

MILWAUKIE PLANNING COMMISSION
MINUTES
TUESDAY, JULY 13, 1993

COMMISSION PRESENT

Patricia Lent, Chair
Bill Johnson
Gordon Jones
John Littlehales
Scott McClure
Carolyn Tomei
Don Trotter

COMMISSIONERS ABSENT

None

STAFF PRESENT

Maggie Collins,
Community Dev. Dir.
Jim Crumley,
Associate Planner
Dave Krogh,
Associate Planner
Shirley Richardson,
Hearings Reporter

OTHERS

Tim Corbett,
Public Works Director

1.0 CALL TO ORDER

Chairwoman Lent called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS - None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES - June 22, 1993

Don Trotter moved to approve the minutes of June 22, 1993, as corrected. **Carolyn Tomei** seconded. MOTION CARRIED 7-0.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Zarusinski-Tatone Engineers, Inc.

Property Owner: Roy and June Weedman

Location: South of Lake Road by Where Else Lane

Proposal: Preliminary plat approval of a 16-lot subdivision (Phase 3 and 4 of Creekway Estates) within the R-7 Zone (S-93-01)

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Madam Chair explained the public hearing process. She then opened this hearing for a preliminary plat approval of a 16-lot subdivision within the R-7 Zone. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. She asked if there were any Commissioners who visited the site. Six hands were raised. None of the Commissioners who raised their hands spoke to anyone at the site or noticed anything different from what is stated in the Staff Report.

Milt Palm questioned the jurisdiction of the Commission to hear a matter that he felt was on his property. **Madam Chair** informed him that the ownership of the property had nothing to do with the jurisdictional matter, or whether or not the Commission should hear the application. Ownership will be discussed later in the hearing.

No one in the audience questioned the impartiality of any Commission member.

Dave Krogh reviewed Preliminary Plat Approval S-93-01 with the Commission. He explained that a preliminary plat approval was granted on September 8, 1992, for a 12-lot, 2-phase subdivision called Creekway Estates. The approval was contingent upon City Council approval of a rezone from R-10 to R-7 (ZC-92-01). The rezone was approved and became effective December 17, 1992. Final plat for Phases 1 and 2 of Creekway Estates must occur by December 17, 1993.

As part of the review of S-92-02, the Applicants were required to show a conceptual design for Phases 3 and 4. The proposal for tonight's hearing generally follows that plan. The Applicants have received Public Works approval of construction plans for Phases 1 and 2 and they have indicated they will establish an escrow account to accommodate construction of the streets and utilities so that the final plat can be signed and recorded. A draft of the final plat has been provided. Escrow materials have not yet been submitted.

As part of the zone change consideration (ZC-92-01), a natural resources boundary was established on proposed lot 35.

Public Works has suggested that a Type 3 street barricade be placed at the west end of Else Where Drive. This barricade has an overall height of five feet and has three horizontal boards with a warning message printed on both sides. The City Engineer has suggested a two sided barricade to prevent public traffic on this street.

Dave Krogh then showed slides of the subject property and the surrounding area.

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The approval criteria is in Section 6 & 8 of the Subdivision Ordinance. Findings are addressed in the Staff Report. The proposal meets design standards and complies with the R-7 Zoning requirements. Staff recommends approval with the six conditions as outlined in the Staff Report.

Dave Krogh reported that a letter, dated July 13, 1993, was received from Delores Juhala, 12845 SE Where Else Lane, Milwaukie, regarding drainage to the east and how it will potentially affect her property. She asked if it could be re-routed to not cross her property.

Ms. Juhala has talked with the City Engineer and he has indicated that after talking with her he feels she is satisfied that an adequate drainage system is proposed. The Applicant may discuss drainage in his presentation.

The subject site has been analyzed for solar design standards as described in Section 3.3 of City Zoning standards. This proposal does not meet the standards because the property is not north/south oriented. The proposal is acceptable because of its orientation.

QUESTIONS OF STAFF

Don Trotter stated that there was nothing in the Staff Report or Site Plan regarding standards for flag lots. He asked if this will be covered during lot development? **Dave Krogh** indicated that the configuration of the flag lots were analyzed but not included in the report. Both lot 34 and lot 35 meet flag lot standards for access, paving width, turn around; these will be shown at the time of development.

John Littlehales asked if the ownership of the subject property was contiguous? **Dave Krogh** stated that there are two separate tax lots, both in the same ownership.

John Littlehales asked about the hammerhead configuration of Somewhere Lane? **Dave Krogh** stated that the hammerhead configuration is for emergency vehicle purposes, it is not a true cul-de-sac. It is located in alignment with Else Where Drive to accommodate a possible street extension in the future. It will be easier to take out one leg of a hammerhead than part of a cul-de-sac.

Madam Chair asked why the street dedication ended at lot 34? **Dave Krogh** stated that the dedication had a 600-foot limit. If he were to lengthen it, the Applicant would have to come in for a variance.

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Madam Chair voiced concern that the barricade at Else Where Lane would not be enough to deter public access from the other end. She asked if this would create problems for the future? **Dave Krogh** explained that Else Where Lane was a private street; there is no public access. It is shared between three private owners. The City cannot encourage public use of a private street.

Madam Chair asked if there were any significant trees on property. **Dave Krogh** stated that most of the significant trees on the property are either in the natural resource area or in the area where Vernie Avenue will be extended east.

APPLICANT PRESENTATION

Speaking: Tom Rhinevalt, Post Office Box 605, Everett, Washington, Phone: 652-0015

Mr. Rhinevalt stated that he was the contract purchaser for Roy and June Weedman. He introduced Ron Tatone, Engineer, and stated that he would give a presentation on the conceptual drainage for the site.

Mr. Rhinevalt stated that they hoped to start construction on phases 2 and 3 soon.

Speaking Ron Tatone, Engineer,

Mr. Tatone stated that both he and Dan Redman, Soils Engineer, have worked closely with the Public Works Department in preparing the drainage plan. Detailed plans will come after approval of phase 3 and 4. Concerning the Juhala letter, **Mr. Tatone** stated that all issues have been addressed in the detailed set of plans.

The drainage system as proposed is continuous from Phases 1 and 2 and discharges into Kellogg Creek. A control outlet will be installed to allow storm water to enter into a manhole and elevated boards will allow water to discharge. A gate valve will maintain the wetland. A swale is located on lot 24 that will include a french drain type of system where the water will go into a solid line where it will then be discharged into a storm drain line into the street.

Mr. Tatone stated that he has tried to take care of all the concerns of the wetlands issue. He has contacted the fire district and there were no concerns.

TESTIMONY IN FAVOR - None.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION

Speaking: Milton Palm, 4182 SE Lake Road, Milwaukie

Mr. Palm stated that he was concerned when he saw the conceptual drawing, but after talking with Staff, he is assured it will not affect his lot.

When he wanted to develop years ago, he wasn't allowed; now development is occurring. This has led him to get information about the soils in his area. **Mr. Palm** stated that the soils need to be reviewed by a soils expert, not an engineer. This soil has a rating of CW30; expansive. He has given land to City and he stated there were several points he wanted the City to know:

- His well may not recharge and there is no way to get water.
- The soil is susceptible to vibration.
- The water right needs to be protected; he is in jeopardy of losing his well. The City needs to study where water comes from to get to his well.
- The soil doesn't need drainage; if you take the water out of the soil, it will result in broken concrete.

Mr. Palm stated that the engineers and planners don't take note of this information. The City should take a look at the well module to see what is needed to complete the module. This will secure his well.

Mr. Palm again noted that a scientific study is needed, not an engineering study. There is a body of knowledge to measure the tensile strength of the soil. **Mr. Palm** then pointed out the location of his well on the site plan.

Speaking: Julia McCuller, 4306 SE ElseWhere Lane, Milwaukie

Ms. McCuller voiced concern that the flag lots would require access through her property. She asked if the flag lots will have to have two access points; with one access towards the back of her property. **Madam Chair** explained that the proposed cul-de-sac would not require access from her property.

Ms. McCuller asked if Where Else Lane would have to be dug up to connect to the sewer pipe line? **Jim Crumley** stated that the street would have to be dug up, but that it would be returned to its original condition.

Ms McCuller asked if the overflow from this proposed subdivision would drain into the Creek. **Mr. Tatone** explained that the water from the proposed subdivision will

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discharge on the south line of this proposal. It will then cross and discharge into the creek.

Ms. McCuller stated that when it rains, she gets puddles now. With the subdivision, how much more water will they get on Where Else Lane.

Ms. McCuller ended by saying that she does not want Else Where Lane to be a public road and she does not want her property used for a road.

Speaking: John Parker, 4074 SE Asti Court, Milwaukie

Mr. Parker indicated that Staff mentioned that the road ending for the flag lots might be used for a connection to Vernie in the future. He asked if there is a need for expansion; are current plans insufficient? In the future, will residents be forced to open up this road because the subdivision is completed?

Dave Krogh stated that the City does not have a future street pattern planned. Potential networking was drawn up in 1982. There would have to be conditions, plat notations, and deed covenants to accommodate a future street extension.

CLOSING COMMENTS

Speaking: Dan Redman, Registered Engineer, 12518 NE Airport Way, Suite 145, Portland, 97230.

Mr. Redman stated that he has reviewed the soil conditions for this property. He is a practicing geotechnical soils engineer in this area. He is a registered professional engineer with a Bachelor's Degree in Engineering. He has worked for city government, the City Highway Department, and both commercial and residential developments.

The subject site is typical; soils analysis have to be done. All soils transmit noise and vibration; construction equipment will not disturb this soil.

Mr. Redman stated that he is not familiar with the well or the water sources for Mr. Palm's well.

Speaking: Ron Tatone

Mr. Tatone explained that all the water from the subdivision would be dispersed and will discharge into Kellogg Creek. He stated that there is a control manhole to

regulate the flow to Kellogg Creek. It has a gate valve to control amounts of water into the area. There is a mechanism that allows discharge into Kellogg Creek and the wetlands to the west. There is complete control of drainage runoff. All water from the subdivision will go into the drainage system.

QUESTIONS FROM COMMISSIONERS

Carolyn Tomei asked if there was a chance of water from the subdivision flowing to the east to Else Where Lane. **Mr. Tatone** stated that the drainage flows to the west and will now be picked up and fed to the drainage system.

Gordon Jones asked who designed the system which will control the water to the wetland. **Mr. Tatone** stated that an engineer in their office designed the system.

Gordon Jones asked if it was researched? Who is responsible for maintenance? **Mr. Tatone** indicated that there is no need for continuous maintenance. The system will be a City line and it will be maintained by the City.

Fishman Environmental Services, Inc. have reviewed the site and written a letter of approval for development during construction plans for phases 1 and 2. The wetlands were identified as a wetland by the Division of State Lands.

Don Trotter asked if there have been any changes to the drainage system since approval of Phases 1 and 2. **Mr. Tatone** stated that the only change is the addition of the valve to feed the wetlands.

Gordon Jones asked if water from the subdivision will flow over **Mr. Palm's** property? **Mr. Tatone** indicated that it would not; only the water that is allowed to flow to wetland via the valve will cross **Mr. Palm's** property.

DELIBERATION AMONG COMMISSIONERS

Don Trotter explained that this is a preliminary plat approval and it has to come back to the Planning Commission once more with greater detail. The drainage system will have engineered drawings, which will be reviewed by Public Works, for final plat approval. Based on the design system presented for phases 1 and 2, and the fact that there were minimal changes, he feels that this is a good design. The street system meets the standards of the Fire Department and the drainage has been addressed and should not impact adjacent properties. He feels the proposal has met the criteria and approves of the application.

Madam Chair stated that she felt the drainage system may provide relief to the neighboring residents. She feels the application meets the criteria; she is willing to accept the testimony.

Don Trotter moved to approve Preliminary Plat Approval S-93-01 with the findings listed in the Staff Report and Conditions 1-6 as proposed. Further, adding a Condition #7, "Prior to issuance of building permits for lots 34 and 35, the Applicant shall submit for approval by Staff, site plans which indicate compliance with the Flag Lot requirements of Section 7.04 of the Subdivision Ordinance." Carolyn Tomei seconded.

John Littlehales moved to amend Condition #3 by adding, "...Public Works, including a substantial barricade at the westerly end of Else Where Lane as depicted on the preliminary plat map." Don Trotter and Carolyn Tomei concurred.

MOTION CARRIED 7-0.

Recess was called at 8:30 p.m. and the meeting reconvened at 8:40 p.m.

6.0 CONSIDERATION ITEMS - None.

9.0 Other Business

9.1 Community Development - Public Works Coordination Roles and Responsibilities Worksession

The final draft of the Road/Street Vacation Procedure was submitted. Also submitted was the final application package, including a copy of the actual application and petition for street vacation. Discussion followed on the information submitted. Grammatical changes were suggested.

The Public Facilities Improvements Ordinance was submitted to the Commission. Discussion followed on standards and how these standards could better be communicated between Public Works and the Planning Commission. Discussion was continued until the next worksession scheduled for next month.

7.0 OLD BUSINESS

7.1 Brod-McClung Landscape Plan

Jim Crumley stated that he physically inspected all individual sites of the proposed trees as indicated in their planting plan of June 28, 1993, submitted as part of the

Planning Commission packet. All of the plants are going to be planted on the west side of the Creek.

Brod-McClung still maintains their positive attitude and expects to start planting the trees within the next couple of weeks.

7.2 Oregon Worsted Parking Lot Landscape Plan

The Oregon Worsted site has the same landscaping contractor as Brod-McClung. Staff has inspected all individual sites of the proposed plantings for the Mill End Store. The proposed plan (revised landscape parking island layout) will be completed by the end of July. The same plants that were approved with the application will be used for this planting.

7.3 City Council Decision on Urban Tree Management

Maggie Collins informed the Commission stated that City Council reviewed the proposal for the Tree Committee. The proposal was approved with changes. City Council authorized recruitment of a "Milwaukie Tree Task Group." The changes will be outlined in a memo in the next packet.

7.4 Daily Display Signs

Maggie Collins explained a problem Portland was having with visually handicapped individuals and possible lawsuits resulting from daily display signs. Discussion followed on daily display signs. It was decided that this issue will be discussed at a future worksession.

8.0 NEW BUSINESS

8.1 Light Rail

Madam Chair indicated that she had received a request from Judy Wyers to come and make a presentation on light rail to the Commission.

Maggie Collins stated that she had requested an explanation of the redistricting and how it will effect Milwaukie. This issue should be reviewed before the light-rail presentation. It was the consensus of the Commission to delay Ms. Wyer's presentation until the redistricting issue can be discussed.

8.2 METRO Workshop

Madam Chair informed the Commission that there would be a METRO CMAQ Public Workshop on Monday, July 19, at 7-9 p.m., in the Council Chamber at Metro Regional Center on Grand Avenue. All were invited to attend.

8.3 Kellogg Creek Brochure

Don Trotter reported that he received in the mail a new brochure on Kellogg Creek/Mt. Scott Creek wetlands. Staff will provide a copies to all the Commissioners at the next meeting.

8.4 Odor Mitigation

Don Trotter agreed to contact planning personnel to determine the status of the odor control for Kellogg Creek Sewerage Treatment Plant. **Maggie Collins** will follow up with formal request from the Planning Commission on odor mitigation if the response from Mr. Trotter is not forthcoming.

8.5 Legal Training

Madam Chair informed the Commissioners that a formal session will be held with Bill Monohan, City Attorney, at our July 27th meeting.

8.6 Willamette River Master Plan

Continued.

10.0 NEXT MEETING: July 27, 1993

Gordon Jones moved to adjourn the meeting of July 13, 1993. **Carolyn Tomei** seconded. MOTION PASSED UNANIMOUSLY. Meeting adjourned at 10:00 p.m.



Pat Lent, Chair



Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.
Tuesday, July 13, 1993, at 6:30 p.m.

1.0 Call to Order

2.0 Procedural Questions

3.0 Consent Agenda

3.1 Planning Commission Minutes: June 22, 1993

3.2 City Council Minutes: June 15, 1993 upon approval by CC

4.0 Public Comment

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

5.0 Public Hearings (see Public Hearing Procedure on reverse)

5.1 Applicant: Zarosinski-Tatone Engineers, Inc.

Property Owner: Roy and June Weedman

Location: South of Lake Road by Where Else Lane

Proposal: Preliminary plat approval of a 16-lot subdivision (Phases 3 and 4 of Creekway Estates) within the R-7 Zone (S-93-01)

6.0 Consideration Items - None

7.0 Old Business

7.1 Brod-McClung Landscape Plan

7.2 Oregon Worsted Parking lot Landscape Plan

8.0 New Business - None

9.0 Other Business

9.1 Community Development - Public Works Coordination Roles and Responsibilities Worksession (Continued)

9.2 Community Development Department Report

10.0 Next Meeting:

10.1 July 27, 1993

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 persons who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 652-4410.

Milwaukie Planning Commissioners:

Don Trotter, Chair
Patricia Lent, Vice Chair
John Littlehales
Carolyn Tomei
Gordon Jones
Bill Johnson
Scott McClure

Community Development Department Staff:

Maggie Collins, Community Development Director
Dave Krogh, AICP, Associate Planner
Jim Crumley, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Recording Secretary

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: July 13, 1993
File No.: S-93-01

Application: Preliminary Plat for a 16-Lot
Subdivision in the R-7 Zone

Applicant: Zarosinski-Tatone Engineers, Inc.

Property Owner: Roy and June Weedman

Location: South of Lake Road by Where Else Lane
(Tax Lot 200 of Tax Map 2 1E 1AA and
Tax Lot 400 of Tax Map 2 1E 1AD)

PROPOSAL

This proposal is for preliminary plat approval of a 16 lot subdivision (Phases 3 and 4 of Creekway Estates) within the R-7 Zone.

BACKGROUND

On September 8, 1992, the Planning Commission granted preliminary plat approval for S-92-02, a 19-lot, 2-phase subdivision called Creekway Estates. This approval was contingent upon City Council approval of a rezone from R-10 to R-7 (ZC-92-01). The rezone was subsequently approved and became effective December 17, 1992. Submittal of the final plat for Phases 1 and 2 of Creekway Estates must occur by December 17, 1993.

As part of the review of S-92-02, the Applicants were required to show a conceptual design for Phases 3 and 4. The existing proposal generally follows that conceptual plan.

Currently, the Applicants have received Public Works approval of construction plans for Phases 1 and 2. The Applicants have indicated they will establish an escrow account to accommodate construction of the streets and utilities so that the final plat can be signed and recorded. A draft of the final plat has been provided to City staff for review. Escrow materials have not been submitted for City review as yet.

As part of the zone change consideration (ZC-92-01), a natural resources boundary was also established on proposed lot 36 (see Exhibit 1).

DISCUSSION

The subject property is an extremely long, narrow contiguous ownership, 125 feet wide and extending from Lake Road (on the north) to Kellogg Creek (on the south). The property totals approximately 5.27 acres.

One existing house is located on proposed lot 26. It currently accesses Lake Road by driveway but will access Somewhere Drive once street construction is completed. Staff is assuming the existing house is not intended for demolition, a point that needs to be confirmed by the Applicant.

Physically, the property consists of rolling topography, highest at Lake Road (123 foot contour). Two drainage swales cross the site from east to west, draining into a wetland area that exists on adjacent property to the west. Proposed building area extends south to the 80 foot contour which is also the approximate boundary of the Natural Resource (NR) Overlay Zone along Kellogg Creek. Vegetation onsite is predominantly pasture grasses that have become overgrown with shrubs and blackberries.

The conceptual plan provided for S-92-02, showing potential future configuration of Phases 3 and 4, also shows how street and utility configurations of Phases 1 and 2 extend into Phases 3 and 4. With few exceptions, that acknowledged conceptual plan is being followed for Phases 3 and 4.

The current plan for Phases 3 and 4 (Exhibit 1) differs from the conceptual plan of S-92-02 as follows:

1. The number of lots is reduced by 1 (from 17 to 16 lots).
2. Somewhere Drive is deadended until such time as connections to Vernie or Where Else are feasible. (Potential street extensions are still shown.)

FINDINGS

1. The Applicant is proposing a 16 lot subdivision on property zoned R-7 (Exhibit 1). This subdivision consists of Phases 3 and 4 of Creekway Estates Subdivision, which has received preliminary approval for Phases 1 and 2 but has not as yet received final plat and construction approval (S-92-02).
2. The subdivision design currently submitted is consistent with the preliminary plat and conceptual design submitted with S-92-02 for Phases 1 and 2. The current preliminary plat shows Phases 1, 2, 3 and 4 as interconnected by streets and utilities in a logical and consistent pattern given access and physical conditions.

3. Preliminary plat submission requirements are those of Section 3 of the Subdivision Ordinance. The preliminary plat (Exhibit 1) meets applicable standards as evidenced by Exhibit 3.
4. Design standards are those of Section 6 of the Subdivision Ordinance. These will be addressed as follows:
 - a. Section 6.02 deals with the creation of streets. This plat would continue the new streets (Somewhere Drive and Weedman Court) which were approved as part of Phases 1 and 2 of the Creekway Estates Subdivision (S-92-02). These streets combine to create a loop off of Where Else Lane with an extension south. Potential for either future connection to Vernie Avenue or an additional loop connection to Where Else Lane is implied. The streets entirely within Creekway Estates will have a standard 50 foot right-of-way with 32 feet of paving between curbs. The portions of Somewhere Drive which overlap with adjacent property to the west will have a planned 50 foot right-of-way with 30 feet of right-of-way and 24 feet of paving existing on the subject property and the remainder in hold until such time as the adjacent property is further developed. (Note: the 24 feet of paving is considered a "half street" improvement and will allow 2 travel lanes with parking on one side.) Somewhere Drive is currently shown as ending in a deadend with a hammerhead turnaround which matches a potential street extension coinciding with Else Where Lane (a private access road leading to Where Else Lane). The hammerhead turnaround was originally suggested by staff in lieu of a cul-de-sac and has received Fire Marshal approval.
 - b. Section 6.03 is not applicable as no blocks are proposed.
 - c. Section 6.04 pertains to lot configuration and access. All lots have been reviewed following R-7 Zone standards and general subdivision lot configuration requirements. All lots are conventional in configuration although several are not in a standard rectangular mode due to street conditions (i.e. curves or cul-de-sac). All lots are buildable provided building designs are not limited. Lot 35 also has the potential for re-division if a future extension of Vernie Avenue is accomplished. All lots also have public street access.
 - d. Section 6.05 is not applicable as no open space dedications are proposed.
5. The City Office Engineer has provided comments regarding street and utility requirements (Exhibit 2). These requirements are consistent with the conceptual plan approved for Phases 1 and 2 (S-92-02) by the Commission at a public hearing on September 8, 1992.

6. Section 1303.3 (Solar Design Standards) of the City Zoning Ordinance requires 80% of the lots in a new development to be solar oriented (north-south orientation of lots). Of the 16 lots proposed in Phases 3 and 4, only lots 20, 26, 27 and 35 are in a north-south orientation. This is a solar orientation of 25%. However, Section 1303.5 allows a reduced percentage for solar orientation for situations where physical characteristics and/or street patterns prevent designs from achieving solar orientation while at the same time meeting allowed density.

In the case of subject property, the site for Phases 3 and 4 is a narrow but very long property with the length oriented north/south. The only feasible way to provide access to lots on this property is by north/south street extensions. Therefore, a reduced solar orientation for lots is acceptable.

7. The current owners of the property have been negotiating a sale of the property to a developer who has indicated to staff that construction of streets and utilities may occur all at once rather than by phasing. This means that the labels "Phase 3" and "Phase 4" may not apply in the future. This would not alter preliminary plat approval for Phases 3 and 4 since the approval would be for a specific lot pattern (Exhibit 1).
8. S-93-03 requires review through a Minor Quasi-Judicial process as per Section 3.09 of the City Subdivision Ordinance. This section refers to the process described in Section 1011.3 of the City Zoning Ordinance. Public notice has been issued in accordance with the provisions of Section 1011.3.
9. The approval of S-92-02 (Phases 1 and 2) included a requirement for deed restrictions on Lots 1, 18 and 19 prohibiting access onto Lake Road. These lots have access from either Where Else Lane or Weedman Court, and from a traffic safety standpoint, direct access onto Lake Road is undesirable. Lot 20 of Phase 3 would be similarly affected and will be recommended for deed restriction consistent with that already done for Lots 1, 18 and 19.
10. Adjacent property to the west has been identified by the Oregon Division of State Lands as including wetland area. Some of the water recharging that wetland comes from storm drainage across the subject property. The Office Engineer has obtained plans from the Applicant which will allow storm water to continue to be channeled into the wetland area for wetland maintenance. Overflow beyond the drainage rate established for the wetland would be routed to Kellogg Creek (Exhibit 2).

CONCLUSION FOR S-93-01

This application meets applicable subdivision standards as specified in the preceding findings and is consistent with the previously approved preliminary plat for Phases 1 and 2 of Creekway Estates Subdivision (S-92-02).

RECOMMENDATION FOR S-93-01

For approval of S-93-01 based on the previous conclusion and findings with the following conditions:

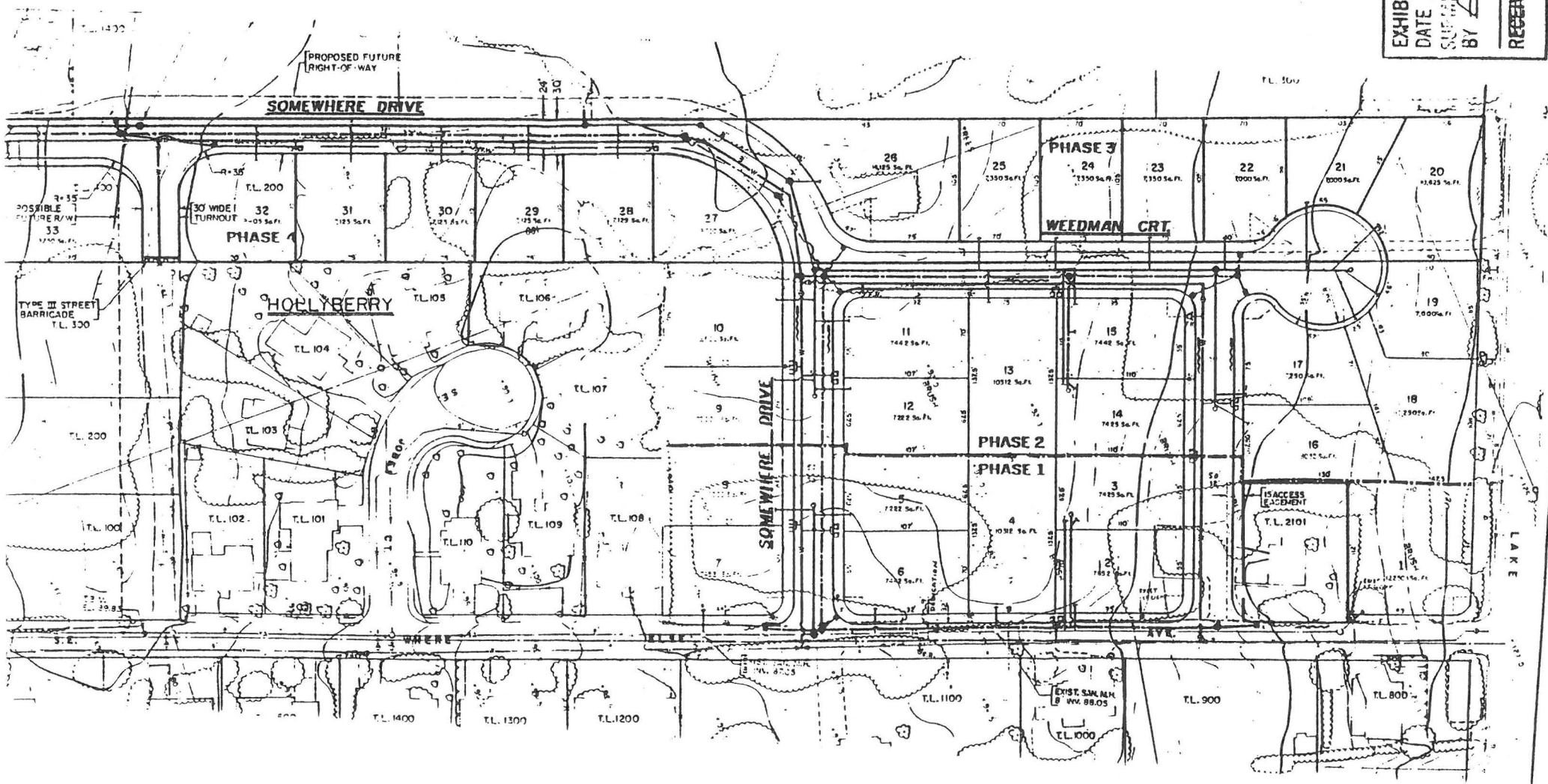
1. Lot configuration shall be as indicated on Exhibit 1 except that minor modifications may be allowed by Community Development staff.
2. Submittal of the final plat shall follow all requirements of Section 4 of the City Subdivision Ordinance. This submittal must occur within one year of this preliminary plat approval otherwise a re-submittal would be required.
3. Utility and street improvements shall be as required by Public Works.
4. Developers agreements shall be required for Lots 32-35 to allow for participation in providing for future street extensions as suggested on the preliminary plat.
5. Deed covenants shall be provided for Lot 20, restricting lot access to Weedman Court only. No access for Lot 20 will be allowed directly onto Lake Road for purposes of traffic safety.
6. Deed covenants (if proposed for other lots) shall be provided for City staff approval prior to recording in order to ensure consistency with City standards.

EXHIBITS

1. Proposed Preliminary Plat (Large Copy to PC Members Only)
2. Office Engineer's Memo
3. Preliminary Plat Checklist
4. Vicinity Map

DK:jpg

EXHIBIT # 7113193
 DATE 7/13/93
 SUBMITTED BY Applicant
 RECEIVED S-93-01



MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger *PR*
Office Engineer

RE: S-93-01
Creekway Estates, Phases 3 and 4

DATE: June 21, 1993

RECEIVED
JUN 20 1993
PLANNING

Public Works is currently in the process of reviewing the final construction plans for Phases I and II of this development. Currently City sanitary sewer is available on an easement from Vernie Avenue to the west line of proposed Phase IV. City water is only available from a 4-inch line on the Else Where Lane easement or from an 8-inch line at the east end of Vernie Avenue if an easement were acquired across 50-feet of private property.

However, with the construction of Phases I and II of CREEKWAY ESTATES, City water will be available at Somewhere Drive and Weedman Court. City sanitary sewer is still proposed to come from the easement from Vernie Avenue.

Part of the storm drainage for Phases III and IV will be constructed under Phases I and II and will be extended to Kellogg Creek. The detention pipe will still be in place with the reduced orifice discharging storm water to the wetlands at the south line of Tax Lot 1300 owned by Milt Palm. Any storm water that does not go to the wetlands will be drained to Kellogg Creek.

Also, natural drainage must continue across proposed Lot 24 from west to east along either the north or south property line to prevent any ponding on the property to the west.

Street lights will be required on all streets before final approval of the improvements. Sidewalk is required on all lots as the houses are built.

Full construction plans must be submitted for approval along with an erosion control plan prior to beginning construction.

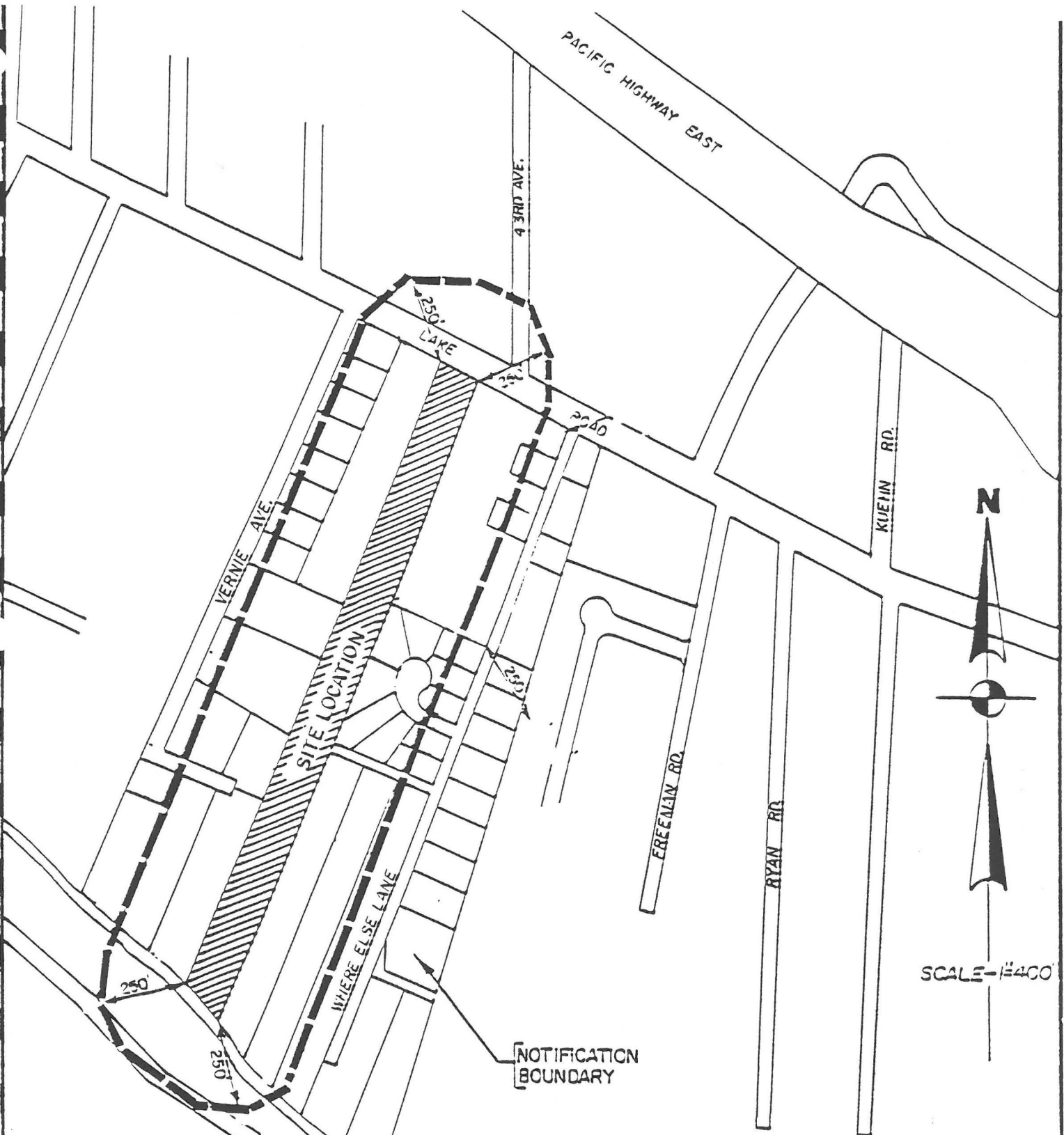
EXHIBIT #	2
DATE	7/13/93
SUBMITTED BY	Staff
RECEIVED	S-93-01

OK	NO	N/A	Subdivision/Preliminary Plat	CHECK LIST 1 (submit with application)	Ordinance No. 1440
			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', 1:50	
✓			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 manholes	
✓				drain pipes	
✓				culverts	

EXHIBIT # 3
 DATE 7/13/93
 SUBMITTED BY Applicant
(Two-Sided)
 RECEIVED S-93-01

✓	d.	Within tract - zoning	<i>On Vicinity Map</i>
✓		existing uses	
✓		200 ft. on all sides - zoning	<i>19</i>
✓		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	<i>All, on subject property</i>
✓		approximate time such improvements are to be completed	<i>1 year</i>
✓	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.	

REFER TO SECTION 3 - PRELIMINARY PLAT AND SECTION 6 - DESIGN STANDARDS OF THE SUBDIVISION ORDINANCE FOR CRITERIA FOR THIS APPLICATION.



VICINITY MAP & NOTIFICATION B

	ZAROSIN	EXHIBIT # <u>4</u>
	ENGINE	DATE <u>7/13/93</u>
3737 S. E. 8TH AVENUE		SUBMITTED BY <u>Applicant</u>
PHONE:		RECEIVED <u>5-93-01</u>

July 13, 1993

Paul Roeger
Public Works Dept.
City of Milwaukie
Milwaukie, Oregon

Dear Paul,

This letter is to confirm a conversation that I had with you on July 13, 1993 regarding my concerns over the development of the property next to mine on Where Else Lane in Milwaukie. This property owned by the Febs and Weedmans is about to be developed into a housing subdivision zoned R-7.


I have some concerns about how the property is projected to be developed. My major concern is about the appropriate and adequate drainage system as well as the build-up and grading of the road where it meets Lake Road. As you know, I have lived in my home for 17 years and have talked numerous times at Public Hearings about the development of this property. I am not against development but I am adamant that it be done correctly and with the rights of the current homeowners protected. It is my understanding from previous discussions at other hearings on this property that there is currently an elaborate tile system that takes care of the drainage. Once building and regrading of the land begins, those tiles will be disrupted and the system that has been in place for many years will no longer be useable. It is, therefore, that I am requesting that careful consideration be given to how the runoff and drainage of this development is handled. Since there seems to be a distinct possibility that my property could be adversely affected by a change in the manner in which the drainage (run off) is handled, I would request that the developer be required to install a drainage pipe system that borders along the 100 feet of my property as well as the other 2 neighbors west of me that are adjacent to his property. I have no water problems whatsoever now and do not want any in the future. If the drainage ditch is properly dug and adequate serrated, fabric wrapped pipe is installed when the grading of the new lots is accomplished, it would be much more feasible than to do it after the fact when a problem arises. I am also aware that Pennywood Estates has run a drainage line on Mrs. Ronck's property and under Where Else Lane that drains directly onto the said property to be developed. I am bothered by the numerous water problems my neighbors across the street and some residents of the Pennywood Estates have had with water since that development was built. At Public Hearings concerning that property, the homeowners affected as well as myself gave testimony that we had grave concerns about the possible water damage that would result if the grading and drainage system were not done properly. Our fears were well warranted as the water problems continue. I am trying to avoid any such problems with this new development. Consequently, if there is no current easement to allow for drainage

pipe along the property in question and the existing homes that abut said property, I request that one be granted.

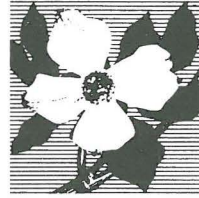
As for the road improvement, it is my understanding that Where Else Lane is to be regraded to conform with Vernie and Freeman so that there is a level surface at the intersection of Where Else and Lake Rd. Since the LaGood home sits to the east of Where Else and has 2 driveways that are currently level with Where Else, it seems to me that the use of those driveways will be severely curtailed and perhaps unusable if the regrading of Where Else is to be like that of Freeman and Vernie. I feel the LaGood property will be negatively impacted if that is done and question whether a developer can legally alter the use of someone else's property in such manner.

It is imperative that we all work together to effectively manage any water problems via proper grading that follows the natural terrain and appropriate drainage techniques so that this development will have a positive affect on the area.

Thank you for your consideration and assistance in this matter.



Sincerely,

DeLores (Dedi) Juhala
12845 S.E. Where Else Lane
Milwaukie, Oregon 97222

cc:Planning Commission



*****MEMORANDUM*****

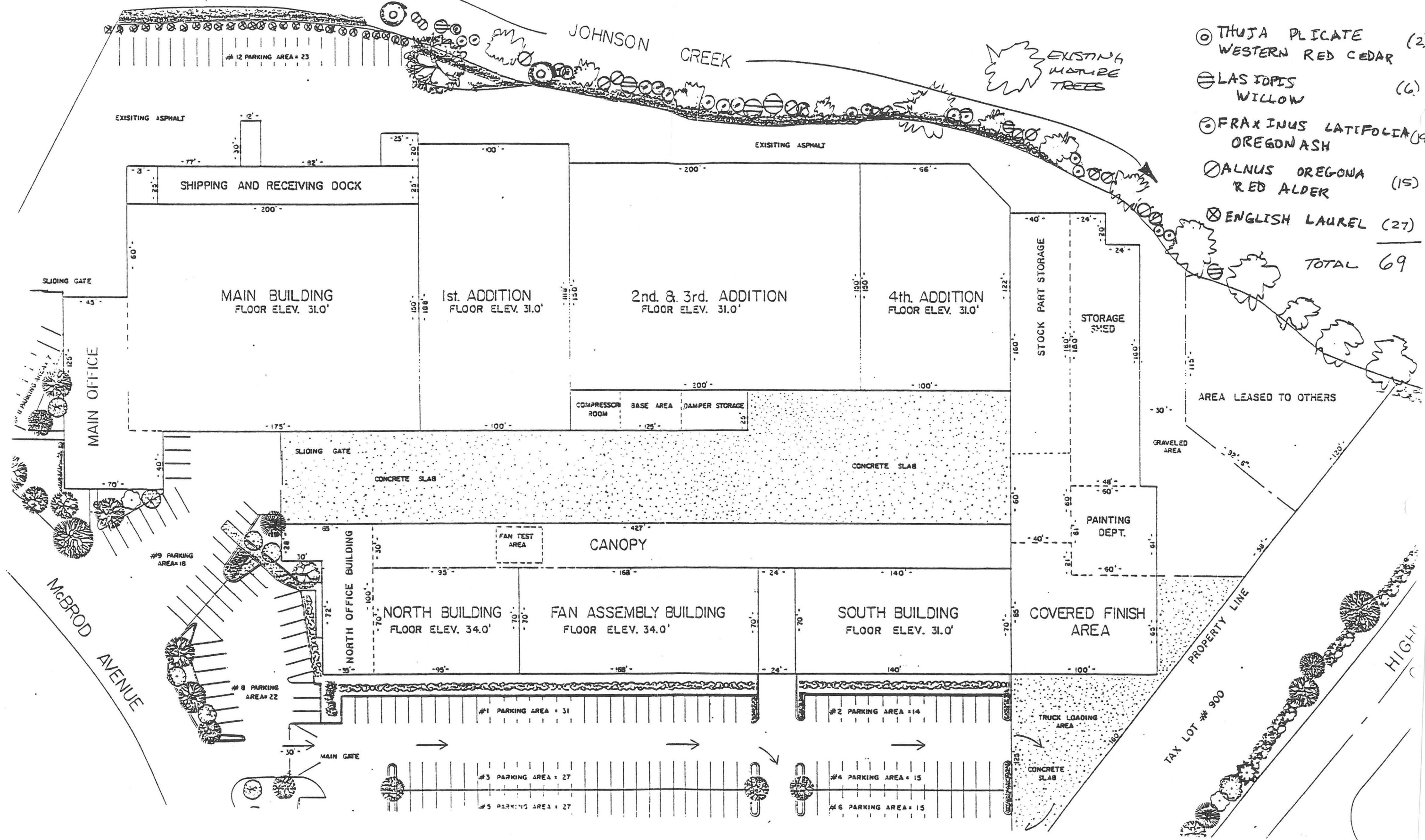
**COMMUNITY DEVELOPMENT DEPARTMENT
JULY 13, 1993**

TO: MILWAUKIE PLANNING COMMISSION
THRU:  MAGGIE COLLINS, COMMUNITY DEVELOPMENT DIRECTOR
FROM:  JIM CRUMLEY, ASSOCIATE PLANNER
RE: BROD & McCLUNG, PACE LANDSCAPING

Brod & McClung Pace has submitted a planting plan, dated June 28, 1993, to augment the previous plantings which had been considered inadequate to meet the screening requirements imposed by the Planning Commission. The present plan will screen the existing parking area with 27 English Laurels and compliment fourteen existing trees along the west side of Johnson Creek with 42 additional Cedar, Willow, Ash, and Alder trees.

The Community Development Department prefers this plan over a previously discussed alternative of planting some of the trees on the east side of Johnson Creek because the proposed plantings will be closer to the Creek and the area intended to be screened.

MC:JC:jpg

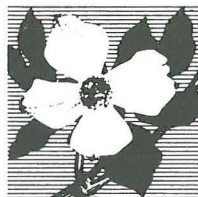


- ⊙ THUJA PLICATE WESTERN RED CEDAR (2)
- ⊖ LAS TOPIA WILLOW (6)
- ⊙ FRAXINUS LATIFOLIA OREGON WASH (9)
- ⊖ ALNUS OREGONA RED ALDER (15)
- ⊗ ENGLISH LAUREL (27)
- TOTAL 69**

LANDSCAPE PLANTING PLAN
 BROD & McCLUNG PACE CO.
 SCALE 1" = 62'

All PLANTS TO BE FROM 5 GAL CONTAINERS (3'-5').

CITY OF MILWAUKIE



**COMMUNITY DEVELOPMENT
PUBLIC WORKS**

6101 S.E. JOHNSON CREEK BLVD.

TELEPHONE: 652-4410

*****MEMORANDUM*****

**COMMUNITY DEVELOPMENT DEPARTMENT
JULY 13, 1993**

TO: MILWAUKIE PLANNING COMMISSION
THRU: *MC* MAGGIE COLLINS, COMMUNITY DEVELOPMENT DIRECTOR
FROM: *h* JIM CRUMLEY, ASSOCIATE PLANNER
RE: OREGON WORSTED (MILL END STORE) LANDSCAPING

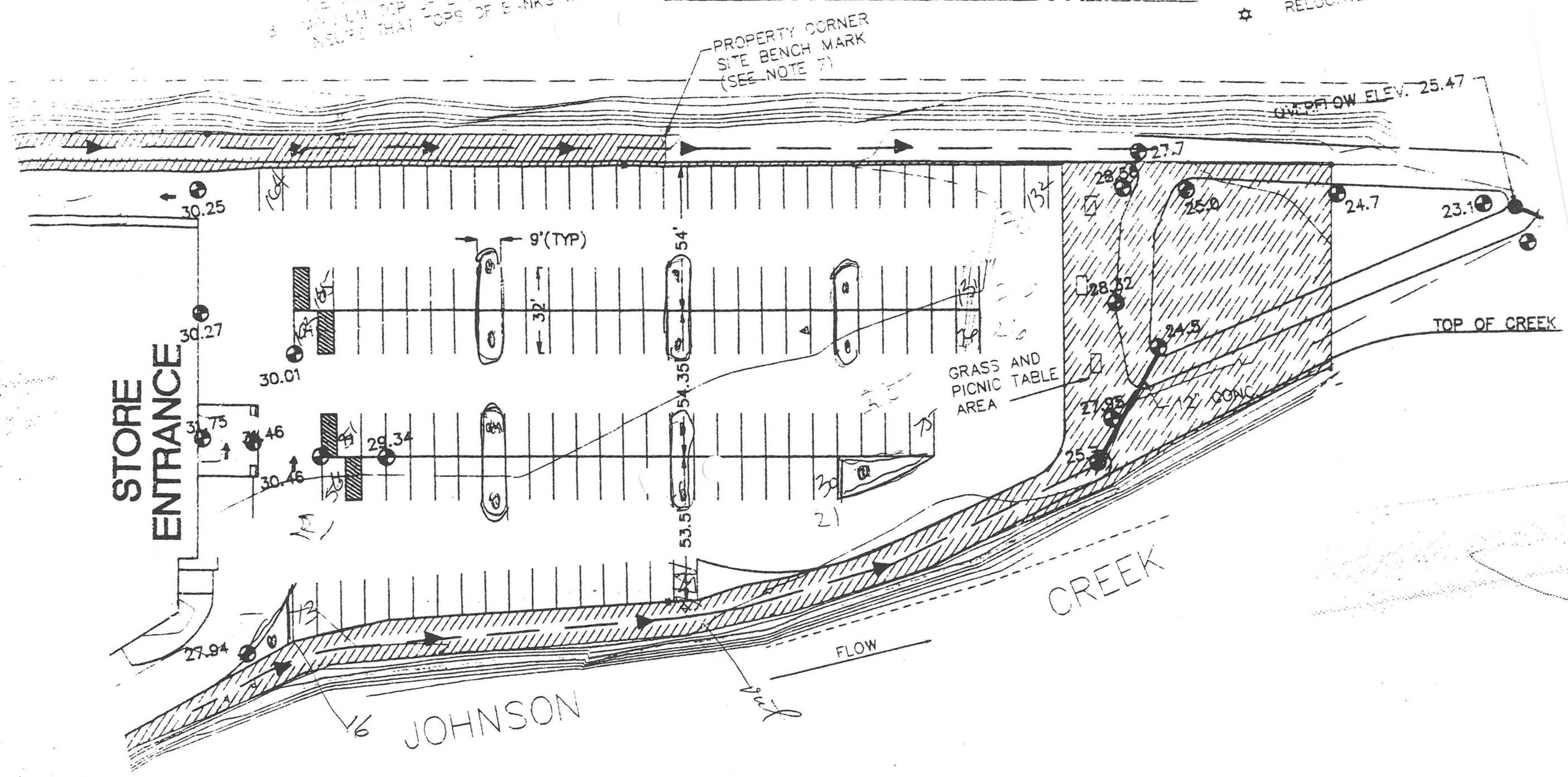
Oregon Worsted submitted an alternative parking island landscape detail plan on May 5, 1993. The revised plan calls for approximately the same amount of landscaped area with exactly the same amount of landscaped material. The islands have been rotated 90 degrees to conform with the "as built" parking layout. The landscaping is intended to be completed by August 5, 1993.

The number of parking spaces will still far exceed the amount required for this use.

MC:JC:jpg

PROPERTY CORNER ON EAST SIDE OF PROPERTY ARE BOUNDARY
 THE POINT FOR SITE S 23 85.
 MINIMUM TOP OF BANK FOR NORTH POND AND CONTRIBUTING SWALE 5' TO 10' FROM
 INSURE THAT TOPS OF BANKS WILL BE CONSTRUCTED TO THESE MINIMUM ELEVATIONS

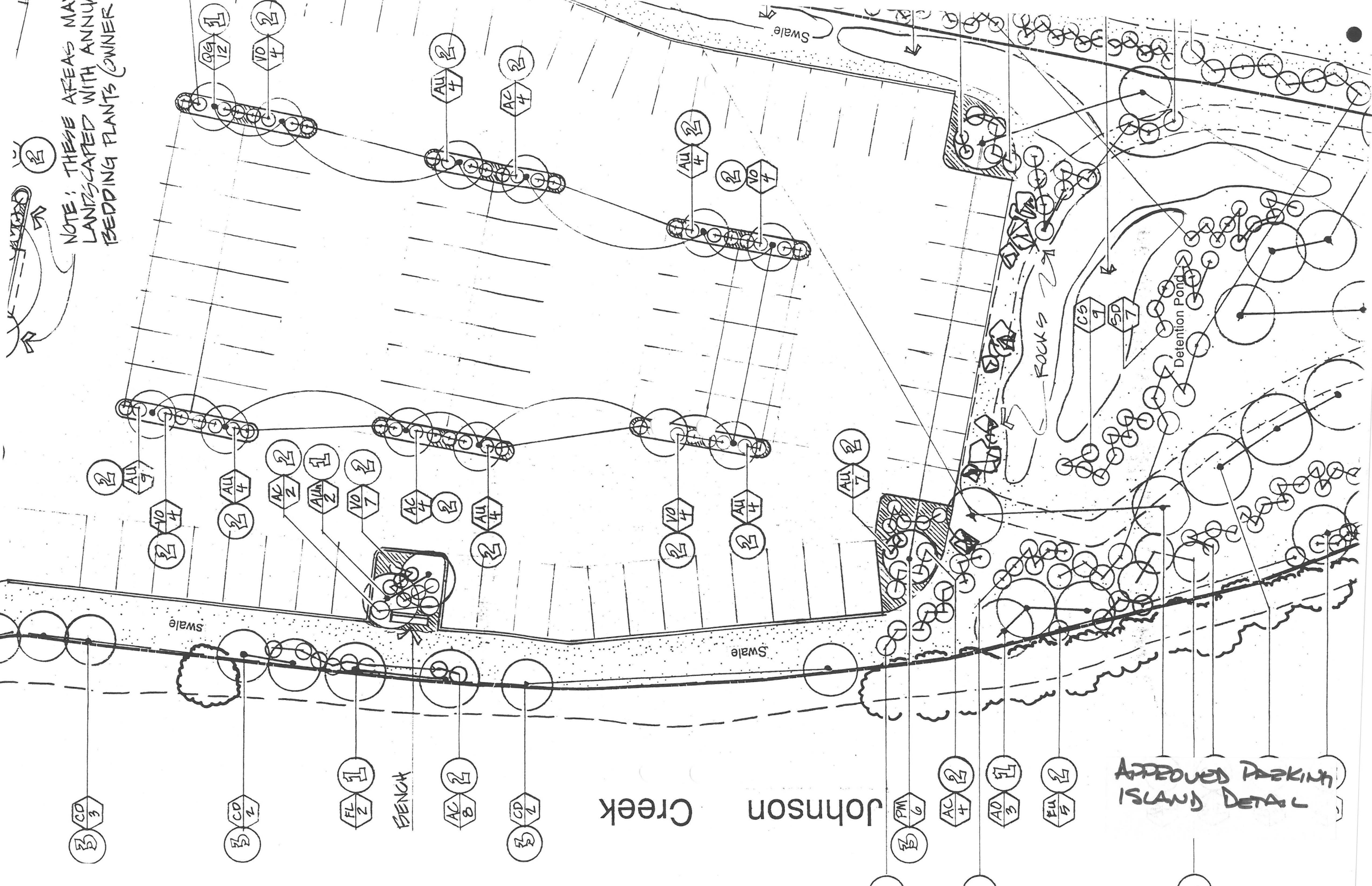
FLOODWAY 30'
 PROPOSED LANDSCAPED
 RELOCATED LIGHTING



REVISED PARKING ISLANDS DETAIL

Submitted 5-5-93
 CONST. DATE < 90 days -

NOTE: THESE AREAS MA
LANDSCAPED WITH ANNU
BEDDING PLANTS OWNER



Johnson Creek

APPROVED PARKING ISLAND DETAIL

CD 3

CD 2

FL 2

BENCH

AC 8

CD 1

PM 6

AC 4

AD 3

FU 5

AU 9

VO 4

AU 4

AC 2

AU 2

VO 7

AC 4

AU 4

VO 4

VO 4

AU 4

AU 7

GS 12

VO 4

AU 4

AC 4

AU 4

VO 4

CS 9

SD 7

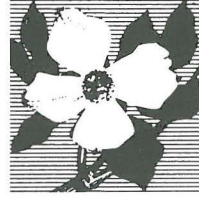
Detention Pond

ROCKS

Swale

Swale

swale



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF MILWAUKIE

July 7, 1993

To: Milwaukie Planning Commission
From: *MC* Maggie Collins, Community Development Director
Re: Final Draft of Petition-Initiated Street/Road Vacation
Procedures

Action Requested

For your information.

Discussion

Attached is a copy on yellow paper of the amended and final Procedure draft. On white paper is the in-house Process Guide.

The yellow paper is amended to include additional policy from the Comprehensive Plan as criteria for evaluation; a specific reference to sending the application to the City Attorney; specific direction on notification to affected property owners prior to Planning Commission meeting; and a general statement of how the public meeting should be conducted prior to the Planning Commission making a recommendation.

Due to short staff resources, Tim informs me that the final application package is not quite ready. He will have it available at the meeting on the 13th.

New Material

Also attached is a copy of the Public Facilities Improvements ordinance. It is encoded as Section 15.32 of the Municipal Code. This should aid the ongoing discussion about escrow accounts and general development requirements for the Worksession.

cc: Tim Corbett

**CITY OF MILWAUKIE ROAD/STREET VACATION PROCEDURE
(PETITION-INITIATED)**

A. PRELIMINARY CONTACT

1. A petition for road/street vacation may be filed by any interested person with the designated recording officer for the Milwaukie Public Works Department. Public Works staff shall collect a fee for processing, advertising, and recording, following the procedures stipulated in O.R.S. 271.110(3).

2. If a petition is filed in conjunction with a land use application, the same procedures apply, and the fee shall be collected at the same time that the land use application fee is collected.

B. PETITION APPLICATION CONTENT AND PROCEDURE

1. A completed petition application shall address the following:

- a. Description of Property
 - site description
 - proposed use
 - reason for vacation
 - origin of right-of-way land area
 - identification of fee title holder
 - identification of any known City assets in dedicated right-of-way
 - relationship of road or street right-of-way to current or planned road or bike path system

- b. Consents
 - owners of all abutting property
 - owners of at least two-thirds of property affected as defined by O.R.S. 271.080(2).

2. It is the responsibility of the petitioner to provide a completed application. Staff assistance is available to assist in gathering information. However, if the petition application is not complete, Public Works staff shall notify the petitioner in writing and return the petition and/or application for additional information.

C. PETITION APPLICATION REVIEW BY CITY STAFF

1. Upon receipt of a complete petition application, Public Works staff shall circulate the petition to all affected City departments for review and comment. The application shall also be referred to the City Attorney's office for comment. Any department may, at this time, ask for additional information and/or clarification concerning the proposal. This review period shall be no longer than two weeks.

2. Public Works staff shall review the petition based upon comments received from affected City departments and the City Attorney's office, and based upon the following criteria guidelines:

- a. The City does not hold fee title to the property and/or the City finds that the property is of no value to the City.
- b. Vacating the right-of-way would not be detrimental or would be of benefit to the City.
- c. No City assets of any value are located in the right-of-way, or an easement is obtained providing the City with access and the right to maintain those assets prior to vacation.
- d. The dedicated right-of-way is not viewed as providing a possible link in current or future planned road, pedestrian or bike path systems.
- e. Reverting the dedicated right-of-way is not in conflict with the following Comprehensive Plan goals and policies:
 - (1) To improve the access, circulation and safety of roadways.
 - (2) To develop a pedestrian/bikeway system which connects local activity centers such as parks, schools and activity centers.
 - (3) To provide, improve, and maintain public access and visual access within the Greenway and to the Willamette River and Kellogg Lake.
 - (4) To encourage passive recreational public use of Natural Resource areas identified in the Comprehensive Plan for walking trails, nature parks, etc.

3. Based on the above, Public Works staff shall develop a recommendation in writing. If staff recommends denial, Public Works staff shall notify the petitioner of this recommendation, place the petition on the next available Council agenda, and notify the petitioner of the meeting date. Council may deny without further notice. If the petition is denied by City Council, Public Works staff shall notify the petitioner of the Council's action in writing.

D. APPROVAL PROCEDURE

1. If the petition application is deemed sufficient and staff does not recommend denial, Public Works staff shall prepare a notice of petition and hearing before City Council. This determination to proceed shall be based on a completed petition, a completed application that addresses C(2)(a), (b), (c), (d), and (e) above, and the determination that O.R.S. 271.100 applies to the subject request.

2. During the notice period, but prior to undertaking legal notice requirements of O.R.S. 271.110(1) and (2) as summarized in D(3) below, the petition shall be forwarded to the Community Development staff for placement on the next Planning Commission agenda. The Planning Commission may make a recommendation to City Council by motion.

- a. The petitioner and affected property owners as defined in Section B(1)(b) shall be notified of the Planning Commission meeting date and location.
- b. The Planning Commission shall conduct its review proceedings as a public comment item, using the following procedure: The Chair will ask for a short staff report, then will open the floor to comments from affected property owners. This will be followed by questions from the Commission, and a final summation by the Chair of comments heard. At this point, the Commission may make a recommendation by motion. If the Commission decides to make no recommendation, that action shall also be by motion. The Chair will then inform those present of the next steps in this process.

- c. For its review, the Planning Commission shall incorporate criteria in Section C(2), the Public Works Department staff report, the results of the Public Works referral process, and any applicable adopted land use policy.

3. In the event the petition is proposed in conjunction with a land use application, the following notice procedure for Council action shall be coordinated to coincide with land use legal notification procedures and hearing dates:

- a. For Council action, notice must be published once each week for two consecutive weeks and posted in two places on the property within five days after first publication. The notice shall contain:

- Description of property to be vacated
- Date petition filed
- Name of at least one petitioner
- Date of hearing and when any objections can be offered.

- b. The posting date and first day of publication must not be less than 14 days before the Council hearing and the hearing should be scheduled to allow sufficient time for Planning Commission review.

4. Public Works staff shall prepare a legal description, including any reservations for utility easements. Public Works staff shall prepare an ordinance and shall send the petition, application, copy of notice, staff report, and Planning Commission recommendation to the City Administration Department for inclusion in the City Council's agenda packet.

E. CITY COUNCIL REVIEW AND APPROVAL

At the public hearing, the Council shall determine whether:

- Consent of owners of requisite area was included
- Notice was duly given
- The public interest will not be prejudiced by the vacation, making findings on the criteria guidelines cited in C(2) above.

If answers to all questions are affirmative, the Council shall grant the petition and adopt an ordinance approving the vacation as stipulated by O.R.S. 271.230. The Council may modify the request or make reservations as necessary to protect the public interest. Following the hearing, Public Works staff shall file a certified copy of the ordinance with the County Clerk, Assessor and Surveyor, and shall make all necessary corrections and amendments to the City's land use maps.

This procedure integrates two sets of guidelines: (1) Public Work's Street Vacation Procedure dated October, 1986; and (2) Tim Corbett's Street Vacation/Recommended Guidelines Memo dated March 6, 1992.

PROCESS GUIDE

**City of Milwaukie Road/Street Vacation Procedure
(Petition-Initiated)**

PUBLIC WORKS DEPARTMENT	COMMUNITY DEVELOPMENT DEPT.	PROCEDURE/PROJECT
<u>A.</u> Preliminary contact * hand out application	* assist PW staff with application * process land use information & application, if vacation request is submitted with a land use application	Application package includes: * City general form * <u>B.1.</u> petition application * consent form & instructions
<hr/> <u>B.2.</u> Applicant submits completed application with petition to PW staff		
<u>C.</u> PW circulates completed application to affected City Departments and City Attorney	CD Referral and review * staff reviews completed application	Depts. respond within 2 weeks
<u>C.2.</u> PW staff reviews Dept. input		Criteria in Section C.2
<u>C.3.</u> If staff recommends denial		Denial process: * applicant notified * petition presented to next Council meeting * if Council denies, applicant notified in writing
<u>D.</u> If staff recommends approval	Planning Commission review * staff places request on next P.C. agenda * if request is in conjunction with a land use application, the PW staff recommendation is reviewed when the land use hearing occurs * affected parties notified of P.C. meeting	<u>D.1</u> Criteria in C.2 & ORS 271.100 <u>D.2</u> P.C. may, but is not required, to make a recommendation

PUBLIC WORKS DEPARTMENT

COMMUNITY DEVELOPMENT DEPT.

PROCEDURE/PROJECT

D.3. Staff sets Council hearing date

- * prepares staff report and includes P.C. recommendation
- * prepares ordinance

D.3.a. stipulates contents of public hearing notice

E. Council hearing

- * staff notes any modifications or reservations
- * after hearing, staff notifies applicant, files certified copy of ordinance with the County
- * staff initiates amendments to City's land use maps
- * assists in necessary land use map changes
- * files copy of ordinance in CD records

Chapter 15.32

**PUBLIC FACILITIES
IMPROVEMENTS**

Sections:

Article I. Statement of Purpose and Objectives

15.32.010 Purpose.

Article II. Definitions

15.32.020 Interpretation.

15.32.030 Definitions.

Article III. General Provisions

15.32.040 Situations to which this chapter applies.

15.32.050 Exempt situations.

15.32.060 Compliance.

Article IV. Administration

15.32.070 Public facility improvements review.

15.32.080 Public works director—Administrator.

15.32.090 Public works director—Duties and responsibilities.

15.32.100 Appeals.

Article V. Provisions for Public Facilities Improvements

15.32.110 Improvement methods.

15.32.120 On-site facilities improvement requirements.

15.32.130 Off-site facilities improvement requirements.

15.32.140 Off-site facilities improvement criteria.

15.32.150 Facilities oversizing.

15.32.160 Progress to be monitored.

15.32.170 Public facilities design.

15.32.180 Formation of local improvement districts.

15.32.190 Coordination.

Article I. Statement of Purpose and Objectives

15.32.010 Purpose.

It is the purpose of this chapter to provide for the orderly construction of needed public facilities by provisions designed to:

A. Meet city Comprehensive Plan requirements for public facility improvements;

B. Minimize the expenditure of public moneys for public facilities improvements;

C. Identify public facilities improvements necessary for given property development proposals;

D. Allow actual improvements of public facilities to occur at a time appropriate for the improvements needed; and

E. Provide an equitable and consistent method of requiring public facilities improvements. (Ord. 1645 Art. 1 § 1, 1988)

Article II. Definitions

15.32.020 Interpretation.

A. Unless specifically defined in Section 15.32.030, words or phrases used in this chapter are intended to be interpreted so as to give them the meaning

they have in common usage and to give this chapter its most reasonable application.

B. Specific words, phrases, or standards, other than as specifically defined in Section 15.32.030, may be interpreted by the public works director based upon the finding that such interpretation shall be in keeping with the intent of this chapter. (Ord. 1645 Art. 2 § 1, 1988)

15.32.030 Definitions.

A. "Change in land use" means a change in the primary existing use or the addition of other use(s) for a specific real property. A proposal to change a land use may require other land use processes including rezone, conditional use, community service overlay, etc.

B. "City" means the city of Milwaukie, Oregon.

C. "Construction" means the development, building, remodeling, adding or improvement of structures for a specific real property.

D. "Developer's agreement" means a notarized document signed by the property owner, and recorded against the property in question, wherein the property owner agrees to construct or provide public facilities improvements specifically identified in the document, or, (in cases where local improvement district or project formation is necessary), to share in the cost of necessary public facilities improvements, to not remonstrate against the city for such improvements, and to pay the assessment or share for such improvements at the time they are made. Actual property owner share and share formula shall be determined at the time of local improvement district or

project formation. This may consist of such determination methods as street frontage percentage, lot square footage and/or standard per lot assessment.

E. "Minor damage" means damages incurred by a structure or structures by either manmade or natural means where the cost of repair is twenty-five percent or less than the current assessed valuation of the total of all on-site improvements before the damage occurred.

F. "New construction" means construction occurring on vacant property or construction occurring as part of reconstruction or redevelopment of an existing developed site.

G. "On-site improvements" means all structures or improvements on a specific real property which would require a building permit prior to construction, but not including the following: driveways, walkways, parking areas, fences, retaining walls, landscaping, and ground level patios/decks. On-site improvements also refers to public facility improvements occurring on the subject property or within adjacent public right-of-way or utility easements.

H. "Public facilities" means facilities intended to serve the public and consisting of either city-owned or other public service agency-owned streets, rights-of-way, storm drainage systems, water systems, bus stops, sanitary sewer systems, street lighting, sidewalks, bicycle paths, street trees, public accessways, utility easements, and traffic controls.

I. "Public works director" means the public works director for the city, or an assigned designee. (Ord. 1645 Art. 2 § 2, 1988)

Article III. General Provisions

15.32.040 Situations to which this chapter applies.

This chapter shall apply for all situations within the jurisdiction of the city described as:

- A. New construction, including residential, commercial, industrial, or other;
- B. Construction resulting in an increase in occupancy;
- C. Construction resulting in increased traffic;
- D. Creation of new parcels and lots by minor land partition, major land partition, subdivision, and planned development; and
- E. A change in land use. (Ord. 1645 Art. 3 § 1, 1988)

15.32.050 Exempt situations.

This chapter shall not apply to the following situations within the city:

- A. Construction not subject to the provisions of subsections B, C and E of Section 15.32.040 and where the improvement value is twenty-five percent or less than the current assessed valuation of the total of existing on-site improvements; or
- B. Construction consisting of reroofing, residing, window installation, minor damage repair, or interior remodeling not subject to provisions of Section 15.32.040B.
- C. New construction not subject to the provisions of Section 15.32.040B for the purposes of replacing or remodeling a single-family dwelling damaged by a fire, flood, or other casualty. (Ord. 1645 Art. 3 § 2, 1988)

15.32.060 Compliance.

No structure or land shall be constructed, located, converted, altered, or occupied, as indicated in Section 15.32.040, after the effective date of the ordinance codified in this chapter, without full compliance with the terms of this chapter and other applicable regulations. In cases of noncompliance, the city may take enforcement action, terminate city water service, establish property liens, or use other methods to ensure chapter compliance. (Ord. 1645 Art. 3 § 3, 1988)

Article IV. Administration

15.32.070 Public facility improvements review.

All situations to which this chapter applies shall be reviewed by the city public works department based upon established review standards in order to determine the adequacy of public facilities for the use intended and whether or not new public facilities or expansion of existing public facilities is required. (Ord. 1645 Art. 4 § 1, 1988)

15.32.080 Public works director—Administrator.

The public works director is appointed to administer and implement this chapter. (Ord. 1645 Art. 4 § 2, 1988)

15.32.090 Public works director—Duties and responsibilities.

Duties of the public works inspector shall include, but not be limited to:

- A. Permit Review.
 1. City public works department, community development department,

and structural safety division shall submit copies of nonexempt land use and building permit applications to the public works director for review.

2. The public works director shall respond within ten working days with an indication of chapter applicability along with proposed conditions, if any, for compliance with this chapter.

3. Conditions proposed for compliance with this chapter shall be attached to the application, if approved.

B. Review Standards. Review standards for public facilities shall be those standards currently in effect, or as modified, and identified in such public documents as the Comprehensive Plan of the City of Milwaukie, the City Sewerage Master Plan, the City Water Master Plan, the Roadway and Traffic Safety Management Plan for the City of Milwaukie, City of Milwaukie Public Works Design Standards, Standard Specifications and Drawings for Public Works Construction by the American Public Works Association Oregon Chapter, the city zoning ordinance, and city subdivision ordinance. (Ord. 1645 Art. 4 § 3, 1988)

15.32.100 Appeals.

A. Appeals. Appeals of a decision or interpretation of the public works director must be filed on forms prescribed by the city and accompanied by the appropriate filing fee within fifteen days of the decision of the public works director.

B. Appeal Review. The city manager for the city shall review and decide requests for appeals of the requirements of this chapter.

C. Appeal Review Procedure. Appeals to the requirements of this chapter shall be scheduled for consideration of the city manager during normal City Hall business hours.

D. City Council Review. A decision of the city manager may be appealed to the city council for consideration within fifteen days of the action date. The appeal must be on forms prescribed by the city and accompanied by the appropriate filing fee.

E. Appeal Criteria. An appeal of a decision or condition of approval for actions provided for in this chapter shall be granted if conformance is shown to one of the following criteria:

1. That the proposal is not, in fact, a situation to which this chapter applies; or
2. That reasonable alternatives to conditions or interpretations applied can be substituted while still maintaining chapter purpose. (Ord. 1645 Art. 4 § 4, 1988)

Article V. Provisions for Public Facilities Improvements

15.32.110 Improvement methods.

If, upon review of the development proposal by the public works director, the affected street or other public facility does not meet applicable standards, the property owner shall provide the improvement or other action necessary to satisfy the applicable standards. The public works director may select, from the following, the most appropriate method:

A. Construction by the property owner subject to public works inspection approval;

B. Payment in lieu of construction, either in the form of a trust account or posted bond; or

C. Developer's agreement committing the property owner to not remonstrate against the city for the necessary improvements and to pay the assessment for such improvements. In approving this method, the public works director may require a temporary improvement at a lesser standard appropriate to the circumstances.

D. Reimbursement agreements may be authorized for off-site facilities improvements fronting other properties. (Ord. 1645 Art. 5 § 1, 1988)

15.32.120 On-site facilities improvement requirements.

Any situation to which this chapter applies shall be required to complete or make provision for completion of improvements to public facilities following the improvement method selected from Section 15.32.110. Method C will be used when immediate construction of public facilities is not feasible or practical from an engineering standpoint. (Ord. 1645 Art. 5 § 2, 1988)

15.32.130 Off-site facilities improvement requirements.

Off-site facilities improvements shall be required for construction or development proposals which would result in detrimental effects to existing public facilities or cause existing public facilities capacity problems. Improvements shall follow the methods identified in Section 15.32.110. (Ord. 1645 Art. 5 § 3, 1988)

15.32.140 Off-site facilities improvement criteria.

Off-site facilities improvement requirements shall be based upon analysis by the public works director that the development proposal will result in one of the following:

A. Exceed the design capacity of the facility;

B. Exceed other generally accepted standards;

C. Create a potential safety hazard; or

D. Create an ongoing maintenance problem. (Ord. 1645 Art. 5 § 4, 1988)

15.32.150 Facilities oversizing.

Public facilities improvement required by the public works director shall be at sizes specified in city standards documents. Oversizing may be required in anticipation of additional systems demand. Oversizing proposed by the property owner may be allowed at the property owner's expense. The public works director may authorize a reduction in systems development charges or a reimbursement agreement for developments where oversizing of facilities is required. (Ord. 1645 Art. 5 § 5, 1988)

15.32.160 Progress to be monitored.

The public works director shall monitor the progress of all public facilities improvements required to ensure project completion and compliance. Follow-up action, such as facilities inspection, bond release, and enforcement shall be considered a part of the monitoring process. (Ord. 1645 Art. 5 § 6, 1988)

15.32.170

15.32.170 Public facilities design.

Construction projects shall meet design standards for public facilities installation or improvements as identified by the public works director or city design standards. The property owner is responsible for providing engineered facility plans to the public works director for review. (Ord. 1645 Art. 5 § 7, 1988)

15.32.180 Formation of local improvement districts.

As developer's agreements are collected to a sufficient majority for a given

area, or, as needs for facilities improvements arise, the public works director shall organize local improvement districts and solicit additional funds, as necessary to allow facility construction to completion. (Ord. 1645 Art. 5 § 8, 1988)

15.32.190 Coordination.

The public works director shall coordinate with other public service agencies to ensure that public facility improvements required reflect the full range of public facilities, and not just city-provided services. (Ord. 1645 Art. 5 § 9, 1988)

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
City of Milwaukie
July 6, 1993

To: Milwaukie Planning Commission
From: *MC* Maggie Collins, Community Development Director
Re: Community Development Department Report

Action Requested

For your information.

Background

- A. COMMUNITY DEVELOPMENT-PUBLIC WORKS WORKSESSION. Else-where in this packet are materials for this session.
- B. PLANNING COMMISSION LEGAL TRAINING. Bill Monahan, City Attorney, will conduct a session at the Commissions's July 27th meeting. He will concentrate mostly on quasi-judicial procedures.
- C. FEEDBACK--JOINT WORKSESSION ON THE WILLAMETTE RIVER CORRIDOR MASTER PLAN. It would be useful to gather comments on the presentation. Are all issues being covered?
- D. READING MATERIAL. Attached is a copy of the latest Board and Administrator newsletter.

cc: C.D. Staff
Dan Bartlett

Advising more than 100,000 administrators and board members
throughout the US and Canada

July 1993

Dear Government Board or Council Member,

From time to time, I hear about board and council members who try to press staffers into working on a board-related project. Are board members overstepping the authority of their positions when they do this?

Absolutely, no ifs, ands or buts about it, heck yes, says Board Member Joan Harvey--and I agree with her 100%!

"One thing we must keep in mind while serving on the board is that we can't just call up a staffer and start barking commands," she says. Harvey offers this advice when working on board projects that require the involvement of staffers...

1) Use the proper chain of command. "For example, if I need a staff member to help me put together a committee report, I take my request directly to the administrator," she says. "To begin with, I'm not familiar with staffers' work loads--and I certainly don't want to interfere in the administrator's job of managing staff members. That would be an airtight case of abusing my position as a board member."

2) Once the administrator has been approached, let him or her decide which staffers will be involved in a board project. When board members ask staffers to work on an assignment, it puts them in an uncomfortable position, says Harvey (Lakewood, CA). "Staffers were hired to do specific tasks. When you ask them to work on your project, you could be forcing them to make a hard choice between helping you or performing the duties of their jobs. It's awfully hard for a staffer to say 'no' to a board member!"

Veteran board president offers his tips for effective meeting management

Board President Mike Burdick is a seasoned pro when it comes to managing meetings--but it wasn't always that way. He had to learn everything he knows by trial and error. When I spoke to him recently, he dug deep into his own experience to share these tips on how to run an effective meeting...

① Prepare yourself and others for the meeting. "I stress the importance of preparation and then practice what I preach," says Burdick (Marshall, MN). "For instance, I formally ask board members to read the informational materials about our next meeting in a note I include with a copy of the previous meeting's minutes.

"This formal request reminds members of their duty to arrive informed and keeps them on top of the issues that we're dealing with."

Formal orientation makes a difference!

Board Member Peter Monteith recently shared a story that illustrates why a thorough--and formal--orientation for new board and council members is a must...

"When I joined this board, the only 'orientation' I received was a loose-leaf binder from the member I replaced," he says. "This included misinformation and her **personal biases**. As a result, my perceptions about the state of our organization were skewed considerably. It took several one-on-one discussions with our administrator for me to get the correct picture.

"Now we provide all new members with a thorough, formal orientation that **eliminates any hint of another person's biases**," says Monteith (Terrace, BC). "New members get a broad sense of the problems we face, while learning about their roles and responsibilities. A formal orientation really makes a difference!"

② Set timeframes for discussion. "Like most other board presidents, I get together with the administrator before each meeting. We review agenda items and decide how much time the board should spend on each one. Then at the meeting, when we start discussing an item, I tell board members how much time I've budgeted for the particular issue. This strategy helps us keep meetings well within 90 minutes."

③ Know when to say, "Enough!" At several points during the discussion of an item, Burdick asks himself, "How much longer should we spend on this?" "It's my way of monitoring progress and determining when to sum up and call for a vote," he tells me. "Our meetings run smoothly because I ask board members to take action as soon as I sense that there's no need to discuss something any further."

Crisis situations don't necessarily demand the board's attention

As a board member myself, I know how tempting it is to overreact when a crisis faces my organization. I also realize that the administrator should serve as "commander in chief" when it comes to handling the situation. In my experience, the worst thing that can happen is for board or council members to dive in and start "fixing" things!

To keep board members from becoming involved in managing a crisis, Board Member John Novotny suggests sticking to these four practical principles...

■ Get the facts from the administrator. "The first step is to get the whole story from the administrator--instead of from the rumor mill," says Novotny (Lawrence, KS). "It's easy to jump to conclusions and believe everything you hear about a crisis. The only way to know what's really going on is to hear it from the individual who's closest to the crisis."

■ Determine if the crisis is a management issue. "Once we know the facts, the administrator can then explain his or her plan to resolve the crisis," he says. "Nine times out of 10, the issue will be a management situation, in which case board members must stay out of the way."

■ Be ready to offer suggestions--if the administrator asks for them. "As long as the administrator is confident in his or her plan, board members should take a backseat," he says. "If the administrator asks the board for its input, however, be prepared to help by sharing your ideas."



■ Give your full support as a board to the administrator. "Don't second-guess him or her," Novotny says. "Handling any crisis can be trying for even the most experienced administrator. As a gesture of support, offer your professional expertise if your administrator requests it."

Novotny tells me he reminds his board peers about their proper role in dealing with a crisis. "I tell board members not to order the administrator around. Our job is to provide alternatives and suggestions.

"Once the administrator hears and sifts through this input, let him or her choose the best course of action."

Sincerely, Chuck Elliot, The Board Doctor®
(and board member)