

MILWAUKIE PLANNING COMMISSION
MINUTES
TUESDAY, JUNE 13, 1995

COMMISSIONERS PRESENT

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

STAFF PRESENT

Maggie Collins
Com. Dev. Director
Jim Crumley,
Associate Planner
Diana Myrvang,
Public Involv. Coord.
Shirley Richardson,
Hearings Recorder

1.0 CALL TO ORDER

Chair Tomei called the meeting to order at 6:38 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES -- May 23, 1995

Scott McClure moved to approve the minutes of May 23, 1995, as presented. **Michael Smith** seconded. MOTION CARRIED 5-0 with two abstentions. Bill Johnson and Debi Linn were not at that meeting.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

- 5.1 Applicant: Stephen Blazo
Property Owner: Stephen Blazo
Location: East of 9900 SE Cambridge Lane
Proposal: Preliminary Plat 5-lot subdivision in the R-10 Zone (S-94-03);
Variance to allow access to Lot 5 only via Cambridge Lane (VR-94-14); and Transportation Planning Rule (TPR-94-03)

Chair Tomei reopened the hearing for a 5-lot Subdivision, Variance Request, and Transportation Planning Rule review. She explained that this hearing was continued from May 9, 1995, to allow the Applicant time to gather additional information. She asked if there were any conflicts of interest or ex-parte contacts to declare. **Michael Smith** abstained from voting because Mr. Blazo is his neighbor. There were no other conflicts of

interest or ex-parte contacts declared. She asked if any of the Commissioners visited the site. Three hands were raised. No one who visited the site found anything different from what is in the Staff Report. 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

Jim Crumley submitted to the Commissioners a packet of information which included a "Waverly Woods Subdivision Proposal." This proposal was prepared by the Applicant. The second sheet, titled, "Alternative Findings For Approval of VR-94-14, Two Parcel Configuration," was prepared by Staff.

At this point the Staff Report which was mailed in the packets is no longer applicable. The map included in the packet, showed the consolidation of Lots #1-4 into one lot. This takes the Application out of the realm of a subdivision and places in the realm of a minor land partition. It also voids any action necessary on the Transportation Planning Rule review because it is not applicable to minor land partitions.

The Applicant has two choices: he can either withdraw the Application for a subdivision and withdraw the application for the TPR Review, or the Planning Commission could deny the Applications. Any of these actions will close out the file or terminate proceedings on this subdivision and the Transportation Plan Review.

The Applicant will have to refile for the minor land partition. That can be processed as an administrative review, a Type II administrative action by the Community Development Director.

The variance is still applicable; it still has to be reviewed by the Planning Commission because City procedures will not allow the Community Development Department to make a decision when the variance applies to access on private roads.

The Applicant has agreed to withdraw the applications; the Planning Commission will need to acknowledge the withdrawal. Staff recommended that the Planning Commission review the variance proposal. Tentative findings have been prepared based on the preliminary analysis of the variance request.

The findings for approval are tantamount to a recommendation for approval. The recommendation has been changed from denial to approval based on two issues. On the original proposal, Staff's recommendation was based on lack of alternatives. Staff was not convinced that there was not an alternative for Lot 5 to access 17th Avenue. There is a

distinct difference between access to 17th by a driveway and access from a public street in terms of construction, the amount of work necessary, and the safety factors.

Driveways are not built to the same standards as public streets. They are not as wide, the view corridors are not as great, and it is Staff's opinion that a driveway would not be as safe.

It has been the position of the Department of Public Works not to allow additional driveway openings on minor arterials (17th Avenue is classified an arterial) when an alternative access is available. Arterial roadways carry a lot of traffic; it is not safe for driveway ingress and egress.

There is an option available to both properties in lieu of a driveway onto 17th Avenue. Both options require access via private easement. Parcel #2 will have to take access via Cambridge Lane and Waverly Drive. Parcel #1 will have to take access via an easement across the properties to the north to Waverly Drive. In either case, both of the parcels would be allowed to enter into 17th Avenue at a controlled intersection where a signal exists.

The second issue for the change in recommendation is the amount of disturbance which will be required to put the driveway in on 17th Avenue where it was originally proposed. There is an alternative to the design that is included in Mr. Blazo's Application. It would be technically possible to provide both lots with access to 17th Avenue via flag-lot access strips, 20-foot wide apiece.

Considering the limits of the terrain, the number of trees which would have to be removed, the amount of grading that will be required, and the limited access on 17th Avenue, Staff's preference would be the alternative of access via easements for both parcels. There will be more flexibility in where the driveway is located, and will save the greatest number of trees. If the accesses are combined onto 17th Avenue, there will be a single 24-foot paved access. There will be no flexibility around trees.

QUESTIONS FROM THE COMMISSIONERS

Calvin Walter asked if the easement driveway shown on the map was for both lots? **Jim Crumley** stated that the easement is not for both lots; the other driveway would be off Cambridge Lane. Time was taken out for the Commissioners to read the material submitted tonight.

Chair Tomei asked Staff if there was more correspondence? **Jim Crumley** reported that there was no additional correspondence received for this Application.

Scott McClure asked for clarification on the Application, which application is being submitted? **Jim Crumley** stated that the Application being reviewed now was the Variance Request to allow access to Parcel 2 via Cambridge Lane and access to Parcel 1 to SE Waverly Drive via private easement.

Gordon Jones asked for a Staff recommendation. **Jim Crumley** explained that he did not have time to formally draft up a recommendation; the material was received today. His verbal recommendation is for approval of the Variance, based on the findings.

Gordon Jones stated that the denial was based on a 1979 policy passed by the Planning Commission prohibiting any access onto Cambridge Lane. Has anything changed regarding that policy? **Jim Crumley** stated that the policy is still in effect. The policy can be waived by the Commission. The alternative would be to provide driveway access to the two parcels onto 17th Avenue.

Chair Tomei asked if there was any neighborhood response? **Jim Crumley** stated that no responses have been received.

Gordon Jones stated that the Commission was not made aware of the easement over to Waverly Drive. **Jim Crumley** stated that he too was not aware of the easement. The easement to Waverly Drive will require a variance also.

Gordon Jones asked if the original boundary, in 1979, excluded access on Waverly in this area? **Jim Crumley** stated that it did not.

APPLICANT PRESENTATION

Speaking: Stephen Blazo, 3710 SE Rural Street, Portland

Mr. Blazo stated that after the last meeting, he was directed to go back and find alternatives. There is a common boundary between the Waverly Country Club property and his property which would allow potential access.

He has made an application to allow the street to come out of this easement. He does not want to have an access onto 17th Avenue. The access on 17th Avenue is compromised due to the topography and the business of the street. The light at Waverly is much more attractive from a safety standpoint and an aesthetic standpoint. The County Club would not agree to allow more than 1 parcel to access Waverly Drive.

Mr. Blazo stated that he had talked with Michael Smith about the potential for getting an easement for one home. Mr. Smith has agreed to allow this easement. They walked the easement area and there is a possibility that no trees will have to be removed.

Mr. Blazo stated that he has talked to local builders and it is feasible for two homes on the site if the easement is granted. The Waverly Country Club is not against the easement in principal. The idea would be to create an easement wide enough to meander around and miss most of the trees. He would like to keep good basic sight characteristics at the height of the rise and not impact traffic.

QUESTIONS FROM THE COMMISSIONERS

Calvin Walter asked how wide is the access strip? **Mr. Blazo** stated that the deeded access is 20-feet wide to Parcel 2. The other easement would be adjusted between Lot 100 and 200. The access for Lot #2 can be fairly straight.

Gordon Jones asked Mr. Blazo if he had reviewed any CC&R's or documents relating to this street and the property to see if there is access on Cambridge. **Mr. Blazo** stated that he is not aware of any covenants. He has done a preliminary title search to find out what documents apply to this land.

Jim Crumley stated that both Mr. Blazo's proposal and the lot to the west are part of the original subdivision. It is his understanding that the entire lot, and any subsequent owners of this lot, had access to Cambridge Lane.

Debi Linn asked Mr. Blazo if the only access allowed for Lot #1 is through the easement, not the 17th Avenue access? **Mr. Blazo** stated that he still owns the land, but there will be no driveway onto 17th.

Scott McClure asked if utilities will be from 17th Avenue? **Mr. Blazo** stated that there is a utility easement on the south side of the property to 17th Avenue.

TESTIMONY IN FAVOR OF THE APPLICATION

Speaking: Charles Lewis, 1600 SE Waverly Drive

Mr. Lewis stated that he owns Tax Lot #500. The back of his property is against the proposed driveway to Cambridge Lane. The issue of access to Cambridge Lane is very important to the neighbors. He has gone to a number of neighborhood meetings on this matter. The concern is that the traffic on Cambridge Lane is already a problem. The road is very narrow and very winding. Adding more traffic, particularly during building, is his

main concern. The concern is not so much just with Mr. Blazo's project because in the original proposal he had one lot accessing to Cambridge and other lots to 17th Avenue. This will mean one additional driveway on Cambridge Lane.

The neighbors are concerned that by granting a waiver to the 1979 policy, it will set up a precedent and other people will be developing and will want more access on Cambridge Lane. The neighbors were glad to see the Application change; giving up the subdivision and the cul-de-sac and the big street off 17th Avenue. The neighbors felt more positive about just having two houses up there; it is more consistent with the neighborhood.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION - None.

APPLICANT'S CLOSING COMMENTS - None.

DELIBERATION AMONG COMMISSIONERS

Chair Tomei closed the testimony portion of the hearing and opened discussion among the Commissioners.

Debi Linn asked if the Application only addressed access to Cambridge Lane. **Jim Crumley** stated that the Application addresses access to Cambridge Lane and Waverly Drive. The Variance Application does not have to approve the size, shape, or location of the easement. The Planning Commission is to allow access via an easement rather than a publicly maintained street. At the time of the Minor Land Partition, rules will be applied for the location, width, and legality of the easement.

Chair Tomei asked about the legality of the notice going out only via Cambridge Lane. Nothing was said about Waverly Lane. Is this legal? **Jim Crumley** stated that the Application can be changed at any public hearing. Often times the final result of the public hearing is not reflected exactly as advertised. This does not violate the Public Notice law.

Calvin Walter voiced concern about having no written agreement or commitment on the access before granting a variance for that access.

Scott McClure suggested that the proposal be conditioned so that the approval will not be granted if negotiations cannot be made. A new application will be needed to get an alternative access.

Bill Johnson stated that he feels that none of the information tonight complies with the original application. There are too many maps to figure out what is going on. The Variance has to represent the true facts.

Gordon Jones stated that he, too, feels that the graphics and maps are not clear. Lot #1 is an improvement in that it now has better easement off Waverly as opposed to 17th Avenue. The easement has to be granted by private land owners. They can condition the granting of the easement any way they want, they can limit it to one access. Lot #2 is contrary to the 1979 Planning Commission ruling. He would not like to be in the position of protecting the size of lots in Waverly as opposed to other neighborhoods. The Comprehensive Plan promotes infill and denser housing. What kind of message will the Planning Commission be sending when there is language allowing variances to large lots.

Scott McClure stated that in Gresham, the residents on public streets have contributed to the building of that street when their homes were built. They have the residents bring the road up to standard and then it is taken over by the City. This neighborhood has opted to have a private street and should not get special rights to limit development.

Bill Johnson pointed out a Waverly Boundary on one of the maps. This subject lot is included in this boundary. Therefore it is included in the properties that have access to Cambridge. He feels that the person who owns this property has access to Cambridge.

Gordon Jones stated that he felt that everything within the boundary was restricted by the policy and didn't have access to Cambridge. The act of partitioning or subdividing within this boundary does not allow access on Cambridge.

Chair Tomei asked Staff if there were any other policies like this one in the City? **Maggie Collins** stated that there are some other policies that have been passed from the Planning Commission, but they deal with procedures. This is the only policy that deals with land use. In 1979, the Planning Commission felt very strongly about this policy. Staff sees this more of a guideline than a policy.

Scott McClure asked what policies were in effect on private streets? **Maggie Collins** stated that private streets require a variance review.

Chair Tomei led discussion on the criteria for this Application. There was a consensus that the Applicant met Criteria one.

Discussion followed on the second criteria, feasible alternatives. **Gordon Jones** stated that he feels the Applicant does not meet this criteria. Through testimony tonight, evidence was shown that there is the alternative of an easement out to Waverly between two properties for

lot #1. This shows there was an alternative that wasn't thought of prior to tonight. Tax lots 400, 300, and 200 are outside of the Waverly boundary and the 1979 policy. Lot #2 could negotiate an easement between 3 different lot lines, or go out along the edge of Lot 1 and out the same easement as Waverly. In other words, there are other alternatives that may exist that are outside the 1979 policy.

Gordon Jones asked staff, if the 1979 policy is not appealed, then would this Application be an exception, or go out in an easement that is not within that policy boundary, between a couple of other lots? **Chair Tomei** stated that there is an agreement with an owner of an adjacent lot to allow an easement. Other alternatives may not lead to an agreement for an easement.

Scott McClure stated that he would not like to make a final decision on this Application because of lack of evidence/findings. This is a very important policy for the neighborhood and the City. There have been no findings from Staff regarding Lot #1 access onto Waverly.

Chair Tomei opened discussion on the third criteria, adverse effects on other properties. **Scott McClure** stated that the proposed access will take out fewer trees and is more aesthetically pleasing to the neighborhood.

Calvin Walter stated that the main concern of the neighborhood was that this one big lot would be divided into four parcels and one of the lots would have access onto Cambridge. The concern was that not only one lot would have access, but there was the potential for four lots to use the access. This Application is proposing two lots, with one lot having access off Cambridge. That is the uniqueness of this Application; development on a private street. **Maggie Collins** stated that there is only one other area in the City that has private streets.

Scott McClure asked Staff the difference between a private street and a public street? **Maggie Collins** stated that the difference for a private street is there is no City maintenance responsibility and no land use responsibility, except the City is liable if they somehow approve something that does not adequately address fire equipment. The City is responsible for water and utilities and service delivery, often accomplished by easement. The City has no jurisdiction about street standards; it's like having a huge driveway.

Gordon Jones asked what the responsibilities were for residents with private streets and are they obligated to keep the street open to the public and to fire and life safety vehicles? **Maggie Collins** stated that if it is a public street the access must remain open. On a private street, the property owner has the responsibility to keep a safe passage through the street.

Gordon Jones stated that he would like to have the City Attorney review this Application. There are a number of issues that need to be addressed. Is a private drive treated the same as a public street as far as all legal issues, except that it is privately maintained? Does this 1979 ruling by the Planning Commission have any force in effect and where does it belong in our Ordinances and Codes? Should it be repealed?

Chair Tomei stated that she was concerned about timing. At the last hearing, it was the consensus of the Commission that this would be the last continuance on this Application. **Maggie Collins** stated that this is new information and will lead to different actions than anticipated.

Debi Linn stated that she was uncomfortable with the uncertainty of questions still unanswered about this Application. She too feels it should be reviewed by the City Attorney.

Jim Crumley stated that a private street is treated like a private driveway. The resident has the right to gate it off, keep the public off, even keep the Fire Department off their street. It is privately owned property. The Planning Commission does not have the authority to allow the Applicant access to Cambridge Lane. That is a legal issue that goes with the title of the property. The Planning Commission cannot grant an easement across someone else's property. The Planning Commission cannot approve access across someone else's property. The Planning Commission does have the authority to grant the Applicant a variance to take access off of a private street if he or she has legal right to that access. The Applicant has a legal right to Cambridge Lane, but not the legal right to Waverly. Once the Applicant gains that legal right, a variance would need to be granted to use that access. The 1979 Policy ruling has no affect on the law, it is not a criteria. It is not a factor that legally can be taken into consideration for a finding of approval or denial. It is a policy guideline that is used to guide your decision.

Scott McClure asked Mr. Blazo to comment on the various alternatives discussed by the Planning Commission. **Mr. Blazo** stated that all the alternatives suggested require a commitment with the adjoining property owner. What if that owner does not want to sell or grant an easement? The alternatives is using 17th; the street is extremely dangerous. **Scott McClure** stated that the Applicant has proven that the only feasible alternatives for access are Cambridge and Waverly. He stated that he feels the second criteria, for other feasible alternatives, has been met.

Calvin Walter moved to tentatively approve the Variance to allow access for two lots via Cambridge Lane (VR-94-14) and the variance onto Waverly subject to the Applicant securing the right-of-way for the access and based on the findings and map submitted

tonight. **Scott McClure** seconded. MOTION CARRIED 4-2. Gordon Jones and Debi Linn were in opposition. Michael Smith abstained.

Staff was asked to bring back findings and language on a condition for Fire Department approval for access. The Planning Commission will review these documents at the June 27, 1995, meeting.

Debi Linn moved to deny the Preliminary Plat Approval for a flag lot subdivision in the R-10 Zones (S-94-03) and the Transportation Planning Rule review (TPR-94-03). **Calvin Walter** seconded. MOTION CARRIED 6-0. Michael Smith abstained.

Recess was taken at 8:05 p.m. and the meeting reconvened at 8:15 p.m.

6.0 WORKSESSIONS

6.1 Final Vision Statement Draft Report

Chair Tomei opened discussion on the Final Vision Statement Draft Report. **Maggie Collins** introduced Diana Myrvang, Public Involvement Coordinator, to the Commissioners. Diana has been involved with the Vision Policy Committee from the beginning. Diana passed out Vision Statement material to the Commissioners. **Maggie Collins** also introduced Marilyn Wall, Chair of the Vision Policy Committee. The Commission was asked to review and comment on the materials and make a motion to pass the materials on to City Council for final review and approval.

Speaking: Marilyn Wall, 3385 SE Aldercrest Road, Milwaukie

Ms. Wall stated that the materials passed out tonight on the Vision Statement are the result of a lot of public input, a long process, and a lot of Policy Committee work. This is what they feel will make Milwaukie the city that it can be. Vision action plans are included in the packet. These action plans are a beginning to implementation of the plan.

Maggie Collins cited from Ms. Wall's letter that the Vision Policy Committee voted unanimously to submit their work with a recommendation to the City Council for adoption of the Vision Statement and that it be further considered for adoption as an ancillary document to the Milwaukie Comprehensive Plan. The Committee did not recommend adoption of the Vision Action Plan as an ancillary document to the Milwaukie Comprehensive Plan.

Scott McClure asked how the Vision Statement would affect the Comprehensive Plan? Also, are there things in the Comprehensive Plan that conflict with the Vision Statement?

Maggie Collins reported that if the statement is passed and adopted, Milwaukie will be the first city to ultimately put a vision statement into the Comprehensive Plan. The Comprehensive Plan and the Vision Statement would have to be reviewed for a Comprehensive Plan Amendment.

Scott McClure asked if the public would be given the opportunity for input in the approval of the Vision Statement? **Maggie Collins** stated that when this document is presented for a Comprehensive Plan Amendment, a public hearing will be held; or, the City will solicit comments through the land use process. Citizens who responded to the Vision Statement mailer were sent a copy of the draft Vision Statement to make final comments.

Discussion followed on the first sentence of the Vision Statement; "...light rail back to Milwaukie". **Ms. Wall** stated that she did not think the Vision Statement is Light Rail driven. They are hopeful that there will be Light Rail, but the Vision will happen whether there is Light Rail or not. There was a time that Milwaukie was connected more with the region by rail. The vision for Milwaukie is to be a bigger player in the region than just a small community.

Gordon Jones moved to support the final draft of the Policy Statement and to recommend to City Council approval of the draft Vision Statement as an ancillary document to the Comprehensive Plan. **Debi Linn** seconded. MOTION CARRIED 7-0.

Gordon Jones complimented Ms. Wall on a job well done on the Vision Statement.

7.0 DISCUSSION ITEMS

Kellogg Treatment Plant Tour. **Chair Tomei** opened the meeting to discussion items from the Commission. She reported that she had gone to the open house at the Kellogg Treatment Plant. There was also a tour of the facilities. When asked about the smell, the response that they thought they had eliminated the major source of the odors. They are still trying to locate and resolve other sources of odor.

8.0 OLD BUSINESS

8.1 Light Rail Study Update

Chair Tomei opened discussion on Light Rail. **Diana Myrvang** passed out Metro Techfacts and other information on the different options on the table for Light Rail. Information is included on Milwaukie's plans and the 9 options that are currently under review.

Metro has put together a really nice piece titled the Metro Workbook. This was passed out to the Commissioners. It gives maps and information that goes with the maps. This workbook gives you all the information that is currently available.

Diana also passed out is a matrix that the City put together to help analyze the different options. This matrix only includes the nine options for downtown Milwaukie.

A schedule and timeline of the working group meetings was passed out. July will be a decision-making month. Metro will set dates for the project management groups, the citizens advisory committee, and the steering group. These are the three bodies that will make a decision on the narrowing of the options for the full corridor. A local review is planned for early August.

Maggie Collins reported that at these workshops people are invited to comment on the data that has been coming out of the working groups. There will be a lot of Milwaukie citizen comments that will be made and relayed at the Metro sponsored meetings on the 28th and 29th. People are urged to be a part of the Metro Public Involvement process.

8.2 2040 Study Update

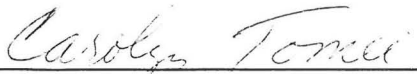
Chair Tomei opened discussion on the 2040 Study. **Maggie Collins** reported that at the end of June there are meetings being set up for reviewing the 2040 document at the Metro Planning Advisory Committee. Jean Schreiber, Milwaukie Councilor, is on the MPAC Committee. There will be open houses coming up and Staff will keep the Commission up to date on them. After the open houses, the Commission will review how Milwaukie is doing with the regional plan designation, population allocations, and what the regional goals and objectives mean to Milwaukie.

9.0 OTHER BUSINESS/UPDATES - None.


- 10.0 Next meeting - June 27, 1995
- 10.1 MLP-95-02 Pearson Appeal
- 10.2 Light Rail Study Update
- 10.3 CD Report

CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF JUNE 13, 1995
PAGE 13

Debi Linn moved to adjourn the meeting of June 13, 1995. **Scott McClure** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:12 p.m.



Carolyn Tomei, Chair



Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie City Hall, 10722 SE Main Street
Tuesday, June 13, 1995
6:30 p.m.

1.0 Call to Order

2.0 Procedural Questions

3.0 Consent Agenda

- 3.1 Planning Commission Minutes: May 23, 1995
City Council Minutes: May 16, 1995 (upon approval by Council)

4.0 Public Comment

This is an opportunity for the public to comment on any item not on the agenda.

5.0 Public Hearings

- 5.1 This hearing was continued from May 9, 1995 Planning Commission Meeting
Applicant: Stephen Blazo
Property Owner: Stephen Blazo
Location: East of 9900 SE Cambridge Lane
Proposal: Preliminary Plat 5-lot subdivision in the R-10 Zone (s-94-03); Variance to allow access to Lot 5 only via Cambridge Lane (VR-94-14); and Transportation Planning Rule (TPR-94--03)

6.0 Worksessions

- 6.1 Final Vision Statement Draft Report

7.0 Discussion Items

8.0 Old Business

- 8.1 Light Rail Study Update
8.2 2040 Study Update

9.0 Other Business/Updates

10.0 Next Meeting -June 27, 1995

- 10.1 MLP-95-02 (Pearson) Appeal
10.2 LR Study Update
10.3 CD Report

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

Milwaukie Planning Commission Mission 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 person 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

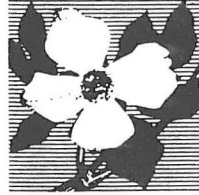
The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 786-7650.

Milwaukie Planning Commissioners

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

Community Development Department Staff

Maggie Collins, Community Development Director
Debbie Bischoff, Senior Transportation Planner
Jim Crumley, Associate Planner
Diana Myrvang, Public Involvement Coordinator
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Recording Secretary



COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: PLANNING COMMISSION
FROM: *JW* JIM CRUMLEY, ASSOCIATE PLANNER
SUBJECT: S-94-03/VR-94-14/TPR-94-03 WAVERLY WOODS SUBDIVISION
DATE: JUNE 16, 1995

At the regularly scheduled public hearing of February 14, 1995 the applicant for the Waverly Woods Subdivision requested the hearing be continued until April 11, 1995 so that the he could provide additional information requested by the Planning Commission. The Planning Commission granted this request.

On March 29, 1995 the Community Development Department received a letter requesting an additional continuance until early May. On April 11, 1995 the Planning Commission granted a continuance until May 9, 1995. On May 2, 1995 the Community Development Department received request from the Applicant for a third continuance. After receiving testimony from the Applicant on May 9, 1995, the Planning Commission granted a final continuance to June 13, 1995.

Mr. Blazo has informed staff that he was attempting to negotiate with adjoining property owners for access rights and would provide staff with additional information and a possibly redesigned subdivision. The applicant has not submitted any additional information at this time.

Inasmuch as no new information has been received, the Staff's recommendation remains unchanged from the original Staff Report of February 14, 1995. At that time staff recommended:

PLANNING COMMISSION MEMO
S-94-03/VR-94-14/TPR-94-03 -- BLAZO
June 13, 1995
Page 2

1. VR-94-14 be denied for lack of evidence that no feasible alternative exists to the granting of the variance, and;
2. Approval of the S-94-03 subject to seven conditions included on page 9 of the attached Staff Report, including reconfigurations of the subdivision lot design to eliminate access to Cambridge Lane.

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

**Date: February 14, 1995
File No.: S-94-03/VR-94-14/TPR-94-03**

**Application: Preliminary Plat for a 5-Lot Subdivision in the R-10 Zone/
Variance To Allow Access to Lot 5 Via Private Easement Road
(Cambridge Lane)/Transportation Planning Rule Review**

Applicant: Stephen Blazo

Property Owner: Daniel Snow & Diane Dimon

**Location: East of 9900 SE Cambridge Lane
Tax Lots 700 & 800 of Tax Map 1 1E 26DB (See Exhibit #1)**

PROPOSAL

The Applicant has proposed to subdivide a 2.88 acre parcel into 5 lots in the R-10 Zone. A complimentary variance has been requested to allow access to Lot 5 via a private road easement (S.E. Cambridge Lane). See Exhibit #2. All preliminary subdivision plats must be reviewed for conformance with the State Transportation Planning Rule (OAR 660, Division 12). (See page 6 of this Report)

DISCUSSION

PHYSICAL SITE CHARACTERISTICS

The site is located in a heavily wooded area between S.E. Cambridge Lane and S.E. 17th Avenue. The Applicant has identified 50 trees with a trunk diameter in excess of 20 inches. Staff estimates that at least 50% of these larger trees will have to be removed to permit normal construction of the proposed road, homes and driveways. There is no estimate of the actual number of trees less than 20 inches in diameter which will have to be removed. This project is not located in an identified natural resource area and there are no City statutes at this time prohibiting the removal of trees. The Applicant states that it

no City statutes at this time prohibiting the removal of trees. The Applicant states that it is his intention to keep as many of the larger Douglas fir trees "as possible". (See Exhibit #3) Several letters were received stating objection to the removal of trees and destruction of a unique habitat. (See Exhibits #10-16)

The site has an overall moderate topography with a predominately level plateau dominating the central portion of the property. (See Exhibit #4) The public access from S.E. 17th Avenue has a natural grade ranging from 10 to 15 percent. The Community Development Department standards for public streets have a maximum grade of 15 percent; however the South Metro Fire Prevention Office has the authority to further reduce the permitted grade of the street and/or require additional fire protection measures such as automatic residential fire sprinkler systems and/or non-combustible roofing. (See Exhibit #5)

TRAFFIC

As stated in the Public Works Memo dated 1-25-95 (Exhibit #6), S.E. 17th Avenue is an arterial street carrying approximately 20,000 vehicles per day. The right of way is 60 feet in width with approximately 35 feet of paving, including a bicycle path on the west side and a double yellow "no passing" stripe in the center. The proposed four lots taking access from S.E. 17th Avenue will add an average of 40 trips per day to the vehicle count on S.E. 17th Avenue. This is not a significant enough impact (0.2%) to require the developer to complete a detailed traffic study.

Access onto S.E. 17th Avenue will be complicated by the existing steep embankment and the narrowness (40 feet) of the property fronting S.E. 17th Avenue. Particular attention will be needed to insure that the proposed intersection complies with Municipal Code (M.C.) Section 12.24 pertaining to "Clear Vision" at intersections.

ACCESS

Although the Public Works memo states that "access to S.E. Cambridge Lane for Lot 5 would not significantly impact the neighborhood", the proposed access is in violation of Planning Commission Guideline PCG #79-01. (See Exhibit #7) This "guideline" was unanimously approved on February 27, 1979 and established a policy that states, "Within the area shown on the attached map, subdividing and partitioning of property for new residential development will be permitted only for parcels which can be provided with new public street access, rather than access to Cambridge Lane".

The circumstances and conditions under which this "guideline" was developed have not changed during the intervening sixteen years. However, Planning Commission Guidelines do not have the force and effect of law and were adopted only to establish policy. Partition Plat 1992-64 (MLP-91-02), creating two lots fronting on S.E. Oxford

Lane, was approved by the Planning Commission in the spring of 1991 in conflict with this policy.

Access for Lot 5 via S.E. Cambridge Lane also conflicts with Section 17.28.050.B. of the Subdivision Ordinance (S.O.) which requires that each lot of a subdivision abut upon a public street. A variance (VR-94-14) has been applied for, pursuant to Section 17.44.020 [S.O.], which permits the Planning Commission to authorize variances to the Subdivision Ordinance standards when all findings of Section 702 of the Zoning Ordinance (Z.O.) have been met.

The Community Development Department has received seven letters, Exhibits #10-16, and two telephone calls in opposition to access from Lot 5 to S.E. Cambridge Lane.

TRANSPORTATION PLANNING RULE

On May 17, 1994, the City Council approved amendments to the Comprehensive Plan, Zoning and Subdivision Ordinances to comply with the State mandated Transportation Planning Rule (TPR). This rule requires new and redevelopment projects to be more pedestrian, bicyclist and mass transit friendly in design and function. The City's new standards went into effect upon adoption. On December 27, 1994, the Applicant submitted a TPR application as required.

FINDINGS FOR S-94-03

1. The property to the north, west and south is zoned R-10 and developed as single family home sites. Property to the east is zoned M and developed in industrial uses.
2. The Applicant has submitted for approval, Waverly Woods, a subdivision of 2.88 acres on property zoned R-10. The subdivision shall consist of 5-lots ranging in size from 11,058 square feet to 64,349 square feet; the average size is 25,116 square feet.
3. All proposed lots meet the design standards on the R-10 Zone pursuant to Section 301.3 [S.O.].
4. Proposed Lot 5 does not meet the requirements of Section 17.28.050.B [S.O.] requiring access via public street and shall not be permitted if companion application VR-94-14 is not approved.
5. The preliminary subdivision plat meets the submission requirements of Section 17.16 [S.O.], as evidenced from the Preliminary Plat Check List, Exhibit #8.

6. The preliminary subdivision plat complies, on its face, with all design standards required by Section 17.28 {S.O.} with the exception of Section 17.28.050.B described above.
7. The Department of Public Works has reviewed the preliminary plat and provided comments regarding the availability of public utilities and improvement requirements, Exhibit #6.
8. The Fire Marshall has reviewed the preliminary plat and provided comments and recommended conditions of approval, Exhibit #5.
9. No proposed deed restrictions have been provided. If deed restrictions are proposed they must be provided to the Community Development Department for review and approval prior to recordation of the Final Plat.
10. The preliminary plat complies with the Solar Design Standards , Section 1303.3 [Z.O.], in that 80% of the proposed lots are oriented to the north and south as required.
11. The preliminary plat has been processed pursuant to the Minor Quasi-Judicial procedures described in Section 1011.3 [Z.O.].

FINDINGS FOR VR-94-14

Variance to the standards of the Subdivision Ordinance require the approval of the Planning Commission pursuant to Section 17.44.020 [S.O.]. The criteria for approval of a variance to the subdivision standards are found in Section 702 [Z.O.].

Section 702

A variance may be granted only when the Planning Commission or Community Development Director finds all of the following criteria are satisfied.

Section 702.1

- 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.**

Applicant's Response, Exhibit #3: The property in question runs from S.E. 17th street to S.E. Cambridge Lane. The lower four lots can be provided

access through S.E. 17th street. Access to the upper lot could be provided from S.E. Cambridge Lane.

Staff Response: The property owner processed a Lot Line Adjustment, LLA-94-07, in October 1994. See Exhibit #9. This lot line adjustment was approved without a variance because Parcel 2 maintained access to S.E. 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.

Applicant's Response, Exhibit #3: Access to lot 5 is not economically feasible to any other street other than SE Cambridge Lane.

Staff Response: No evidence has been submitted to evaluate the proposed lot design verses the obvious alternative of extending the proposed street from S.E. 17th Avenue to serve Lot 5. Five, or more, lots could still be created with the extension of the proposed street.

Feasibility is not necessarily economical feasibility. "Feasible" can be interpreted as practicable, possible, or attainable. The Applicant should be required to present evidence of why alternatives are not feasible.

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

Applicant's Response, Exhibit #3: There should be no adverse effects on any other properties by granting this variance. Fire protection to the lot should not be much of an issue since the driveway to Lot 5 will only be about 200 feet from S.E. Waverly Drive which is a full width improved street.

Staff Response: The adverse effects of this variance would be an increase in congestion as well as wear and tear of sub-standard private streets, S.E. Waverly Drive and S.E. Cambridge Lane. Staff is unaware of maintenance agreements involving this and the surrounding property owners. It is presumed that all property 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 increase in usage.

The proposed driveway to Lot 5 is almost 500 feet south of S.E. Waverly Drive. S.E. Waverly Drive is a dedicated public right-of-way, constructed as a

private street and maintained by private property owners. The building site for Lot 5 will be approximately 400 feet east of S.E. Cambridge Lane.

FINDINGS FOR TPR-94-03

Applicable development and redevelopment projects that undergo TPR review are to comply with the City's Comprehensive Plan and with the standards and procedures of Section 1400, the applicable zoning district (Section 300), the supplementary regulations (Section 400) and parking standards (Section 500), and with standards and policies of an applicable corridor plan.

- 1. Transportation Element of the Comprehensive Plan, Objective 9, TPR, Policy 1., states that the City shall conduct development review for new development proposals including any construction, renovation, expansion, alteration or change of an existing use. The review shall be conducted as a limited land use decision process.**

The Applicant has submitted a TPR application for development review of a proposed five lot residential subdivision. It has been reviewed for its compliance with the City's TPR implementation standards in combination with two other applications for Subdivision and Variance review, under a Minor Quasi-Judicial review decision process as stipulated in Section 1011.3 of the Zoning Ordinance.

- 2. Transportation Element of the Comprehensive Plan, Objective 9, Policy 3., states that development review shall be coordinated with the Oregon Department of Transportation (ODOT), Tri-Met, Metro, and Clackamas County.**

The application was transmitted to Tri-Met for comment, since the project is adjacent to a bus route #70, along 17th Avenue. Tri-Met did not have any comments on the proposal.

- 3. The application is processed through a Type II process, coordinated review, or consolidated review (Section 1403).**

The Applicant has filed for Transportation Planning Review as part of a concurrent Minor Quasi-Judicial review for a Subdivision and a Variance.

- 4. Access to a development site shall be consistent with an adopted corridor design plan for the area (Section 1404).**

No corridor design plan has been adopted for S.E. 17th Avenue. The development proposal is consistent with and will meet the current applicable local standards.

- 5. Transportation Improvement Standards for sidewalks, bicycle lanes, park strips and right-of-way are to be met for developer improvements to public right-of-way (Section 1405).**

The applicant will be completing a cul-de-sac roadway that accesses onto S.E. 17th Avenue. This roadway will meet current City standards and provide 24 feet of pavement width and a six-foot sidewalk. Bicycle lanes are not required as part of the developer's proposed road improvement since the roadway will only serve up to the five homes.

- 6. Walkway connections within and between developments and to sidewalks in the right-of-way shall be designed and provided.**

The Applicant has included a sidewalk that will connect S.E. 17th Avenue to all of the proposed residential lots.

- 7. When requested by Tri-Met, transit stops shall be required, for commercial industrial, and institutional development, when it generates more than average daily traffic of 1000 trips or greater.**

This criteria is not applicable to the proposal.

- 8. All new commercial, office and institutional development within 600 feet of an existing or planned transit route shall provide direct pedestrian access to the public pedestrian way that leads to the transit route, be oriented toward a street that leads toward the transit route and if located along a transit route street have the building setback no greater than 30 feet from the right-of-way.**

This criteria is not applicable to the proposal.

- 9. The project must comply with the applicable zoning district (Section 300).**

The Applicant has agreed in his application, to comply with the applicable zoning district regulations of the R-10 Residential Zone.

- 10. The project must comply with the applicable supplemental regulations (Section 400) and parking standards (Section 500).**

Parking requirement will be evaluated at the time building permits are issued for single family dwellings.

11. The project must comply with standards and policies of an applicable corridor plan.

See Finding 2. above.

CONCLUSIONS

The above findings demonstrate that the proposed project application, TPR-94-03, generally conforms to the criteria for review found in Section 1400 of the Zoning Ordinance as it relates to transportation planning review.

The preliminary plat, S-94-03, meets all requirements of the Subdivision Ordinance with the exception of access to Lot 5. S-94-03 can be approved under either of two circumstances. First, that VR-94-14 be approved, or secondly, that the preliminary plat be redesigned to provide access for Lot 5 from S.E. 17th Avenue.

Staff has two problems with approval of VR-94-14:

1. It is the conclusion of the Community Development Staff that the variance, VR-94-14, violates Planning Commission Guideline PCG #79-01. The Planning Commission has the option of invoking this policy, determining that it is inapplicable due to changes in circumstances, or finding that the policy is in conflict with Policy 3, Objective #4, and Policy 1, Objective #5 of the Residential Land Use and Housing Element of the Comprehensive Plan (Adopted 11-5-79), which "encourages an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the needs of all segments of the population".
2. The Applicant has not provided adequate evidence that there are no feasible alternatives to provide access to Lot 5 by public street as required by Section 702.1.B [Z.O.]. Staff cannot support this variance without making this finding.

Should the Applicant provide the necessary evidence to support his position that access to Lot 5 from S.E. 17th Avenue is not feasible, it is the staff's opinion that the adverse impacts associated with approval of this variance can be mitigated by assurance that the owners of Lot 5 are required to contribute to the maintenance of S.E. Cambridge Lane and S.E. Waverly Drive.

RECOMMENDATION

RECOMMENDATION

Staff recommends approval of TPR-94-03.

Staff recommends that the Planning Commission deny VR-94-14 for failure by the Applicant substantiate the fact that there are no feasible alternatives to the variance, as required by Zoning Ordinance Section 702.1.B.

Staff recommends approval of Preliminary Plat S-94-03 subject to the following conditions:

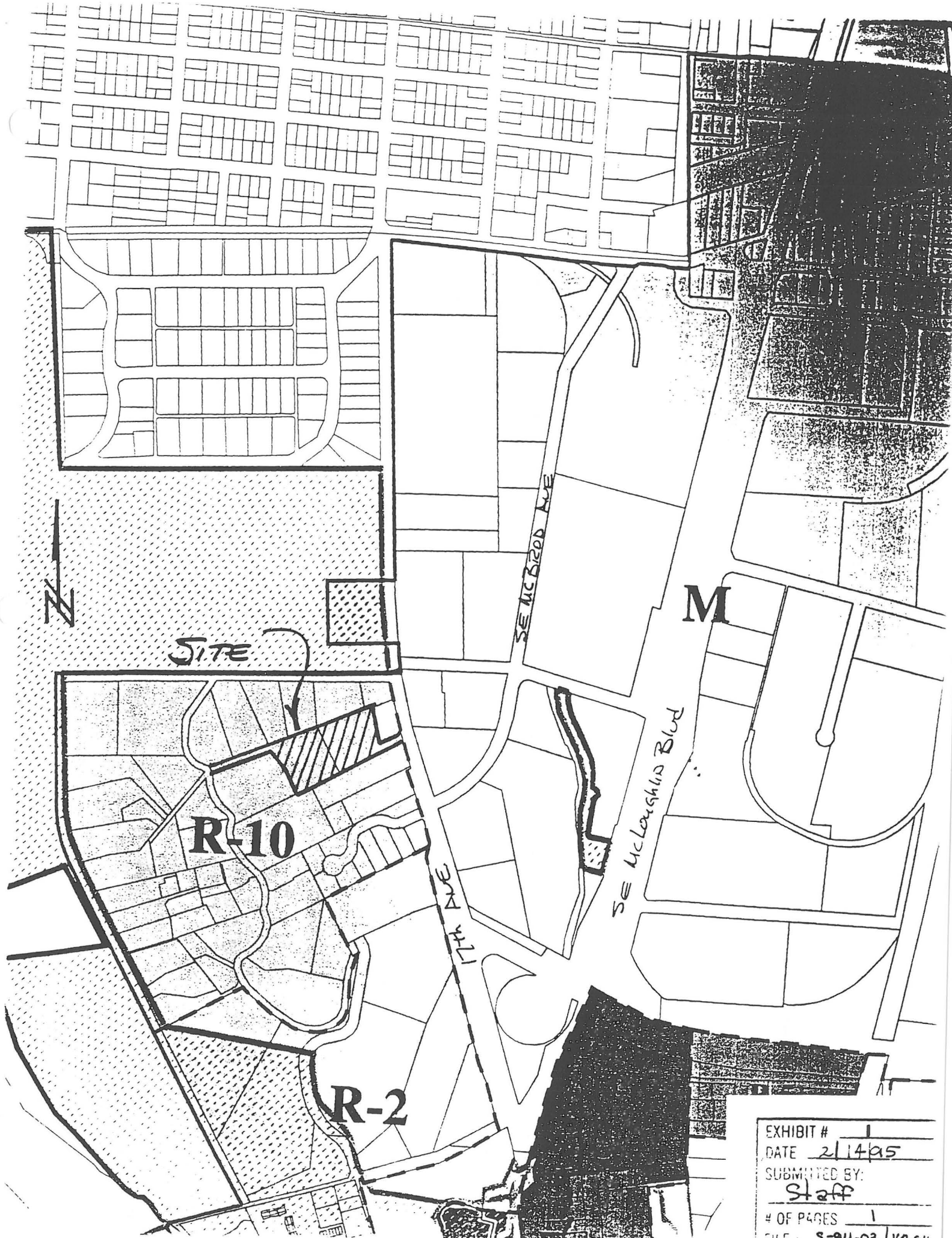
1. Preliminary Plat S-94-03 be redesigned to provide all lots with access to a public street as required by Section 17.28.050.B. of the Subdivision Ordinance.
2. The Revised Preliminary Plat shall be submitted to the Community Development Director for approval.
3. If the Revised Preliminary Plat increases the number of lots above five, the Revised Plat shall be subject to approval of the Planning Commission.
4. The developer shall comply with all requirements specified in the Public Works Memo dated January 25, 1995.
5. The developer shall comply with all requirements specified in the Fire Marshall's Memo dated January 26, 1995.
6. The Final Plat shall be submitted to the Community Development within one year of approval of the final decision making body.
7. If proposed, deed covenants shall be provided to Community Development Staff for approval to insure conformance with City ordinances.

Exhibits:

1. Vicinity Map
2. Preliminary Plat (full size prints to PC only)
3. Applicant's Narrative
4. Topographic Map
5. Fire Marshall's Memo
6. Public Work's Memo

7. PCG #79-01
8. Preliminary Plat Check List
9. LLA-94-07
10. Gootee Letter
11. Smith Letter
12. Filley Letter
13. Letter Signed by 11 Property Owners
14. Seja Letter
15. Malone Letter
16. Hegar Letter
17. Smith Letter

JC;jr



SITE

R-10

R-2

M

SE McLEOD AVE

SE McLaughlin Blvd

17th AVE

EXHIBIT #	1
DATE	2/14/95
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	S-94-03/VR-94

WAVERLY DRIVE

(BROADWAY) PRIVATE DRIVE

40'

400

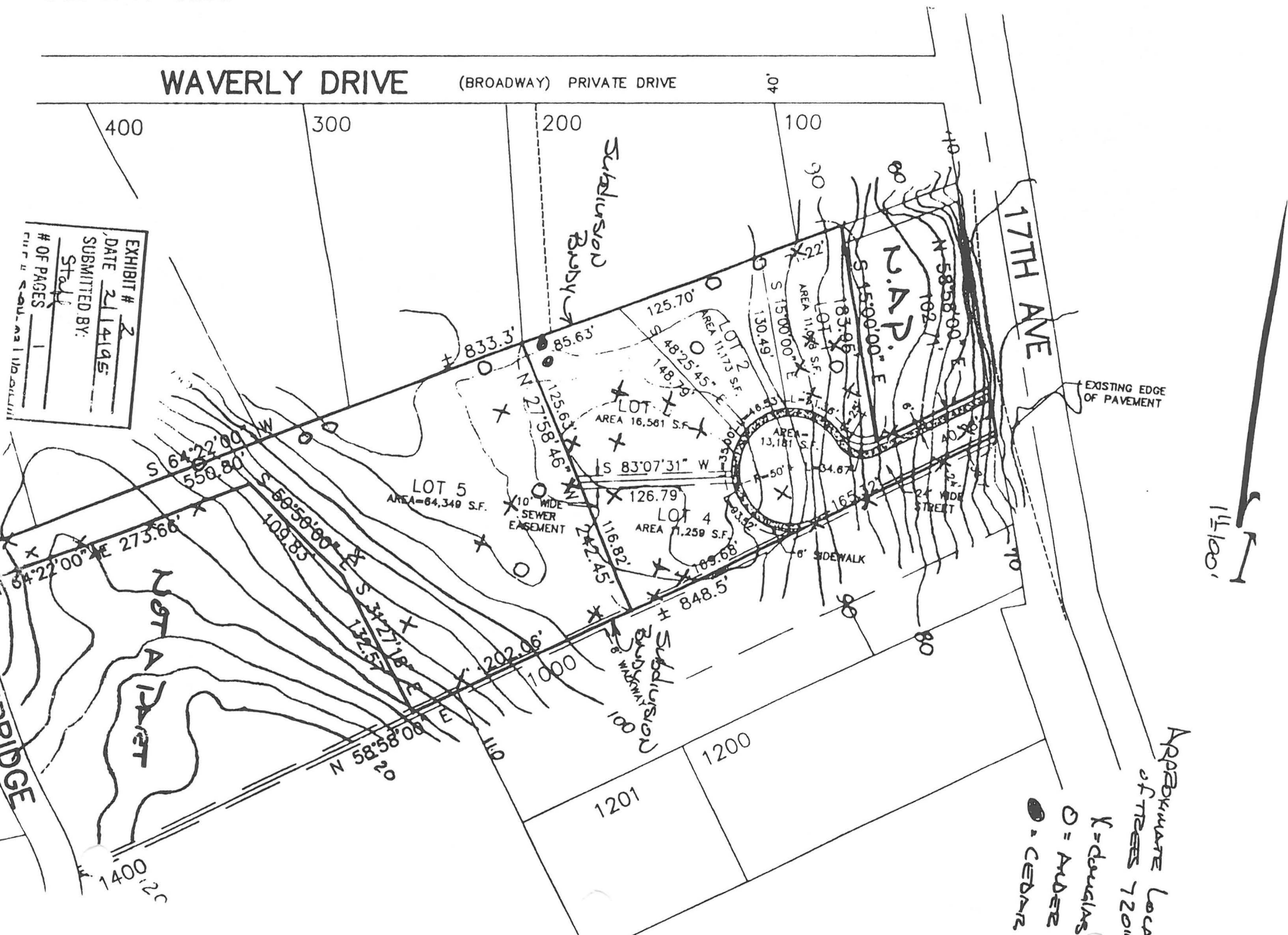
300

200

100

17TH AVE

EXHIBIT # 2
 DATE 2/14/95
 SUBMITTED BY: _____
 # OF PAGES 1
 FILE # Sub-02110-0011



APPROXIMATE LOCATION
 OF TREES 720" N
 K = Douglas
 O = Alder
 ● = CEDAR

Variance Application

"Waverly Woods" Subdivision Proposal

This application is made to allow lot #5 of the proposed subdivision to have access from Cambridge Lane which is a private street.

A) Describe proposal

The proposed subdivision will take all of Tax Lot 800 and a partition of Tax Lot 700 (both being part of Lot 2) Waverly Heights and create a total of five building sites. Four of those sites will be on a new street (cul-de-sac) that will enter from SE 17th street. The one additional lot will have its access from Cambridge Lane, a private street.

The new street will be created off SE17th to city standards. This street will have a maximum grade of 15%. The street will have a paved width (curb to curb) of 24 feet. A curbed sidewalk of 6 foot width will be provided on the north side of the pavement and will continue around the cul-de-sac ending near the south property line

The cul-de-sac itself will have a paved radius of 43 feet. Two driveways one on lot #4 and one on lot #2 will have aprons constructed to a standard that allows for fire trucks to use them in turning around. This should address the requirements for adequate turn around for emergency vehicles.

Sewer connections will be provided from SE17th for all five lots. Rain water diversion for the new street will be by surface to the intersection of SE17th and then into the storm drainage provided on SE17th. Water connection will be from SE17th for the four lots on the new cul-de-sac and from SE Cambridge Lane for the other lot.

The property is heavily forested at present. Most of the larger trees are Douglas fir the remainder are alder. It is my intention to keep as many of the larger douglas fir trees as possible within the development intentions stated. A map of the approximate location of the trees on the property >20" diam is included.

It is my feeling that the proposed development is the best use of the land and will enhance the local environment.

B)Address Approval Criteria

702.1

- a)The property in question runs from SE 17th street to Cambridge Lane. The lower four lots can be provided access through SE 17th street. Access to the upper lot could be provided from SE Cambridge Lane
- b)Access to lot 5 is not economically feasible to any other street other then SE Cambridge Lane.
- c)There should be no adverse effects on any other properties by granting this variance. Fire protection to the lot should not be much of an issue since the driveway to Lot 5 will only be about 200 feet from SE Waverly Drive which is a full width improved street.

EXHIBIT #	<u>3</u>
DATE	<u>2/14/95</u>
SUBMITTED BY:	<u>Applicant</u>
# OF PAGES	<u>1</u>
FILE #	<u>S-94-03/UR-94-14</u>

RECEIVED

JAN 31 1995

PLANNING
SOUTH METRO FIRE PREVENTION OFFICE

"SERVING MILWAUKIE & CLACKAMAS COUNTY F.D. #1"

15711 S.E. 90th

Clackamas, Oregon 97015

Business - 655-8537

FAX - 655-8880

Voice Mail - 655-8537

TO: Jim Crumley (Milwaukie Community Development)

FROM: Deputy Fire Marshal Ernie Badeau

SUBJECT: S-94-03 / VR-94-14 / TPR-94-03

DATE: January 26, 1995

After careful review the South Metro Fire Prevention Office wishes to report that the granting of this five lot subdivision is not in conflict with the U.F.C. (Uniform Fire Code) adopted by the City of Milwaukie. There are several considerations that need to be conditions of use with regard to the proposed subdivision.

The first requirement is that Fire Department access be maintained to all of the residences proposed in the subdivision and when a street width is 24 feet, or less, "NO PARKING - FIRE LANE" signs shall be posted every 25 feet on one side of the street. The plan for the proposed turnaround in the cul-de-sac shall be submitted for approval.

Second, the access on the flag lots shall be maintained at a minimum clear width of 20 feet, with a minimum road surface width of 12 feet, or a minimum road width of 20 feet when the access road serves two or more residences, and an approved fire department turnaround shall be provided at the end of the access road to the flag lot properties, when the distance from the street is 150 feet, or more. The plan for the turnaround shall be submitted for approval. The minimum vertical clearance shall not be less than 13 feet 6 inches and shall also be maintained.

Third, the requirement is that access road shall not exceed a 12% maximum grade. Any residence that is served by a road that has a grade of 15% or more shall be required to be provided with an automatic residential fire sprinkler system and shall also be provided with non-combustible roofing.

Fourth, the fire flow requirement for this subdivision shall be met. This requires the placement of a fire hydrant at the entrance on S.E. 17th and at the entrance on S.E. Cambridge Lane. Each fire hydrant shall provide a minimum flow of 1,000 GPM for firefighting water supply.

Yours in Fire and Life Safety,

Ernie Badeau

Ernie Badeau,
Deputy Fire Marshal

EXHIBIT #	<u>5</u>
DATE	<u>2/14/95</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>S-94-03/VR-94-14</u>

MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger
Civil Engineer

RE: S-94-03/VR-94-14/TPR-94-03
"WAVERLY WOODS" Subdivision

DATE: January 25, 1995

City sanitary sewer and water are available in S.E. 17th Avenue along the frontage of this property and are of adequate size to serve this proposed development. System Development Fees will be paid at the time building permits are issued on each individual lot. Water for Lot 5 will be served from Cambridge Lane. Sanitary sewer for Lot 5 will be served from the new cul-de-sac through an easement proposed between Lots 3 and 4. A fire hydrant will be required somewhere along the new street.

City storm drainage is available in S.E. 17th Avenue at McBrod Avenue and must be extended to the proposed street serving the development. Roof drains from Lots 1 through 4 will be permitted to be run to the curb. Roof drains on Lot 5 must be run to a drywell or other approved disposal system. System Development Fees will also be paid for storm drainage at the time building permits are issued.

S.E. 17th Avenue is an arterial street carrying about 20,000 vehicles per day. The right-of-way width is 60 feet with approximately 35 feet of paving, including a bike path on the West side and a double yellow "No Passing" stripe in the center. The proposed four lots will add an average of 40 trips per day to the vehicle count on 17th Avenue. This is not significant enough to require a traffic study by this developer. There is a signal both north and south of the proposed access at Milport/Waverly Drive intersection and at Hwy. 224 to break up the traffic to permit access to 17th Avenue.

S.E. Cambridge Lane is a private street with a 30 foot right-of-way and only about 18 feet of pavement. Access to Cambridge Lane for Lot 5 would not significantly impact the neighborhood. However, we do not feel the entire subdivision should be permitted to access Cambridge Lane.

The new street must be constructed with curb and gutter on both sides and a sidewalk along the north side. The sidewalk along the frontage of Lots 1 through 4 must be constructed as the houses are built. Street lights must also be installed.

EXHIBIT #	<u>6</u>
DATE	<u>2/14/95</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>2</u>
FILE #	<u>S-94-03/VR-94-14</u>

Waverly Woods Subdivision

Full engineered construction plans, along with a grading and erosion control plan, must be submitted to and approved by the Public Works Department prior to any work beginning on the site. Before the plat is signed by the City, either the improvements must be in place or one of the three methods of funding the improvements spelled out in the Subdivision Ordinance must be in place and approved by the Public Works Department. Inspection fees must also be paid and a Subdivision Agreement and Assignment of Funds must be signed by the developer.

PLANNING COMMISSION GUIDELINES

PCG # 79-01

COMPREHENSIVE PLAN _____

ZONING ORDINANCE _____

DATE February 27, 1979

OFFICE PROCEDURES _____

OTHER _____

SUBJECT Development Policy for Waverly Heights

BACKGROUND

1. The Milwaukie Zoning Ordinance states:

Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

2. Cambridge Lane is a private street. Original restrictions placed upon this street and subsequent actions by property owners with an interest in the street clearly indicate that it is intended that it shall never become a public street.
3. Cambridge Lane has only a 30 ft. right-of-way and approximately 15 ft. of paving, much below the standards acceptable for a public street. Horizontal and vertical curvatures and sight distances are extreme, making it little better than a private driveway, with hazardous conditions for vehicular and pedestrian use.
4. Access to and along Cambridge Lane for fire protection purposes are extremely poor.
5. Because Cambridge Lane is private and not public, City police cannot enforce traffic offenses.
6. The vast majority of residents who have expressed themselves on this question have been opposed to new development which would worsen traffic conditions on Cambridge Lane.
7. These circumstances clearly show that further development on Cambridge Lane in its present condition is not in the public interest and that interested parties in the Waverly Heights area should explore every possibility for providing alternative public street access to newly-created residential lots.
8. Although the City favors the development of vacant land suitable for urban purposes in conformance with State and regional goals, the Waverly Heights area does not meet acceptable access standards for further development.

(continued)

EXHIBIT #	<u>7</u>
DATE	<u>2/14/95</u>
SUBMITTED BY:	<u>Applicant</u>
# OF PAGES	<u>3</u>
FILE #	<u>S-94-031 VR-9444</u>

PLANNING COMMISSION GUIDELINES

PCG # 79-01

DATE February 27, 1979

SUBJECT Development Policy for Waverly Heights

COMPREHENSIVE PLAN _____

ZONING ORDINANCE _____

OFFICE PROCEDURES _____

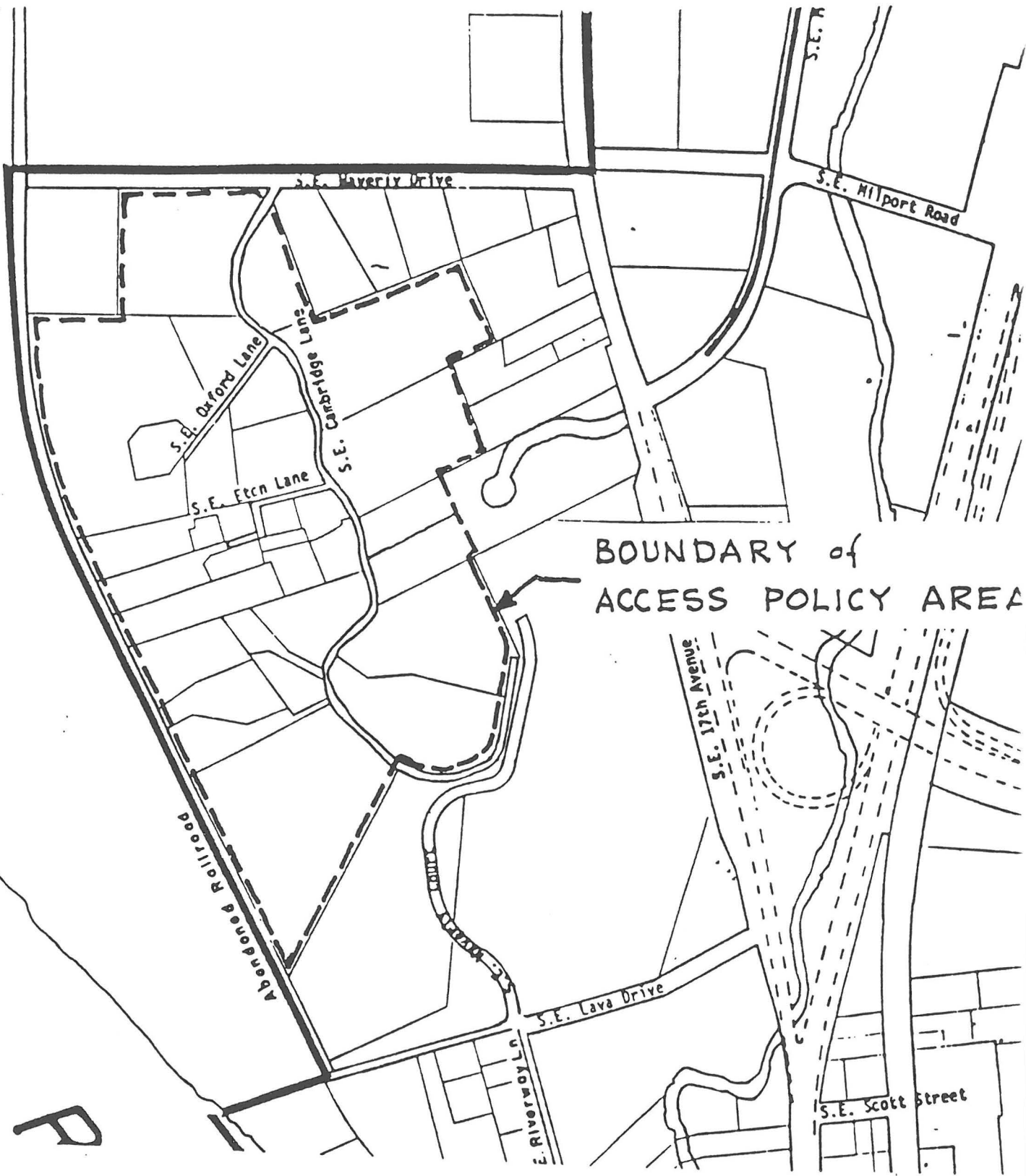
OTHER _____

RECOMMENDATION

Adopt Development Policy for Waverly Heights area of Milwaukee that reads as follows:

POLICY

Within the area shown on the attached map, subdividing and partitioning of property for new residential development will be permitted only for parcels which can be provided with new public street access, rather than access to Cambridge Lane.



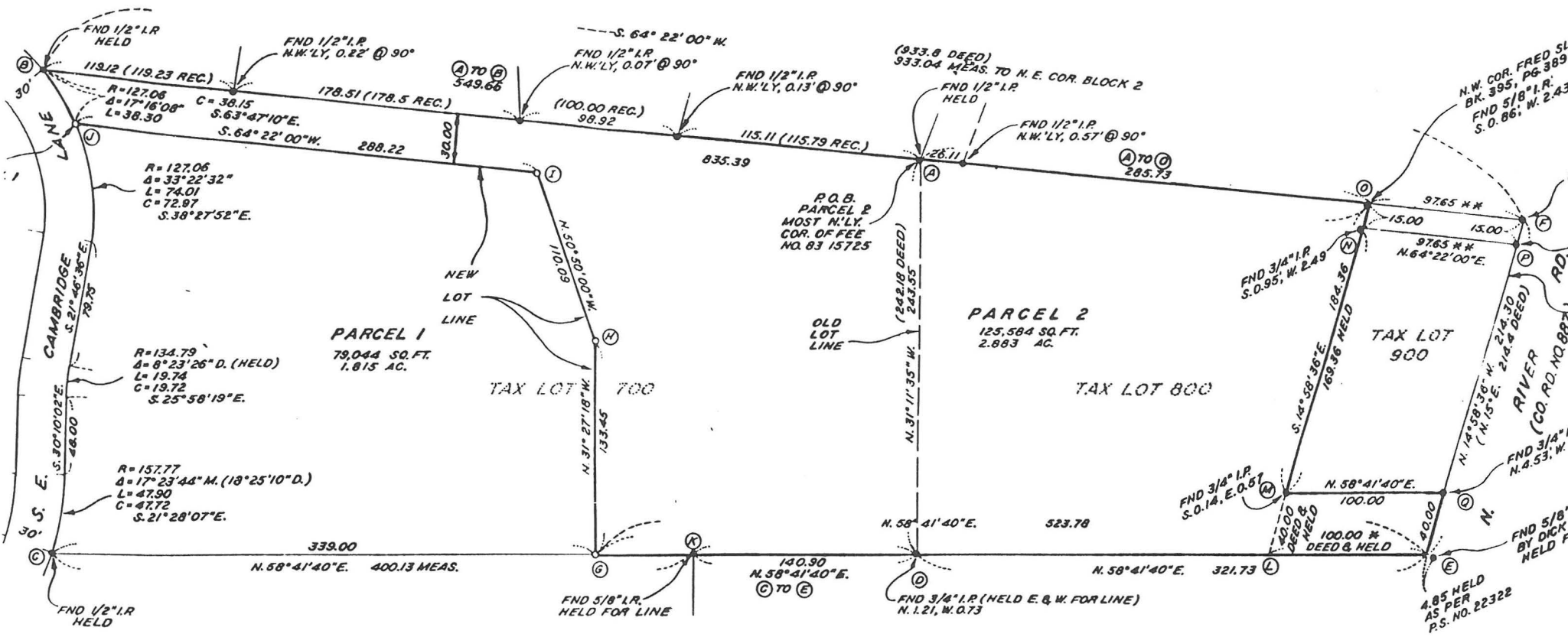
W A V E R L Y H E I G H T S
A C C E S S P O L I C Y

P
E
4

OK	NO	N/A	
			Subdivision/Preliminary Plat <u>CHECK LIST 1</u> Ordinance No. 1440 (submit with application)
			Subdivider shall submit 4 copies of preliminary concept plat. Complete the following:
✓			1. <u>Submission of Preliminary Plat:</u> The subdivider shall submit 12 copies of the preliminary plat at least 25 days prior to the Planning Commission meeting. A filing fee shall be paid upon submission.
✓			2. <u>Scale:</u> The preliminary plat shall be drawn on a sheet 18" x 24" or a multiple at a scale of 1" = 100'.
✓			3. <u>General Information:</u>
✓			a. Proposed name - shall not resemble or duplicate the name of another; shall be approved by the Planning Commission.
✓			b. Date
✓			North point
✓			Scale
✓			c. Appropriate identification clearly stating map is preliminary plat.
✓			d. Location by section, township, range
✓		✓	Legal description sufficient to define the location and boundaries
✓		✓	Approximate acreage enclosed
✓		✓	e. Names and addresses of the owner
✓		✓	Names and addresses of the subdivider
✓		✓	Names and addresses of the engineer or surveyor
✓		✓	f. Date the property was surveyed
✓			4. <u>Existing Conditions:</u>
✓			a. Existing streets - location
✓			Existing streets - width
✓			Existing streets - name
✓			Platted streets - location
✓			Platted streets - width
✓		✓	Platted streets - name
			Easements
		✓	Railroad right of way
		✓	Section lines and corners
		✓	City boundary lines
		✓	Monuments
✓			b. Contour lines related to an established bench mark (2'/10%, 5'/10%)
			c. Within subdivision - location of existing sewers
		✓	water mains
		✓	culverts
		✓	drain pipes
		✓	electric conduits or lines
		✓	invert elevations of sewer manholes
		✓	drain pipes
		✓	culverts
			In adjoining streets - location of existing sewers
			water mains
			culverts
			drain pipes
			electric conduits or lines
			invert elevations of sewer man
			drain pipe
			culverts

EXHIBIT # 8
 DATE 2/14/95
 SUBMITTED BY:
 Applicant
 # OF PAGES 2
 FILE # S-94-03 / VR-944

✓			d. Within tract - zoning
✓			existing uses
✓			200 ft. on all sides - zoning
✓			existing uses
✓	✓		e. Approximate location of areas subject to inundation or storm water overflow
✓	✓		Approximate high water elevation
✓	✓		On or abutting tract - location
✓	✓		width
✓	✓		direction of all water courses
✓	✓		f. Natural features - rock outcroppings
✓	✓		marshes
✓	✓		wooded areas
✓	✓		isolated preservable trees
✓	✓		5. <u>Proposed Plan of Land Partitioning:</u>
✓	✓		a. Streets - Location
✓	✓		width
✓	✓		name
✓	✓		approximate center line grade
✓	✓		curve radii
✓	✓		b. Easements - location
✓	✓		width
✓	✓		purpose
✓	✓		c. Lots - location
✓	✓		approximate dimensions
✓	✓		area
✓	✓		d. Lot numbers
✓	✓		Block numbers
✓	✓		e. Proposed use of the property, including sites, if any, for multi-family dwellings, shopping center, churches, industry, parks, schools, playgrounds or public or semi-public uses.
✓	✓		6. <u>Partial Development:</u>
✓	✓		Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the P.C. may require sketch of tentative layout for streets in the unsubdivided portion.
✓	✓		7. <u>Supplemental Information with Preliminary Plat:</u>
✓	✓		a. Vicinity map shall be drawn at a scale of 1" = 400'
✓	✓		showing all existing subdivisions
✓	✓		streets
✓	✓		nonsubdivided land ownership between the proposed subdivision and nearest existing arterial or collector streets
✓	✓		and showing how proposed streets may be extended to connect with existing streets
✓	✓		b. Proposed deed restrictions in outline form
✓	✓		c. Improvements to be made by the developer
✓	✓		approximate time such improvements are to be completed
✓	✓		8. <u>Preliminary Review of Proposal:</u>
✓	✓		Within two working days after being submitted, furnish one copy to C.E.
✓	✓		one copy to County Planning Commission
✓	✓		one copy to State Highway Dept. if property adjacent to State Highway
✓	✓		one copy to any other affected agency
✓	✓		9. <u>Approval of Preliminary Plat:</u>
✓	✓		Within 40 days from first regular P.C. meeting following submission, P.C. shall review the plan and reports.
✓	✓		May approve or modify. If not approve, shall indicate reasons.
✓	✓		Approval of the preliminary plat shall indicate approval of the final plat provided there is no change in the plan of the subdivision and the subdivider complies with the ordinance.
✓	✓		Action of Planning Commission shall be noted on 2 copies, Planning Commission keep one, subdivider keep one.



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AN ADJUSTED LINE BETWEEN TAX LOTS 700 AND 800 FROM (A) AND (D) TO (W), (X), (Y), & (Z) (SEE FEE NO. 83-15725). I RECOVERED AND HELD DEED CALLED IRON PIPES (A), (B), & (C). I RECOVERED AND HELD IRON PIPE (E) & (F). I HELD LINE (F-A) AS S. 64° 22' 00" W. FROM SAID DEED AND THIS WAS MY BASIS OF BEARINGS ** TO ESTABLISH THE EASTERLY LINE FOR CAMBRIDGE LANE, I USED THE CONFIGURATION FROM SAID FEE NO. 83-15725, COMMENCING AT (A), AND WITH THE IRREGULAR RIGHT-OF-WAY LINE ROTATED SO 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 4 RODS FOR THE ADJUSTED LINE BETWEEN THE 2 PARCELS AS SHOWN AND AS PER THE OWNER'S INSTRUCTION, I HELD POINTS (C), (P), & (E) FOR THE SOUTH LINE OF PLO

REFERENCE SURVEYS

- R.S. NO. 6493
- R.S. NO. 7200
- R.S. NO. 14501
- R.S. NO. 22322

LEGEND

- ⊙ = MONUMENT FOUND AS SHOWN
- = 5/8" X 30" IRON W/YELLO CAP MARKED "CHASE, JOY SET DECEMBER 8, 1994"

ROBERT G. GOOTEE
9911 SE CAMBRIDGE LANE
MILWAUKIE, OREGON 97222
TELEPHONE (503) 654-4832

January 31, 1995

RECEIVED

FEB 03 1995

PLANNING

To the Members of the
Milwaukie Planning Commission
Milwaukie City Hall
10722 SE Main Street
Milwaukie Oregon 97222

Dear Members:

We are owners of our home at 9911 S.E. Cambridge Lane in Waverly Heights subdivision in Milwaukie. On February 14, 1995 you will consider a request for approval of a 5-lot subdivision (S-94-03); an access Variance for access onto Cambridge Lane (VR-94-14); and a Transportation Planning Review (TPR-94-03) in the R-10 Zone for the property at 9900 S.E. Cambridge Lane.

We are strongly opposed to approval of the Variance for access onto Cambridge Lane (VR-94-14). Approval of the Variance violates past Planning Commission Policy regarding this area and also violates neighborhood covenants relating to use of Cambridge Lane.

A past Planning Commission ruling regarding an identical issue of subdivision development (VR-78-19 and S-78-9) recognized the unique problems relating to development in this area. In 1979 the Planning Commission concluded that additional access to Cambridge Lane was prohibited as long as it remained a private road. I have provided for your information the enclosed copy of the Development Policy For Waverly Heights (dated 1/29/79), as well as a copy of the Oregonian article relating to this policy (dated 2/28/79). Past Planning Commissions have recognized the unique nature of development issues in this area. Most importantly, none of the factors upon which the Commission relied upon in 1979 have changed.

EXHIBIT #	60
DATE	2/14/95
SUBMITTED BY:	Staff
# OF PAGES	5
FILE #	S-94-03 VR-94-14

TPR-94-03

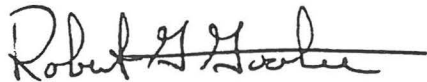
Cambridge Lane remains a private street. In addition, it continues to be the strong desire of owners in this area that it remain private. As you probably know, it is a winding and unlit roadway that is unsuitable for general public use. Because Cambridge Lane is a private and not public street, private owners with an interest in the street must maintain the street at their own expense. These property owners have rights relating to this private street resulting from neighborhood covenants, and from costs incurred by them over time in maintaining Cambridge Lane. You should consider these rights in any decision regarding the use of this street. In this case you are considering approving access in a situation which benefits an unrelated individual at the expense of others.

Lastly, access to Cambridge Lane is not required for the proposed development. The individual asking for access to Cambridge Lane could access 17th Avenue along with the other five proposed homes.

Based on the above, we believe that the Planning Commission's past policy regarding access to Cambridge Lane was appropriate and should not be changed. On this basis, the request for Variance included in the proposed development should be disallowed. We hope you agree.

We are unable to attend the Public Hearing on February 14 but ask that you keep us informed as to future developments so we can be properly represented in whatever action you may take.

Sincerely,



Robert G. Gootee



Roje S. Gootee

Development policy OK'd

MILWAUKIE — The City Planning Commission Tuesday night unanimously approved a development policy for the Waverly Heights area.

The policy states that subdividing and partitioning property in the area for new residential development will be permitted only for parcels that can be provided with new public street access rather than access to Cambridge Lane, a 15-foot paved private street.

In other actions, the commission denied a variance for a six-lot subdivision at the south end of Cambridge

Lane.

OREGONIAN 2/28/79

DEVELOPMENT POLICY FOR WAVERLY HEIGHTS

BACKGROUND

1. The Milwaukie Zoning Ordinance states:

Access Requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

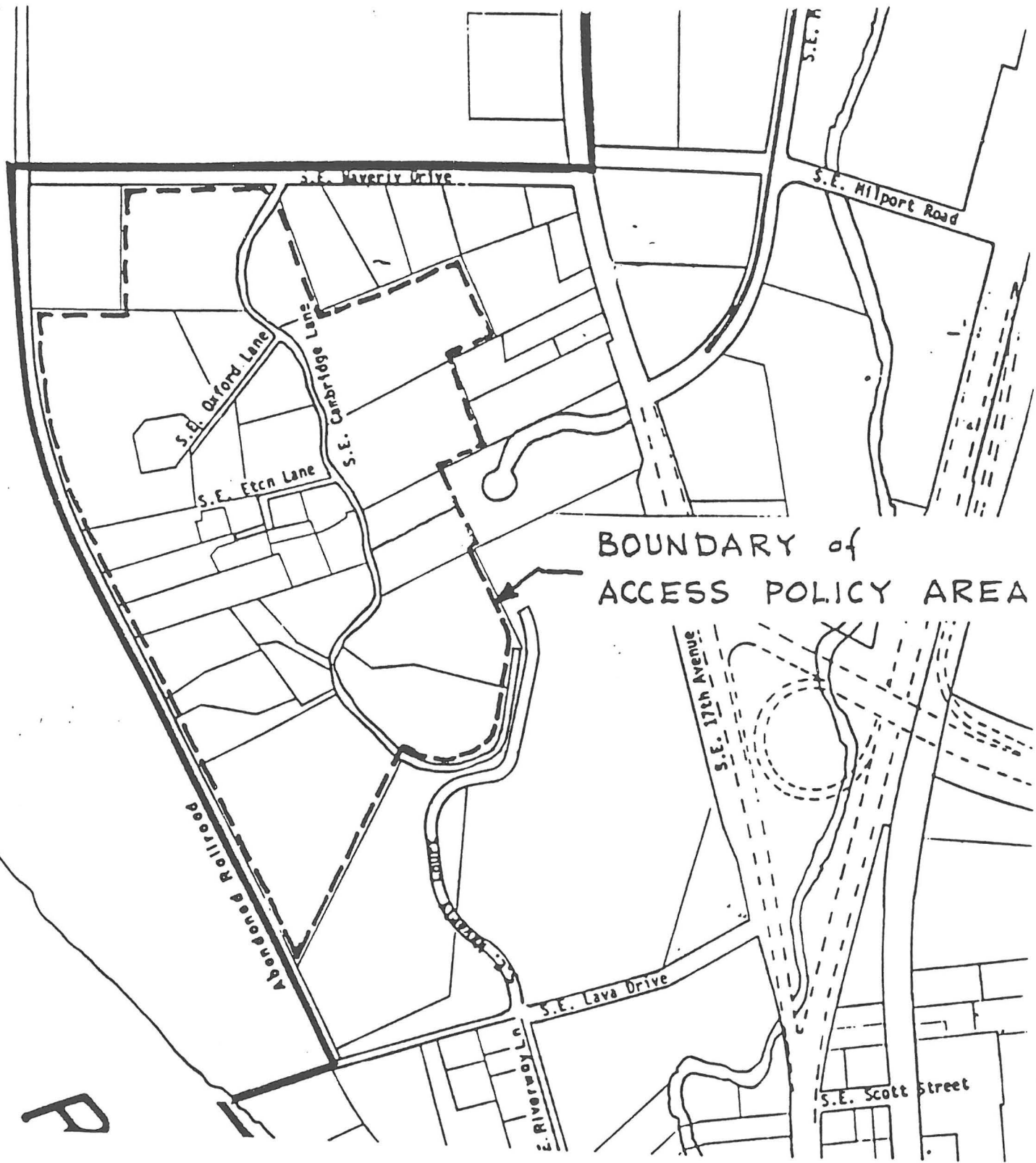
2. Cambridge Lane is a private street. Original restrictions placed upon this street and subsequent actions by property owners with an interest in the street clearly indicate that it is intended that it shall never become a public street.
3. Cambridge Lane has only a 30 ft. right of way and approximately 15 ft. of paving, much below the standards acceptable for a public street. Horizontal and vertical curvatures and sight distances are extreme, making it little better than a private driveway, with hazardous conditions for vehicular and pedestrian use.
4. Access to and along Cambridge Lane for fire protection purposes are extremely poor.
5. Because Cambridge Lane is private and not public, city police cannot enforce traffic offenses.
6. The vast majority of residents who have expressed themselves on this question have been opposed to new development which would worsen traffic conditions on Cambridge Lane.
7. These circumstances clearly show that further development on Cambridge Lane in its present condition is not in the public interest and that interested parties in the Waverly Heights area should explore every possibility for providing alternative public street access to newly-created residential lots.
8. Although the City favors the development of vacant land suitable for urban purposes in conformance with state and regional goals, the Waverly Heights area does not meet acceptable standards for further development.

access

POLICY

Within the area shown on the attached map, subdividing and partitioning of property for new residential development will be permitted only for parcels which can be provided with new public street access, rather than access to Cambridge Lane.

1/29/79



W A V E R L Y H E I G H T S
A C C E S S P O L I C Y

r
e
P

Feb. 6, 1995

Milwaukie Planning Commission
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206.

RECEIVED

FEB 06 1995

PLANNING

Dear Commission Members:

Waverley Heights was established in 1902. The land was zoned into 5 acre lots. Cambridge Lane came into shape at that time. A lane only 15' wide and owned by the people who lived along it. The lane still reflects to this day as it was laid out in 1902.

The application to build on tax lot 700 has asked to exit on to Cambridge Lane. This would require the removal of old grown trees. The woods provide a home for Great Horned Owls and Raccoons.

The planning Commission passed an "access Policy" in 1979. This subdivision does not require access on Cambridge Lane. He can go out on 17th.

Enclosed are pictures from our back yard looking at the many trees that will be removed.

We are inviting you to either drive or walk through this beautiful area. If you need a guide please call us at 659-5727

Donna + Jerry Smith

1612 S.E. Waverly Dr. Milwaukie, OR
97222

EXHIBIT #	11
DATE	2/11/95
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	594-03/VR9414

TPR 94-03

THE FILLEY'S
1504 S.E. Oxford Lane
Milwaukie, Oregon
97222

RECEIVED

FEB 06 1995

PLANNING

February 5, 1995

Re: Notice of public hearing S-94-03/VR-94-14/TPR-94-03

Milwaukie Planning Commission
6101 S. E. Johnson Creek Blvd.
Milwaukie, Oregon 97206

Dear Commission Members,

We are a family that has lived in Waverly Heights for 23 years. In our second year of marriage, we found this area and felt we wanted to stay here because of the large lots, the established homes and the numerous old growth trees. This abeyance of peace and tranquility is unique this close to Portland. We have seen many changes through those years which cause concern.

During our years of residence, we have enjoyed watching eagles, screech owls, raccoons, squirrels, rabbits, woodpeckers, and many species of wildlife. We have also witnessed a decrease of wildlife with increased construction. If additional housing is approved, the habitats of these creatures would be destroyed with the eradication of numerous old growth trees and other flora.

Our two children have gone to school in the North Clackamas District for 13 years and played on the streets of our neighborhood for their entire lives. We no longer allow our children to walk to and from the bus stop due to the increased traffic flow on Cambridge and Waverly.

EXHIBIT #	<u>12</u>
DATE	<u>2/14/95</u>
SUBMITTED BY:	<u>Steff</u>
# OF PAGES	<u>2</u>
FILE #	<u>S-94-03 / VR-94-14</u>

TPR-94-03

In 1979 the Planning Commission adopted an access policy that would restrict use of Cambridge Lane. Please refer to section 700 in Ordinance #1756. To our knowledge, this ordinance has not been changed nor should it be. In witnessing the construction on Oxford Lane recently, we know that construction vehicles are extremely destructive.

It would be naive to believe that our neighborhood will not change over the years. Eventually, we intend to build a home on our two acres and give our home to our kids. Increased density will happen and the strain on Cambridge Lane will grow. We do, however, have a chance to control this growth problem. The problem needs to be solved by the people who are trying to capitalize on our neighborhood. The developers must evacuate all of the traffic flow out onto 17th street. Thus, we are not burdened by his project.

We, therefore, are opposed to any access by this developer's project to Cambridge Lane. This proposed project deserves close scrutiny in all fairness to our neighbors and the preservation our well established and beautiful neighborhood.

Sincerely yours,

James W. Filley
Karen K. Filley

James W. Filley
Karen K. Filley

CONCERNED NEIGHBORS AGAINST FURTHER DEVELOPMENT
OF WAVERLY HEIGHTS

RECEIVED

Milwaukie Planning Commission
6101 S.E. Johnson Creek Blvd.
Milwaukie, Oregon 97206

February 3, 1995

FEB 06 1995

PLANNING

Dear Commission Members:

A neighborhood meeting was held at the home of George and Merra Frochen at 1515 S.E. Oxford Lane on February 2nd, 1995, concerning the development of property owned by Daniel Snow and Diane Dimon. These lots are 800 and a portion of 700 in Waverly Heights.

We are strongly opposed to the proposed development of the Dimon property. There are several points we wish to address:

1. With the zoning of our area being R-10, the area on lot 700 is of great concern. According to the submitted application, Stephen Blazo, has proposed an area of 64,349 S.F. be allotted. A direct quote from his proposal states, " Four of those sites will be on a new street (cul-de-sac) that will enter from S.E. 17th street. The one additional lot will have its access from Cambridge Lane, a private street." This vague reference to "lot" can mean one home or six homes. Once he has purchased this land; and is allowed access onto Cambridge Lane, he can sub-divide into multiple home sites.

2. We oppose any additional roads onto Cambridge Lane. In section 700; variances, exceptions, under 702.1 Criteria for granting variances it states, " that there are no feasible alternatives....." S.E. 17th street is a feasible alternative for this proposed sub-division. There is no basis for any new road to access Cambridge Lane. Enclosed is dated material from the Planning Commission denying further access onto Cambridge Lane. We support this policy from 1979.

3. Although S.E. 17th street is an alternative from accessing onto Cambridge Lane, we oppose the destruction of the trees and vegetation in constructing this street. A chart is enclosed showing the locations of the trees affected. There is not enough land on lot 800 to build a 24' road, 6' sidewalk, and save the trees. The entire opening is only 40' wide. This leaves 10' to allow the trees to stay? We think not.

Also, the proposed street off of S.E. 17th, must not exceed a grade of 15%. This hill could require an extensive amount of grading, resulting in vast amounts of vegetation loss.

We urge you to accept the concept of the Planning Commission Access Policy and deny the variance request by Daniel Snow and Diane Dimon concerning Cambridge Lane.

We also oppose the destruction of the trees and vegetation and do not accept Mr Blazo's statement, "It is my feeling that the proposed development is the best use of the land and will enhance the local environment."

Merra & George Frochen
1. 1515 SE Oxford Lane

EXHIBIT #	<u>13</u>
DATE	<u>2/14/95</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>3</u>
FILE #	<u>S-94-03/VR-94-14</u>

2. Name: Glenda A Nolan
Address: 9717 S E 17th Ave.

3. Name: Mary Spalding
Address: 1509 SE Oxford Lane

4. Name: Thomas J. Crocker
Address: 1534 SE Eton Lane

5. Name: W Acott Cunn
Address: 1524 SE Eton Lane

6. Name: Wendell J. Hansen
Address: 10005 S.E. Cambridge

7. Name: Susanne D. Dwyer
Address: 1500 SE Waverley Drive

8. Name: John David Ziska
Address: 1507 SE Oxford Ln.

9. Name: Caroline + Kaspar Locher
Address: 10131 SE. Cambridge Lane

10. Name: Kenneth W Justice
Patrice Justice
Address: 10252 SE Cambridge Ln

11. Name: Tyler Stone
Address: 10230 SE Cambridge Ln

12. Name: _____
Address: _____

ULDIS SEJA

1620 S.E. Waverly Drive
Milwaukie, OR 97222-7427
Phone/FAX (503) 654-1389

February 5, 1995

RE: Blazo/Diamon Subdivision

Planning Commission
City of Milwaukie
Community Development Department
6101 SE Johnson Creek Rd.
Milwaukie, OR 97222

RECEIVED

FEB 06 1995

PLANNING

Gentlemen:

Since 1971 we have owned and occupied our property which has also been designated by the City of Milwaukie as a 'significant property' on it's Historic Resources List. For about 135 feet our lot's entire southern property line borders the applicant.

While we do not question a property owner's right to develop his property within the accepted and established standards of the community, we wish to offer the following options for your deliberations.

1. **Increased traffic on SE Waverly Drive**

Accessing SE Cambridge Lane, a not-publicly owned street, would in turn place additional traffic on SE Waverly Drive, also a not-publicly owned street. **Accessing SE Cambridge Lane would be contrary to Item 7 of the Development Policy for Waverly Heights adopted by the Planning Commission in February 1987.**

We understand that the applicant wishes to access SE Cambridge Lane only from a larger than one acre parcel of land and proposes to erect a permanent fence on the eastern side of this parcel of land. It is possible for the applicant in the future to also subdivide this one large parcel and thus provide additional access to SE Cambridge Lane.

We propose that the applicant be required to provide access to this one large upper or western parcel along the southern edge of the proposed development. Also, to preclude present and future access to SE Cambridge Lane, the applicant should be required to erect a permanent fence along the entire western side of the large lot.

2. **Vandalism on SE Waverly Drive**

On two occasions, in late November and early December in 1994, we experienced vandalism in our front yard. On both occasions someone drove into the middle of the front lawn and, in turn, made wide turns and tore up the lawn. Considerable effort was required to 're-sod' the damaged areas. Both incidents were reported to Milwaukie Police Department (Case 94-5155).

Permitting additional access and traffic onto SE Cambridge Lane would increase the potential of vandalism in the entire neighborhood.

EXHIBIT #	14
DATE	2/14/95
SUBMITTED BY:	Staff
# OF PAGES	2
FILE #	S-94-03/VR-94-14

Planning Commission
City of Milwaukie
February 5, 1995
Page 2

3. Preservation of trees


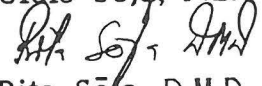
Our entire southern property line, on the applicants side, has established and large trees, fir, cedar, laurel, etc., which provide a natural barrier between the properties. It is too convenient and tempting, during construction process, to remove trees because of 'unforeseen construction problems', even at the expense of paying the proposed \$200 fine per tree.

We suggest that stringent guidelines be imposed onto the applicant to specifically and individually identify the particular trees and to prohibit the removal of these natural barriers.

For your information we are attaching 10 copies of a photograph, taken on February 3, 1995 depicting the existing trees and the natural barriers.

We trust that in your deliberations you will consider the above options and our concerns. We are hopeful that your final decision will be based on standards that are best for this particular neighborhood, the city and the future of the entire community.

Sincerely,


Uldis Sēja, P.E.

Rita Sēja, D.M.D.

Enclosure: photographs

February 3, 1995

Milwaukie Planning Commission
Milwaukie City Hall
10722 SE Main Street
Milwaukie, Oregon 97222

RECEIVED

FEB 06 1995

PLANNING

Dear Commission Members:

As the owners of a city designated historic property in Waverly Heights, we (Michael & Sharon Malone, 9712 SE Cambridge Lane) would like to respond to the request by Stephen Blazo (applicant) and the Dimon Family (owners) for a sub-division and Cambridge Lane access variance.

We will first address the issue of an access variance onto Cambridge Lane. Prior issues of this type are precedents that would disallow this change. Cambridge Lane is a "private, 15 foot wide lane;" its use and access requirements were clearly outlined in hearings held in 1979. We specifically refer to the attached materials and findings adopted at the February 27, 1979 hearing. The status of Cambridge Lane and the adjoining properties has not changed in the subsequent 16 years. In fact, the findings are today magnified as more traffic of residence, service providers, and sight-seers come to this historic neighborhood to view its flora, fauna, old growth timber and architectural uniqueness.

We've attached documentation and findings of the 1979 ruling, which are self-explanatory.

"Sub-dividing and partitioning of property for new residential development will be permitted only for parcels which can be provided with public street access, rather than access to Cambridge Lane."

Second, the issue of sub-division must address the historic nature of the neighborhood as outlined in the Historic Preservation Overlay Zone policies addressed at meetings held in May 1992. The study designated eight properties within Waverly Heights as either of "significant" or "contributing" historic sites. The sub-division in question is proposed on one of those sites, the Dimon property/residence at 9900 SE Cambridge Lane. This development would also directly impact other historic properties listed on both Cambridge Lane and Waverly Drive. The historic nature of the neighborhood is well documented in a book, coincidentally authored by the owner/seller (Dimon).

EXHIBIT #	15
DATE	2/14/95
SUBMITTED BY:	Staff
# OF PAGES	2
FILE #	S-94-03/VR-94-14

Milwaukie Planning Commission
February 3, 1995
Page 2

Finally, the proposed sub-division is in a location that has remained undeveloped for hundreds of years. Douglas fir and cedar over 100 feet tall are commonplace on this parcel. The property is home to countless birds and animals that add to the quality of life for all citizens of the area, not just Waverly Heights residents. Development of this type and density proposed would cause irreparable damage to the ecological system of the area. Drainage, erosion, habitat and timber would be negatively impacted.

These are clearly three issues that firm guidelines have been established for; not only by the City of Milwaukie, but Clackamas County and the State of Oregon as well. We address you not only as property owners, but citizens concerned about the preservation of a long standing development policy. We believe that disallowing this sub-division development, access variance and related requests is clearly documented and supported.

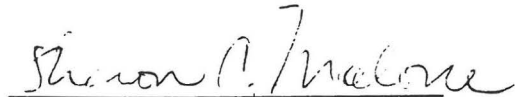
We urge the Planning Commission to maintain the policies that are issue in this case.

Sincerely,



Michael Malone

2.3.1995



Sharon Malone

2.3.95

FEB 5, 1995

Milwaukee Planning Commission

RECEIVED

FEB 06 1995

My property is directly across **PLANNING**
Cambridge Lane from the Dimon
property.

When people come into this
residential area they are amazed
at its natural beauty. They comment
on the trees and the seclusion.
Then when someone wants to build
they cut down the trees and want
to jam houses together, not caring
about the neighbors privacy.

This area was built with the
idea that each home had elbow
room.

I feel this will be destroyed if
the trees and wildlife are
exposed to such a drastic change
in this environment.

yours truly,

Edna L. Hegar
1530 S.E. Offord Ln.
Milwaukee, WI 53222

EXHIBIT #	16
DATE	2/14/95
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	994-03/URAV-14

RECEIVED

FEB 06 1995

PLANNING

February 6, 1995

Planning Commission
City of Milwaukie
Community Development
6101 SE Johnson Creek Road
Milwaukie, OR 97222

Subject: Application for 5 Lot Subdivision (S-94-03); Access Variance (VR-94-14);
Transportation Planning Review (TPR-94-03)

Dear Fellow Planning Commission Members:

I have found myself in the awkward position of being directly affected by a proposed development adjacent to my principal residence. Due to my bias, I will abstain from voting or giving testimony at the public hearing, but I would ask that you take the thoughts I have outlined in this letter into consideration before you vote on the proposed development. I have organized my thoughts into the following categories, with references to the appropriate codes, for your review:

Environmental (Title 16 of the Municipal Code)

Although the property proposed for development has not been designated an "Environmental and Natural Resource" in the Milwaukie Comprehensive Plan, I feel it is similar to the Waverley Woods, parcel #16, and may have been overlooked in the original survey. There are significant trees, some exceeding 60-inches in diameter and 500 years old, and this portion of woods is a proven habitat for Great Horned owls and Peregrine falcons. A condition of approval should be to perform a complete environmental assessment of this property and to identify significant trees and wildlife habitats located on the property and to then identify a method for protecting these trees and habitats.

Historic (Milwaukie Comprehensive Plan Chapter 3)

A portion of the property under consideration for development is identified as #17 on the Historic Resource map of the Milwaukie Comprehensive Plan. This property is labeled as a "contributing resource". It should also be noted that the property proposed for development adjoins two "significant properties" identified as #1 and #12 and that it adjoins one other "contributing property" identified as #28 on the Historic Resource map. The goal for the identification of Historic Resources is to, "Preserve and protect significant historical and cultural sites, or objects of the City". The Comprehensive Plan further states that, "The City realizes that protecting historic resources has several cultural and economic benefits for City residents: Fostering civic pride in accomplishments of the past, promoting choices in housing types and styles, strengthening the economy of the City, and providing educational and recreational opportunities." Additional objectives are identified to, "help insure that important resources will remain and that these values will be kept alive in the community." The applicant should prove that the proposed development meets these goals and objectives by enhancing the historic character of this established neighborhood.

MAHLUM
& NORDFORS
SMITH
GORDON

Architects PC

50 SW
Second Avenue
Suite 600
Portland, OR
97204

EXHIBIT #	17
DATE	2/14/95
SUBMITTED BY:	Staff
# OF PAGES	3
FILE #	S-94-03 / VR-94-14

Planning Commission

City of Milwaukie

Application for 5 Lot Subdivision (S-94-03); Access Variance (VR-94-14); Transportation

Planning Review (TPR-94-03)

February 6, 1995

Page 2

Street Standards (Milwaukie Comprehensive Plan Chapter 17.28 Section .020 (I.) and (K.))

The requirement for a local street is a maximum slope of fifteen percent (15%). The applicant needs to prove that this slope will not be exceeded considering an elevation differential of 30-feet between the top of the proposed cul-de-sac and SE 17th Street. The cul-de-sac cannot exceed 400-feet in length. In addition, due to potential sight line problems, the slope of the proposed street should not exceed three percent (3%) as it intersects SE 17th Street, which is a minor arterial, for a distance of 20-feet to allow for the corner radius and clear vision. Retaining walls should also not interfere with that clear vision to and from the intersection as stated in the next category.

I am also concerned about the proximity of the access/egress point of the new street from the intersection of Waverley Drive and SE 17th. The applicant needs to establish that this distance meets the local and state requirements for distance between driveways and intersections with left-turn lanes. The distance appears to be less than 200-feet. I request that the Clackamas County Traffic Engineer evaluate this proposed access/egress for traffic safety.

Clear Vision Ordinance (Milwaukie Zoning Ordinance Section 400, Division 403)

The application needs to prove that there is a 20-foot clear sight line to and from SE 17th Avenue from the proposed street. I am concerned that the new street will create an unsafe situation at SE 17th, which is a very heavily traveled minor arterial. Left-out turns will be next to impossible during rush hour and left-in turns during rush hour will block north bound traffic, since there is no turn lane on SE 17th and it is marked with a double-yellow line. In addition, the slope, as stated above, may create additional sight line problems.

Lot Size (Milwaukie Zoning Ordinance Section 400, Division 409)

The application needs to prove that the proposed subdivision lots are a minimum of 10,000 square feet, excluding the access street and sidewalks and that a minimum width of 70-feet and a minimum depth of 100-feet is maintained per the Milwaukie Zoning Ordinance. The plot plan should show the proposed development to ensure that all setbacks, lot coverage, and landscape requirements have been met.

Trees (Proposed Tree Ordinance)

A condition of approval should be to protect all trees over 12-inches in diameter and all those that provide a buffer between the proposed development and all adjoining properties, which could be set at 20-feet from the property lines. It would be a shame to denude a woods that has been there for over 100 years.

Property Line Barrier

I request that the Planning Commission require the applicant to construct a solid, sound-deadening (masonry or concrete) 6-foot barrier between the adjoining properties in Waverley Heights as a condition of approval for this new development. This would enable the neighbors to maintain the integrity of their neighborhood by creating a buffer from the intrusion of an

Planning Commission
City of Milwaukie
Application for 5 Lot Subdivision (S-94-03); Access Variance (VR-94-14); Transportation
Planning Review (TPR-94-03)
February 6, 1995
Page 3

adjoining development with a proposed density greater than that of the existing neighborhood (the average size lot along Waverley Drive is greater than 35,000 square feet).

Access to/from Cambridge Drive (Planning Commission Policy Adopted in 1979)

The Planning Commission adopted a Policy in 1979 prohibiting further access/egress from Cambridge Drive, which is a private road on a public right-of-way. I request that the Planning Commission honor that previous policy by not permitting the proposed development access from or egress to Cambridge.

For the above-stated reasons, I request that the Planning Commission not approve this application until a more complete analysis, by both the applicant and the City Planning Staff, has been completed for this proposed development. After all, this development is at a cornerstone of a neighborhood that has worked hard to keep an identity intact and to contribute to the community through the preservation of historic properties and an environment that is beneficial to wildlife. I am not against the development of this property, but I plead with you to not destroy a resource important to the residents of Milwaukie by approving an incomplete or careless analysis of the issues stated above or those clearly identified in the Milwaukie Comprehensive Plan. This is at the heart of what makes Milwaukie a great place to live.

Thank you for your thoughtful consideration. I am confident you will make a decision that is best for the community of Milwaukie.

Sincerely,



Michael L. Smith, AIA
Principal

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT

TELEPHONE: 786-7650

PUBLIC WORKS

TELEPHONE: 786-7600

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

FAX: 786-7699

MILWAUKIE LIGHT RAIL WORKING GROUP RECONVENES

DATE: May 30, 1995
TO: Milwaukie Working Group Members
FROM: Diana Myrvang, City of Milwaukie, 786-7657
RE: Upcoming Working Group Meetings

The time is here! The South/North Transit Corridor technical data is nearly complete for evaluating which light rail design options should be studied further in the Draft Environmental Impact Statement.

We are putting materials together for Working Group study and review. You will be asked review all the design option data and to give a recommendation on narrowing of the various design options in the Milwaukie area. We have scheduled three meeting dates at this time, to allow for two work sessions and a final recommendation review meeting.

We have enclosed the following materials for your review prior to our first meeting:

- * Design Option Narrowing Criteria
- * Milwaukie Light Rail Design Options
- * Milwaukie Walk Isochrons
- * Important Metro Meeting Notice * **June 7**

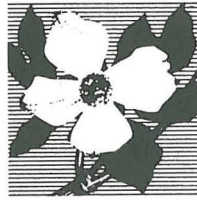
The following dates have been scheduled for our three Working Group meetings:

- * **Meeting #1: Monday, June 19, 6 PM**
Public Safety Building
- * **Meeting #2: Wednesday, June 28, 6 PM**
Public Safety Building
- * **Meeting #3: Monday, July 10, 6 PM**
Public Safety Building

Please feel free to give me a call if you have any questions. I hope these dates work around your summer plans.

CD/May 30, 1995/dm

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT

TELEPHONE: 786-7650

PUBLIC WORKS

TELEPHONE: 786-7600

6101 S.E. JOHNSON CREEK BLVD.

MILWAUKIE, OR 97206

FAX: 786-7699

MEMORANDUM

TO: PLANNING COMMISSION

FROM: DIANA MYRVANG, PUBLIC INVOLVEMENT COORDINATOR

RE: VISION PROJECT POLICY COMMITTEE DRAFT PRODUCTS

DATE: JUNE 5, 1995

After over a year and a half of public involvement activities, Milwaukie's final Vision Statement is near completion. The Vision illustrates the concepts and ideas to guide Milwaukie's future growth. The citizen Vision Project Policy Committee has also produced Vision Action Plans, which outline the goals, actions, roles and responsibilities to accomplish the Vision. Attached, you will find copies of both products in draft format. We look forward to your questions and input on June 13.

VISION ACTION PLANS

DRAFT

TOPIC: EXPANDED CITY CENTER

Goals	Actions	Roles and Responsibilities
1. Increase types of viable uses.	a. Adopt zoning which allows mixed uses.	a. City Council establish as Council goal and direct Planning Commission to begin project.
	b. Better use of Milwaukie Junior High School site.	b. City Council approach school district to form task force.
2. Make an expanded City Center instantly recognizable.		
3. Develop seamless connections between various city areas and the City Center.	a. Evaluate traffic flow within the City Center.	
	b. Evaluate impact of revised circulation patterns in Target Area "A".	b. TSP project staff review and incorporate Target "A" study as appropriate.
4. Achieve a level of urban design that fits the needs and requirements of a Regional Center.	a. Review Calthorpe concepts' impact on the expanded City Center.	a. City Council establish as Council goal and direct Planning Commission to begin project.
	b. Work with Metro to ensure 2040 framework plans support expanded City Center.	b. City Council?

TOPIC: NEIGHBORHOODS

Goals	Actions	Roles and Responsibilities
1. Maintain and enhance stable neighborhoods.	a. Develop a plan for neighborhood improvements.	a. Neighborhood District Associations with assistance from the Neighborhood Services Coordinator
	b. Implement Neighborhood Watch Programs.	b. Neighborhood District Associations with Police Department
	c. Investigate ways to incorporate/upgrade small commercial areas as key neighborhood centers.	c. Neighborhood District Associations
	d. Add Neighborhood Associations for commercial, downtown, and industrial sectors.	d. City Council with assistance from the Neighborhood Services Coordinator

TOPIC: NEIGHBORHOODS continued

Goals	Actions	Roles and Responsibilities
	e. Continue to emphasize schools as centers of neighborhood interest.	e. Neighborhood District Associations
	f. Allow higher densities near schools and provide open areas for children in high density.	f. Neighborhood District Associations
	g. Competition for improvement/excitement between neighborhood associations and neighborhood council recognition.	g. Neighborhood District Associations and City Council
2. Achieve diversity in housing options and housing stock.	a. Design new housing units and areas to blend in with existing neighborhoods.	a. Planning Commission with assistance from Community Development Department, using Calthorpe Plan.
	b. Institute urban housing as part of mixed use areas in the expanded City Center.	

TOPIC: ACCESSIBLE COMMUNITY

Goals	Actions	Roles and Responsibilities
1. Achieve a community that is walkable throughout.	a. Increase the share of trips that are pedestrian, bike or transit.	
2. Achieve multimodal linkage between different areas of the city.	a. Develop an implementation plan to improve primary connections between neighborhoods (especially bike connections).	
	b. Develop a street connections plan and implementation program that connects streets, including the repair of existing poor quality connections and spanning existing barriers like Highway 224 and the railroad.	
	c. Develop a plan to visually connect the city, with design components (boulevards, visual connections, gateways).	c. Landscaped architect to work with City.

TOPIC: ACCESSIBLE COMMUNITY..... continued

Goals	Actions	Roles and Responsibilities
	d. Maintain and enhance the city's excellent access position in the region as a transportation hub for railroad, freeway, highway, and transit.	
	e. Support and integrate the information superhighway.	

TOPIC: GREENSPACE NETWORK

Goal	Actions	Roles and Responsibilities
1. Strive for: <ul style="list-style-type: none"> • landscaped walkways • usable water features • increased fish /wildlife habitat • more neighborhood parks 	a. Develop a park system master plan to include bike network, pedestrian network, and linkages to industrial areas and waterfront.	a. Citizen task force takes lead with City staff
	b. Identify funding sources available for procurement.	b. Citizen committees working with City staff.
	c. Identify sources for development.	c. Citizen committees working with City staff.

TOPIC: RIVERFRONT

Goal	Actions	Roles and Responsibilities
1. Achieve a variety of uses and a sense of civic identity for Milwaukie's riverfront area.	a. Complete a Riverfront Master Plan that examines a variety of uses including public spaces and commercial development; considers public and private sector space opportunities; and provides safe connections for pedestrians to the downtown area.	a. Citizen advisory committee approved by Planning Commission and City Council working with City staff.
	b. Complete a downtown master plan that connects public spaces in the downtown area to the riverfront and encourages high quality diversified businesses and mixed uses with increased density to locate in the downtown area.	b. MDDA design committee, citizens, City staff, and land use planning/architectural firm.