordon Jones  
Bill Johnson

### **Community Development Department Staff**

Maggie Collins, Community Development Director  
Debbie Bischoff, Senior Planner  
Stacy Lawson, Assistant Planner  
Diana Myrvang, Public Involvement Coordinator  
Chris Eaton, Planning Consultant  
Jeanne Garst, Office Assistant  
Marcia Hamley, Office Assistant  
Shirley Richardson, Recording Secretary



**\*\*\*MEMORANDUM\*\*\***

**TO: PLANNING COMMISSION PACKET RECIPIENTS**

**FROM: JEANNE GARST, CD OFFICE ASSISTANT**

**RE: MAY 14, 1996 MINUTES**

**DATE: MAY 21, 1996**

The minutes from the Planning Commission meeting of May 14, 1996 are not ready for distribution with the other packet materials for the meeting of May 28, 1996. They will be sent to you under separate cover within a couple of days.

If you have any questions concerning the delay or the minutes please feel free to contact me at 786-7655. Thank you for your patience.

JG:jcb:c:document:pcmnts.528mmo

COMMUNITY DEVELOPMENT • PUBLIC WORKS  
6101 SE JOHNSON CREEK BLVD.  
MILWAUKIE, OREGON 97206  
PHONE: (503) 786-7600 • FAX: (503) 774-8236

**CITY OF MILWAUKIE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**STAFF REPORT**

**Date: May 28, 1996**  
**File Nos.: VR 94-14**

**Application:** Requested Extension to Variance 94-14

**Applicant:** Steve Blazo

**Property Owner:** Steve Blazo

**Location:** 9900 SE Cambridge Lane (Tax Lots 700 and 800 of Tax Map  
R1 1E 26 DB)

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**ACTION REQUESTED**

Approval of a one year extension of Variance 94-14, requested by the applicant Steve Blazo, pursuant to Section 1013 of the Zoning Ordinance.

**BACKGROUND:**

On September 5, 1996, the City Council denied an appeal and upheld the decision of the Planning Commission which approved Variance 94-14, subject to conditions (Exhibit A). The Variance allows a two lot partition of the property located at 9900 SE Cambridge Lane to gain access, not from a public street, but from two separate private access easements. The conditions of approval require the applicant to obtain deeded access to SE Waverly Drive, and to obtain approval of access to proposed parcels 1 and 2 from the South Metro Fire Marshal. The parcels must have separate accesses as a condition of this variance (Exhibit B). The applicant has yet to apply for the Minor Land Partition that is required to proceed with this development. None of the Variance conditions have been met.

**DISCUSSION:**

The applicant has submitted a request ( Exhibit C) for a one year extension of the approval of Variance 94-14, pursuant to Section 1013 of the City's Zoning Ordinance. This section permits the Planning Commission to approve a one year variance extension

for projects which have not completed substantial construction in the six months after initial approval. The Revised Notice of Decision (Exhibit A) was issued for the project on November 27, 1995 and the six month period expired yesterday, May 27, 1996. The applicant submitted the extension request on April 22, 1996.

Under the conditions of the Variance approval, the applicant is required to obtain fee title to the access onto Waverly Drive, prior to applying for a Minor Land Partition. It is reasonable to believe that even if the applicant was diligently pursuing this goal during the late fall of 1995 and winter 1996 season, it might not have been attained. A year long extension will allow the applicant to finalize the acquisition of this access property, apply for a Minor Land Partition, and develop a plan which meets the requirements of the South Metro Fire District, per the conditions of the original variance approval.

**RECOMMENDATION:**

That the Planning Commission Move to Approve a one year extension to Variance 94-14, CSO 95-02, subject to the original conditions included in Variance 94-14 (Exhibit A).

**EXHIBITS**

- A. Notice of Decision dated November 8, 1995
- B. Vicinity Map and Plat Map
- C. Request for Extension of Variance 94-14



November 8, 1995

File # VR-94-14

**NOTICE OF DECISION**

This is official notice of action taken by the Milwaukie City Council at a public hearing on September 5, 1995 with regard to an appeal of the application by Stephen Blazo for a Access Variance, File # VR-94-14. The subject property is located at 9900 SE Cambridge Lane.

At the public hearing, the City Council formally denied the appeal and upheld the decision of the Milwaukie Planning Commission which approved the variance subject to conditions included in this decision, based on the attached findings.

Copies of the Staff Report and other written materials are available upon request.

This action of the Milwaukie City Council is subject to appeal. An appeal of this decision must be filed within twenty-one days of the date of this notice to the State Land Use Board of Appeals (LUBA). If no appeal is filed within the twenty-one day period, the decision of the City Council is deemed to be final.

Maggie Collins, Community Development Director

MC/jr

cc: Interested Persons  
Planning Commission  
Greg Drechsler, Public Works Dir.  
File # VR-94-14

COMMUNITY DEVELOPMENT • PUBLIC WORKS  
6101 SE JOHNSON CREEK BLVD.  
MILWAUKIE, OREGON 97206  
PHONE: (503) 786-7600 • FAX: (503) 774-8236

EXHIBIT #	1
DATE	5/28/96
SUBMITTED BY:	Stacy
# OF PAGES	3
FILE #	VR-94-14

## FINDINGS VR-94-14

- A. That the property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configuration, or prior legally existing structures.**

The configuration of the property lends itself to three possible points of access. Parcel 1 has access to public frontage on 17th Avenue and to Waverly Drive via easement. Parcel 2 has access only to Cambridge Lane. The City, however, makes it a practice not to permit driveway access to Minor Arterial roadways when alternative access is available. Due to the topography and adverse slope conditions, this is a situation where the lesser desirable access is directly along 17th Avenue.

- B. That there are no feasible alternatives to the variance and that the variance is the minimum necessary to allow the applicant the use of his/her property in a manner substantially the same as others in the surrounding area.**

The only alternative to allowing access via private easements onto Cambridge Lane and Waverly Drive would be to require both parcels to access 17th Avenue by private driveway. Parcel 2 could be reconfigured to provide a twenty foot access strip to 17th Avenue. The construction of 24-foot wide access for both parcels to 17th Avenue would require significantly more grading and tree removal than the construction of two separate private driveways to Cambridge Lane and Waverly Drive.

- C. That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.**

The adverse effects of this variance would be an increase in congestion as well as wear and tear on sub-standard private streets, Waverly Drive and Cambridge Lane. Staff is unaware of maintenance agreements involving this and the surrounding property owners. It is presumed that all owners of property in the original Waverly Heights subdivision have the right to use the private streets and that maintenance agreements are in effect which would mitigate the impacts of increased usage.

### **CONDITIONS OF APPROVAL VR-94-14**

1. The Applicant shall acquire deeded access to SE Waverly Drive prior to approval of any subsequent Minor Land Partition.
2. Access to Parcels 1 and 2 shall be approved by the South Metro Fire Marshall prior to any subsequent Minor Land Partition.
3. Each access will serve only one single family dwelling.

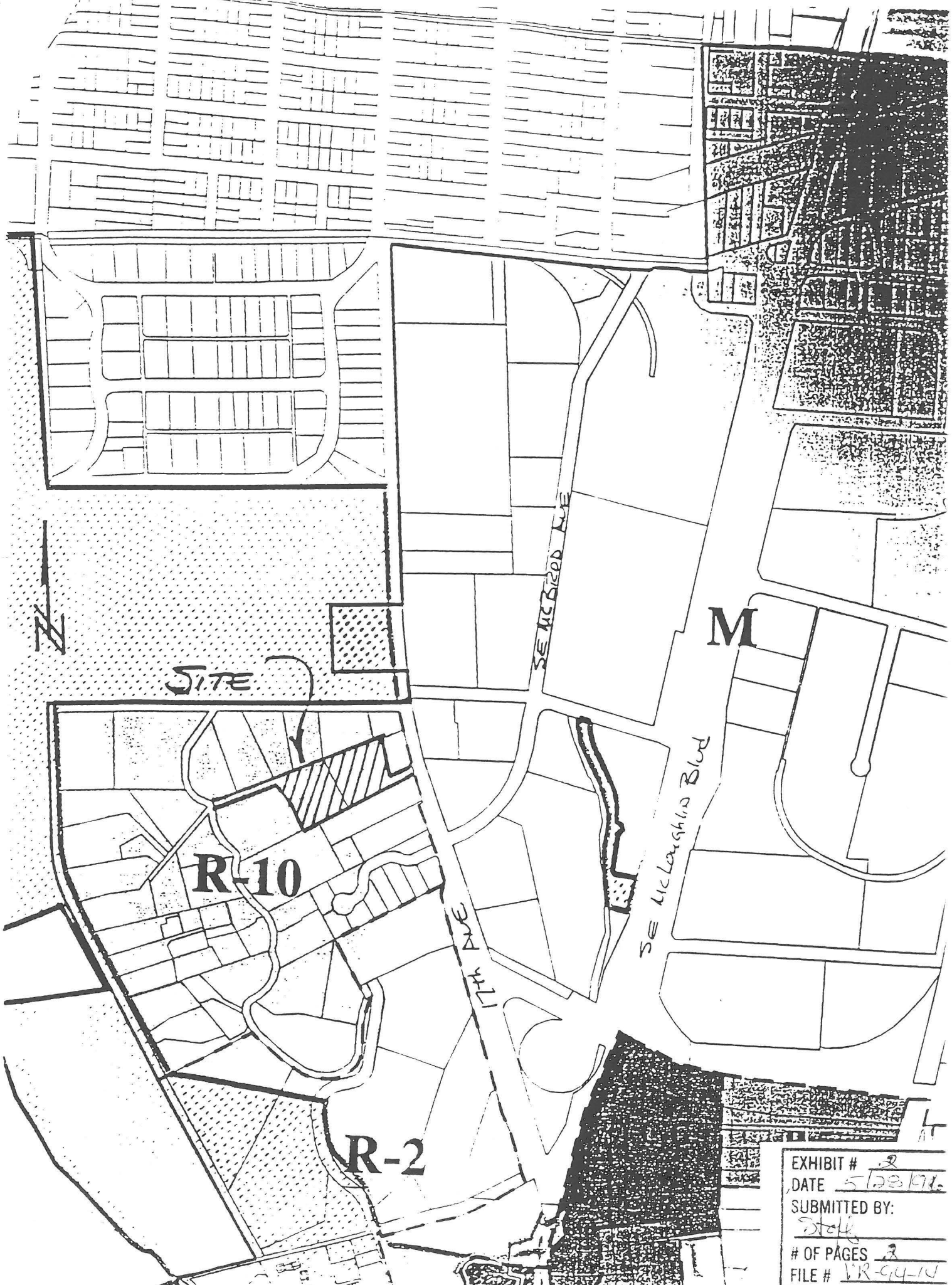
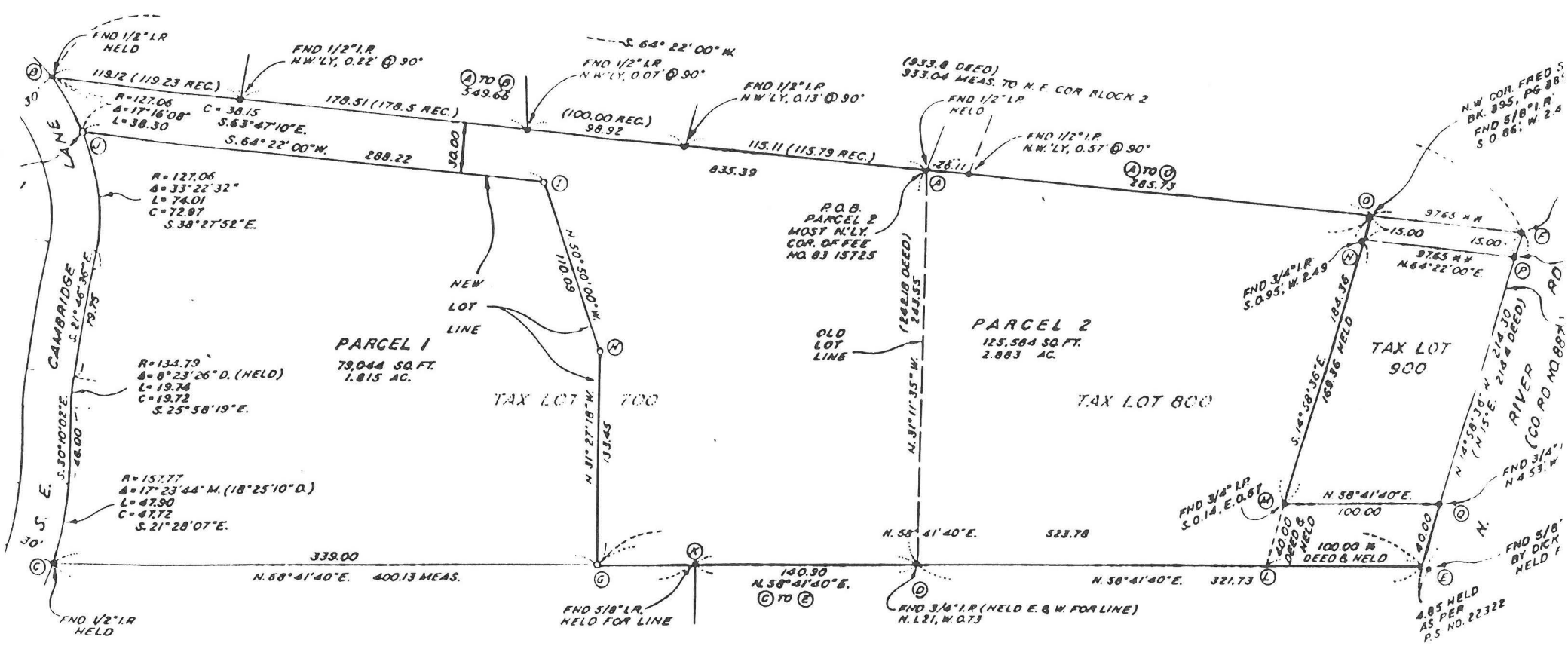


EXHIBIT # 2  
DATE 5/28/96  
SUBMITTED BY:  
Stall  
# OF PAGES 2  
FILE # VR-94-10



NOTE:  
 M = DEED NO. 69-19191  
 MM = CALCULATED FROM DEED NO. 60

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AN ADJUSTED LINE BETWEEN TAX LOTS 700 AND 800 FROM (A) AND (D) TO (C) (M), (B) AND (E) (SEE FEE NO. 63-15725). I RECOVERED AND HELD DEED CALLED TRON PIPE (C) AND (E). I RECOVERED AND HELD IRON PIPE (C) AND (E). I HELD LINE (A) AND (D) AS S. 64° 22' 00" W. FROM SAID DEED AND THIS WAS MY BASIS OF BEARINGS. I USED THE IRREGULAR RIGHT-OF-WAY LINE ROTATED SO COMMENCING AT (A) AND WITH THE CONFIGURATION FROM SAID FEE NO. 63-15725, AS TO HOLD PIPE (C) AS A POINT ON CURVE, THE DEED ARC LENGTH FELL LONG, OR SOUTHERLY OF PIPE (C) AND I FIT THE ARC TO REACH PIPE (C). I THEN SET A POINT ON THE ADJUSTED LINE BETWEEN THE 2 PARCELS AS SHOWN AND AS PER THE INSTRUCION I HELD POINTS (C) AND (E) FOR THE SOUTH LINE OF PLOT.

**REFERENCE SURVEYS**

- RS. NO. 6493
- RS. NO. 7200
- PS. NO. 14501
- PS. NO. 22322

**LEGEND**

- = MONUMENT FOUND AS SHOWN
- = 5/8" X 30" IRON NIPELLO CAP MARKED "CHASE, JON SET DECEMBER 8, 1992"

RECEIVED

APR 22 1996

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

*April 18 1996*

Stephen F Blazo  
1829 SE St Andrews Dr  
Portland, OR 97202

Milwaukie City Planning Commission  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
C/O Stacy Lawson

Dear Ms Lawson:

I request that my conditional approval for a variance VR 9414 be given an extension. As a condition of approval I was required to acquire a legal access to SE Waverly Dr. I am in the process of purchasing this access from Mr Michael Smith but the purchase is not yet complete. I have hired a surveying firm to produce the required property lines for purchase and for the minor land partition. They are doing the field work now and should be done by the time you discuss this request. In any case the six month deadline is approaching and I would like some more time to finish the process. I would be prepared to show evidence that this has been a continuous process of activity that has taken longer than I thought but that it is nearing completion.

Sincerely,



EXHIBIT #	<u>2</u>
DATE	<u>5/23/96</u>
SUBMITTED BY:	<u>Applicant</u>
# OF PAGES	<u>1</u>
FILE #	<u>VR-94-14</u>

CITY OF MILWAUKIE

COMMUNITY DEVELOPMENT DEPARTMENT

STATUS REPORT

**DATE:** May 28, 1996

**TO:** Milwaukie Planning Commission

**FROM:** *MC* Maggie Collins, Community Development Director  
Stacy Lawson, Assistant Planner

**RE:** Starland Construction's Compliance with Tree  
Preservation Condition 9 of MLP 96-01 and VR 96-02

\*\*\*\*\*

On April 9, 1996, the Planning Commission took an action to conditionally approve MLP 96-01 and VR 96-02. One of the issues addressed in the public hearing was the protection of three large fir trees on proposed parcel 3. During the hearing the Planning Commission applied a condition of approval addressing the tree's preservation. As adopted, the condition read:

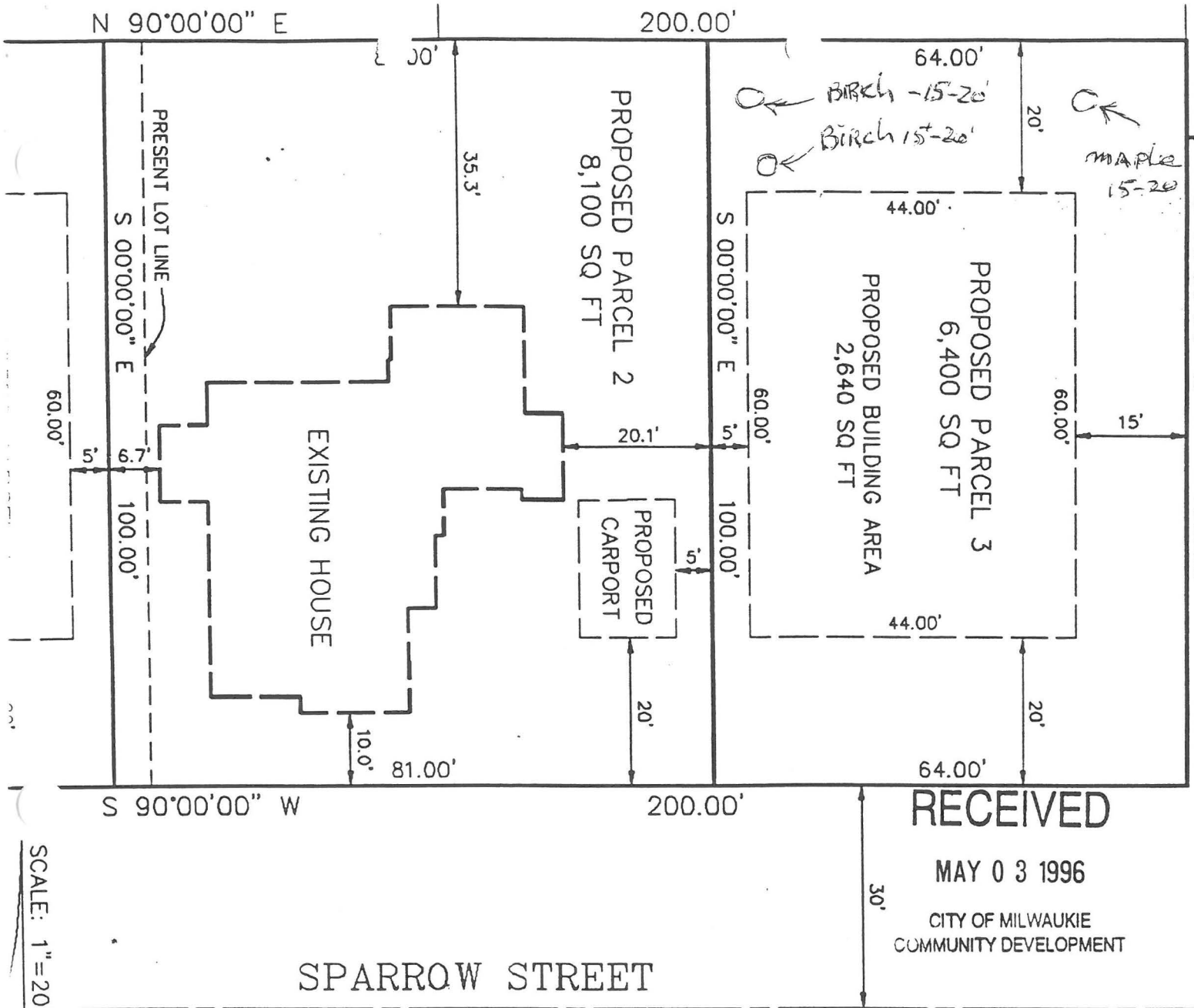
"A Certified Arborist shall be retained by the applicant and a report submitted, prior to issuance of a building permit, to the City of Milwaukie, giving an opinion as to the health of the trees and measures necessary to preserve their health. The applicant shall be encouraged to apply for a minor variance if a minor relocation of the building area would preserve the trees. If trees designated to be preserved are damaged during construction, appropriate mitigation, as determined by the Community Development Director shall be required, prior to issuance of an occupancy permit. "

After the hearing, the applicant informed the Community Development Staff that the location of the three trees shown on the plans submitted for review was not exact. He provided a revised plan (Exhibit A) which shows the location of the trees on the property. The actual location of the trees is quite a bit further in toward the center of the building area. In addition, the applicant submitted a letter from a Certified Arborist stating that the trees would each have to be protected by a 20 foot setback in order to ensure their health and preservation (Exhibit B). The area remaining within the building envelope is minimal. As a result, it was concluded by staff that removal of these trees is necessary in order to allow for construction of a new home on this lot.

Taking this into consideration, staff has approved a mitigation plan for the removal of these three trees. The plan stipulates that three trees shall be planted in the rear yard setback. Each tree is required to be a minimum of 4 inches caliper at the base of the trunk and a minimum of 15 feet high. The applicant plans to plant two birch trees and a maple tree (Exhibit C).

EXHIBITS:

- A. Revised Tree Location Plan
- B. Letter from Certified Arborist
- C. Approved Mitigation Plan



RE: MLP 96-01 and VR 96-02

We propose to plant 3 tree's in Rear yard to provide shade, and. Weaving in place of the three Pin tree's that obstruct Building in middle of Lot.

They will be 15- to 20' tall and 4" at the base and three inches at neck.

From: Starland Const Inc

EXHIBIT #	1
DATE	5.23.196
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	18-96-02



STATEMENT

DRENDEL'S TREE SERVICE

Large Trees Our Specialty

PHONE

home 654-3065

635-1892

- TREES TOPPED, TRIMMED OR REMOVED
- OVER 35 YEARS EXPERIENCE LOCALLY

- FULLY INSURED
- LICENSED

- STUMP REMOVAL
- WE SATISFY
- FREE ESTIMATES CHEERFULLY

Starland Court Dr.  
 2403 SE Monroe A-1  
 Milw  
 652-1433

DATE 4-18-1996

Job site:

Lot located at 2125 SE Sparrow Milw.

There are 3 mature fir trees, located near the center of this lot.

all building needs to be off the road zone. This will extend approx 20' out from all 3 trees. There should be no equipment or foundation or material storage with in the zone.

These trees should be removed prior to building

Gary E. Drendel  
 Certified arborist # PN 0360

DRENDEL'S TREE SERVICE AGREES TO PERFORM THE ABOVE DESCRIBED SERVICES IN A WORKMAN LIKE MATTE

PURCHASER AGREES TO PAYMENT IN FULL UPON COMPLETION OF THE ABOVE WORK UNLESS OTHER ARRANGEMENT

PURCHASER'S SIGNATURE \_\_\_\_\_

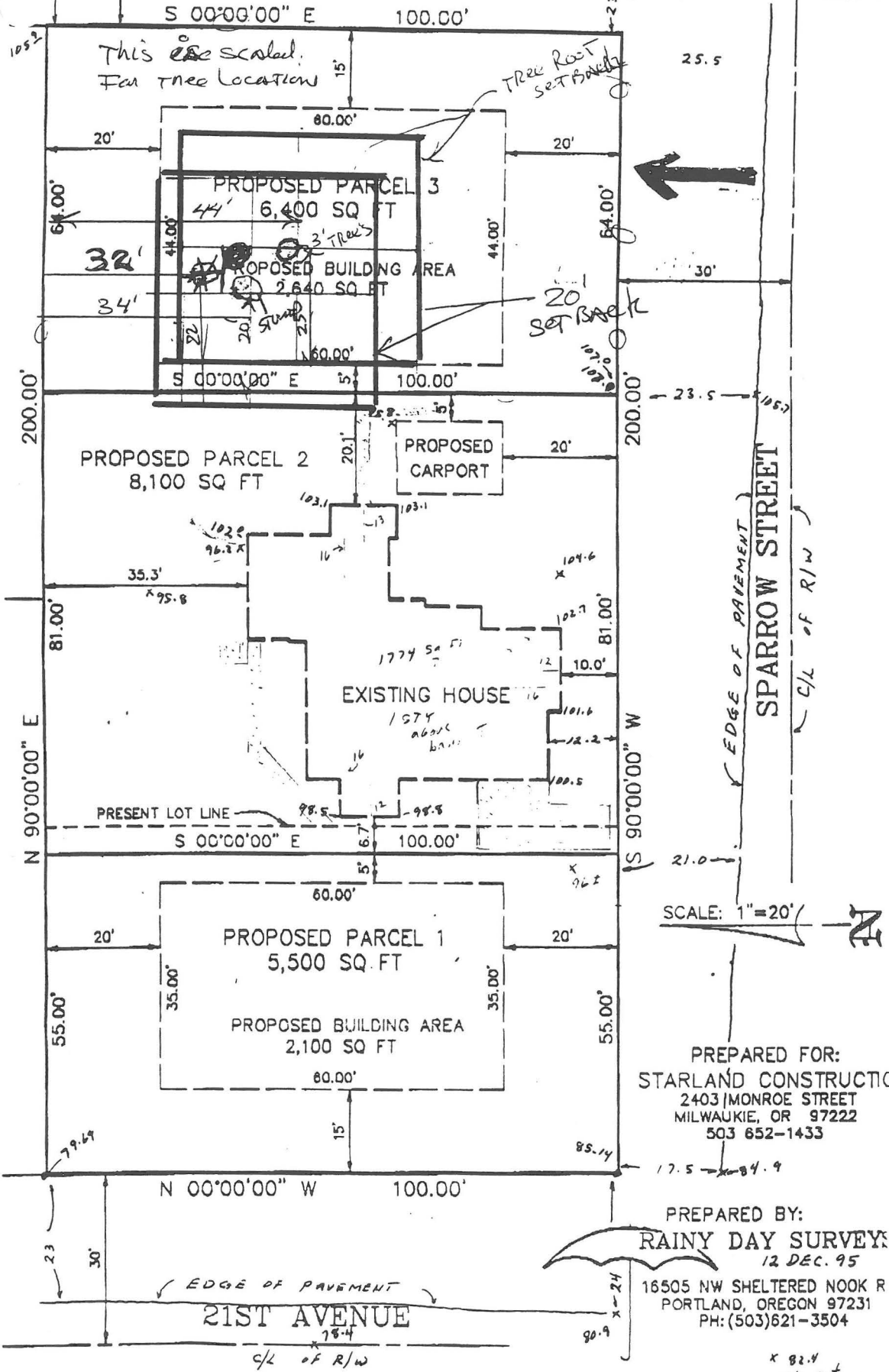
EXHIBIT #	2
DATE	5/28/96
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-06-02

22ND AVENUE

Edge of Pavement

PROF SED PARTITION  
TAX LOTS 4600 & 5300  
TAX MAP 1S 1E 35DD  
CLACKAMAS COUNTY, OREGON

2125 S.E. Sparrow, Milwaukie, Or 0.46 Ac.



PREPARED FOR:  
STARLAND CONSTRUCTIVE  
2403 MONROE STREET  
MILWAUKIE, OR 97222  
503 652-1433

PREPARED BY:  
RAINY DAY SURVEYS  
12 DEC. 95  
16505 NW SHELTERED NOOK R  
PORTLAND, OREGON 97231  
PH: (503) 621-3504

EXHIBIT #	3
DATE	5/22/96
SUBMITTED BY:	Applicant
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**\*\*MEMORANDUM\*\***

**Milwaukie Community Development Department  
May 21, 1996**

**TO:** Milwaukie Planning Commission  
**FROM:** *MC* Maggie Collins, Community Development Director  
**RE:** Planning Commission Work Session for May ~~21~~<sup>28</sup>, 1996 Meeting

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Agenda Item 6.3 About a month ago, we reviewed the Urban Design Package from the Vision Statement workshop. Please refer to your 11 x 17 booklet. Our question for you is: What three illustrations do you prefer to incorporate in future Milwaukie development?

Board and Commission Review Project The final decisions are anticipated by Council on May 21, 1996. We will give you an oral report at the May 28th Meeting.

cc: C.D. Staff  
Dan Bartlett