

MILWAUKIE PLANNING COMMISSION
PUBLIC HEARING
TUESDAY, OCTOBER 23, 1990

COMMISSIONERS_PRESENT

John Littlehales, Chairman
Angus Anderson
Betty Fulmore
Carolyn Tomei
Don Trotter
Bob Vial

STAFF_PRESENT

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

COMMISSIONERS_ABSENT

Pat Lent

1.0 CALL TO ORDER

Chairman Littlehales called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS

Chairman Littlehales explained the public hearing procedure. He then asked the audience if there were any questions. There were none.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES - October 9, 1990

Angus Anderson moved to approve the Minutes of October 9, 1990 as corrected. Carolyn Tomei seconded. MOTION PASSED 3-0 with three abstentions. Betty Fulmore, Don Trotter and Bob Vial were not at that meeting.

4.0 PUBLIC COMMENT - None

5.0 PUBLIC HEARINGS

5.1 APPLICANT: W.C. Wood Construction Co.
PROPERTY OWNER: Dieringer Properties
LOCATION: 4300 S.E. King Road (Tax Lot 7700 of Tax Map
T1S, R2E, 300CC)
PROPOSAL: Parking Lot Variance in C-G (VR-90-03)
Continued from September 25

Chairman Littlehales explained that this was a continuation from the September 25th meeting of the Planning Commission. He was not present for that meeting. He asked Vice Chairman Trotter to chair this continuance since he was the chair at that public hearing. Chairman Littlehales stated that he had reviewed both Staff Reports of this hearing and the minutes, and since there was no testimony that evening either in opposition or in favor of the action, he planned to vote on this issue.

Vice Chairman Trotter opened the public hearing. He asked the Commissioners if there were any ex parte contacts or conflicts of interest. There were none.

Vice Chairman Trotter asked the audience if anyone besides the Applicant was present for this public hearing. There were none.

Maggie Collins indicated that this public hearing was continued so that Staff and the Applicant could work out a way of granting a variance for parking spaces and to see what could be done about upgrading the landscaping deficiency on the property. A revised site plan was submitted by the Applicant taking into consideration the issues and concerns voiced at the last hearing.

According to the study that was submitted by the Applicant, 320 parking spaces will be sufficient to accommodate a 50 percent use capacity at any given time. In addition the Applicant is proposing 8,085 square feet in a phased landscaping program. A color coded map was submitted by Staff showing the four proposed phases for the landscape requirement. Staff recommends approval with the amended conditions as proposed by Staff in the October 23rd Staff Report.

Vice Chairman Don Trotter asked if Phase Four of the landscaping, particularly along the roadway, was the same as the City's timeframe for when that road would be improved. Maggie Collins answered yes.

APPLICANT'S PRESENTATION

Speaking: Jeff Wright, W. C. Wood Construction, Post Office Box 5095, Oregon City

Mr. Wright stated that they have tried to meet all the criteria that the City requested. He stated that he was in agreement with the amended conditions in the Staff Report.

Vice Chairman Trotter asked when the construction of the proposed building will be complete? Mr. Wright answered that proposed construction should be completed sometime in April or May.

TESTIMONY IN FAVOR OF APPLICATION - None.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION TO APPLICATION - None.

APPLICANT'S CLOSING COMMENTS - None.

DELIBERATION AMONG COMMISSIONERS

Angus Anderson stated that when the proposal was first submitted to the Commission, he had some concerns about the deficiencies in the landscaping. He does feel that the proposal submitted tonight meets the overall objectives of the Commission. The timelines are acceptable and he appreciates the Applicant's amendment. He is in favor of this application.

Bob Vial indicated that he too was in favor of this proposal. He did request that a date on the phasing of this project be required.

Carolyn Tomei asked if there was any mechanism to require the Applicant to replace plants that may die as a result of a limited watering system in the landscaping requirement? Maggie Collins indicated that site review by the Staff will monitor plantings during the phasing of this project.

Vice Chairman Trotter stated that 320 spaces gives the site 100 percent expansion of parking beyond any needs of uses proposed to date. His concerns about the landscaping have been satisfied. He is in favor of granting the variance.

John Littlehales asked Staff to provide the Commission with a copy of the bonding procedures.

Angus Anderson moved to approve Variance Request VR-90-03 with Findings 1 through 4 as listed in the Staff Reports, both previous and tonight, and Conditions 1 through 6 as stated in the amended conditions proposed for approval. John Littlehales seconded. MOTION CARRIED 6-0.

- 5.2 APPLICANT: Great American Development Co.
PROPERTY OWNER: Asti et al and Lillia Bisio
LOCATION: 4060 SE Lake Road (Tax Lot 1600 of Tax Map T2S,
R1E, 1AA)
PROPOSAL: Preliminary Plat approval for a 40-lot
subdivision (S-90-01) Continued from October 9.

Chairman Littlehales opened the public hearing. He explained that this was a continuance and that the issues to be discussed tonight were the access for Lots 1 and 2, access for Lots 9 and 10, and to deliberate the fate of trees at the end of Vernie Avenue. Testimony tonight could only be given on these issues or in response to information submitted tonight by City Staff. He then asked the Commissioners if there were any ex parte contacts or conflicts of interest. Don Trotter indicated that he was not at the last meeting and had not listened to the tapes. He has read the Staff Reports and does not intend to vote on the issue, but he will participate in the deliberations.

Dave Krogh addressed the three questions that the Commission asked Staff to review.

Lot 1 Access. Lot 1 fronts Lake Road. This is a very busy street. It was desirable to restrict access at this location to avoid traffic problems. It was proposed that an access strip be provided from Lot 1 across the bottom, i.e., south end of Lot 2, over to Vernie Avenue.

The realistic alternative is to provide the access strip. This would result in Lot 1 taking on the configuration of a flag lot, but it would not be a flag lot because it fronts Lake Road. The strip being provided is a secondary access strip.

The City Fire Marshall recommended that the strip width be at least 15 feet of pavement for emergency vehicles. Since this property, by definition, is not a flag lot, it does not require a turn-around as part of the planning process. Buffers on each side of the pavement would bring the access width up to 20 feet.

Driveway between Lots 9 and 10. There is an existing adjacent lot not in the subdivision. A proposed 25 foot wide access strip would provide legal access for this lot. With the development of the subdivision, this lot would lose its access. With the addition of this access strip, this property becomes a flag lot. As proposed, the area exceeds the requirements for a single access strip, but does not

indicate enough area for a double access strip. Any future development of this lot would require a wider access strip.

Tree retention on Vernie Avenue. There are four major trees on Vernie. The Office Engineer's report indicates that the southerly three trees are located so far out into the right-of-way that they cannot be saved. The fourth tree possibly could be retained. Street construction would have to be moved and the safety of the root system of the tree would have to be reviewed. The developer is amenable to trying to save the tree, but it may or may not be practical.

Staff recommends approval with the modified conditions as stated in the October 23rd Staff Report.

Don Trotter proposed the addition of a Condition #12 for Lot 1, "Any fencing to be placed along north property line of Lot 1 would be subject to review and approval by the Fire Department." This would protect the emergency access.

APPLICANT'S PRESENTATION

Speaking: Stark Ackerman, Attorney, Black, Helterline, 707 SW Washington, 97205

Mr. Ackerman stated that he was in agreement with Staff that Lot 1 is not a flag lot. He suggested that the Planning Commission consider this strip as an access easement across the southerly part of Lot 2. This would give Lot 1 access to Vernie Avenue. It would also give flexibility of joint development possibilities between Lots 1 and Lot 2 to share the accessway. Maintenance can be addressed in the form of a deed restriction or covenant.

Angus Anderson asked what the remaining lot size would be if the easement was granted? Stark Ackerman stated that if a 20-foot accessway was granted, it would make Lot 2 approximately 7,000 square feet.

Don Trotter asked if the easement was granted, how would they get assurance of a 15-foot paved driveway? Mr. Ackerman stated that they would be willing to accept this as a condition.

Mr. Ackerman stated that they were in general agreement with Staff's proposal for Lots 9 and 10. If there is a concern about the future use of the adjacent lot, the Applicant is agreeable to widening the strip.

Dave Krogh stated that the Subdivision Section of the ORS, requires that jurisdictions not create land-locked property. Therefore, the City is obligated to make sure that the adjacent property has legal access. This is the main purpose for the access strip.

Mr. Ackerman stated that the Applicant is willing to do whatever the City proposes as being reasonable to protect the trees on Vernie Avenue. Staff's proposal is acceptable to them.

Mr. Ackerman also stated that they are in agreement with accepting the proposed condition to require Fire Department approval on fencing for Lot 1.

TESTIMONY IN FAVOR OF APPLICATION - None.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION TO APPLICATION - None.

APPLICANT'S CLOSING COMMENTS - None.

Dave Krogh indicated that Staff would have no problem with changing the access strip for Lot 1 to a shared easement between Lot 1 and 2.

Dave Krogh also indicated that if there was potential for double flag situation in the future, the Applicant should consider adding 5 feet to the access strip between Lots 9 and 10 now. Mr. Ackerman indicated that the Applicant would be willing to expand the accessway to 30 feet.

DELIBERATION AMONG COMMISSIONERS

Chairman Littlehales moved to approve S-90-01 based on the conditions for preliminary plat approval expressed in Staff's October 23rd memo to the Planning Commission with several changes as follows: Conditions 1, 2, and 3 remaining as proposed. Condition 4, to read, "Deed covenant shall be provided for Lots 37 to 40 as specified in Condition C for NR-90-01 for Lot 1, regarding access use, only via the easement to Vernie Avenue. Lot 2 shall show a 20-foot easement with 15 feet of paving to Vernie." Condition 5, 6, 7, and 8 as stated. Condition 9 to read, "The access area for Tax Lot 1601 between Lots 9 and 10 shall be labeled as such and must comply with the Office Engineer's memo dated October 15th, Exhibit 2, and shall be 30 feet in width." Condition 10 remaining as stated. Addition to Condition 11,

"If practical, improvements to Vernie shall be located so as to retain the existing 20-inch diameter Fir tree fronting Lot 32 and reviewed with Public Works prior to removal, if necessary. Adding a Condition 12, "Any fencing on the north property line of Lot 1 be subject to review and approval by the City Fire Department. Carolyn Tomei seconded.

Don Trotter suggested revising the motion to "Lot 2 shall show a 20-foot easement with a minimum of 15 feet of paving to Vernie." Also change Condition 12 to read, "Deed covenants shall be provided for Lot 1 requiring any fencing along the north property line of Lot 1 shall be submitted for review and approval by the City Fire Department."

Chairman Littlehales concurred with the changes. Carolyn Tomei concurred with the changes. MOTION CARRIED 3-0 with three abstentions. Betty Fulmore, Don Trotter and Bob Vial did not vote on this issue.

Recess was taken at 8:07 p.m. and the meeting reconvened at 8:20 p.m.

5.3 APPLICANT: Great American Development Co.
PROPERTY OWNER: Asti et al and Lillia Bisio
LOCATION: 4060 S.E. Lake Road (Tax Lot 1600 of Tax Map
T1S, R1E, 25CA)
PROPOSAL: Adoption of findings for NR-90-10 Continued
deliberation from October 9.

Chairman Littlehales opened the public hearing. He indicated that this hearing was limited to testimony on the comparison of the findings provided as Exhibit B to the Staff Report for October 9th and as Exhibit B for the Staff Report dated October 23rd. He asked the Commissioners if there were any ex parte contacts or conflicts of interest. Angus Anderson indicated that he lived in the notification area and several of his neighbors did approach him asking questions regarding the outcome of the Natural Resource evaluation. This contact was only in the form of questions. He will vote on this issue.

Dave Krogh indicated that this hearing was a continuation from October 9th at which time approval of the Natural Resource review was subject to Commission agreement with modified findings provided by the Applicant. Staff review of the modified findings as proposed meet all concerns, and Staff recommends adoption of these findings.

APPLICANT'S PRESENTATION - None.

TESTIMONY IN FAVOR OF APPLICATION - None.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION TO APPLICATION - None.

APPLICANT'S CLOSING COMMENTS - None.

DELIBERATION AMONG COMMISSIONERS

Angus Anderson moved that the findings as presented in the Staff Report dated October 23, 1990, for Natural Resource Overlay Review 90-01 be approved. Carolyn Tomei seconded. MOTION CARRIED 3-0, with three abstentions. Betty Fulmore, Don Trotter, and Bob Vial were not at that meeting.

- 5.4 APPLICANT: Great American Development Co.
PROPERTY OWNER: Great American Development Co.
LOCATION: 42nd Avenue, north of Mason Hill Drive (Tax Lot 100 of Tax Map T1S, R2E, 30BC)
PROPOSAL: Preliminary Plat approval for a 37-lot subdivision (S-90-02) Continued from October 9

Chairman Littlehales opened the public hearing. He explained that this was a continuation from October 9th public hearing and that testimony would be restricted to responses to information presented by the Applicant or Staff at tonight's meeting. He asked the Commissioners if there were any ex parte contacts or conflicts of interest. There were none.

Dave Krogh indicated that this was a continuation from October 9th. Most of the issues were addressed at the last hearing, however there were some questions that came out of deliberations among the Commission that Staff was asked to review.

Construction mitigation for 9038 S.E. 42nd. Mr. Hess owns the property and duplex on the site. Mr. Hess was requesting a cement fence or some form of mitigation to buffer the impact of the proposed roadway improvements near his property. The Office Engineer reported that there was not a requirement for mitigation. There is an existing fence along the majority of the property line, a hedge along part of the property line, and considerable landscaping and vegetation within the boundary of the Hess property. The Office Engineer indicated that cement fencing was only used for high-volume traffic situations. The traffic generation

for this subdivision is only proposed to be 370 trips per day, and not all of these trips would come out on 42nd.

Traffic_capacity/traffic_generation. Staff found that the Applicant's figure of 10 vehicle trips per day as a general average was accurate. Staff cited the International Traffic Engineer's Trip Generation Manual, where the range is 4.3 to 21.9 trips per unit.

The Office Engineer's memo indicated that none of the streets in this area are even close to capacity situation. Increased traffic from The Johnson Creek Blvd. Interchange and Highway 205 at Johnson Creek Blvd are unknowns at this time. It was felt that the City's Traffic Safety Commission would be a better body to address some of the concerns and issues expressed by the neighbors.

Dave Krogh reported that it does not appear, at this time, that there is evidence to substantiate that there will be an undue increase in traffic problems created by the subdivision. Staff feels that the Applicant has adequately addressed the Commission's concerns and recommends approval with the conditions as stated on Page 3 of the Staff Report.

QUESTIONS FROM COMMISSIONERS

Angus Anderson asked what the proposed width of 45th Avenue would be? Dave Krogh reported that 45th Avenue is a full width street, 50 feet of right-of-way, 32 feet of paving curb to curb.

Betty Fulmore asked if 42nd would be repaved? Dave Krogh stated that this is one of the issues that needs to be addressed by the Traffic Safety Commission. There is nothing the developer can do to mitigate concerns of traffic outside the proposed construction site.

APPLICANT'S PRESENTATION

Speaking: Stark Ackerman, Attorney, Black, Helterline, 707 S.W. Washington, Portland, 97205

Mr. Ackerman stated that he felt that Staff did a very thorough job in responding to the questions that came up at the October 9th meeting. They find the recommendations and conditions proposed in the Staff Report acceptable.

QUESTIONS OR TESTIMONY ON THE MATTER

Speaking: Larry Miller, 4234 S.W. Rosell, Milwaukie

Mr. Miller asked what the plans were for 43rd Avenue. Chairman Littlehales indicated that 43rd is to be a 40-foot street, 24 feet of paving, no curbs and gutters. This is an accessway, not a full street. Maggie Collins indicated that concerns about the traffic and the right-of-way issues should be addressed to the Traffic Safety Commission.

Speaking: Linda Riplinger, 3808 S.E. Roswell, Milwaukie

Ms. Riplinger indicated that her area was not notified in writing about the subdivision. She expressed concern about the increase in traffic from this subdivision and how it will affect her neighborhood.

Dave Krogh reported that notification was sent 250 feet of adjacent properties. Ms. Riplinger's residence is outside that notification area.

Speaking: Linda Bevins, 9063 S.E. 45th, Milwaukie

Ms. Bevins indicated that she stayed until 11:00 p.m. on October 9th and had to leave. She expressed concern that she had not received notification of this continuation. Chairman Littlehales explained that the motion that night was to continue the meeting to tonight. It is presumed that those present were thus notified. Renotification is not done unless the Applicant requests continuation for a uncertain time period or an extended period of time.

APPLICANT'S CLOSING COMMENTS - None.

DELIBERATION AMONG COMMISSIONERS

Chairman Littlehales suggested that Condition 1 be amended to require draft deed restrictions be supplied for review as indicated by the analysis in the Staff Report of October 9th under Section 3.G, Page 2.

It was the consensus of the Commission that Staff did review the concerns of the Commission and found that overall street capacities would not be effected by this development; and, further, that legitimate concerns about Johnson Creek Blvd. are outside the scope of that which can be attached to the developer.

Chairman Littlehales moved to approve Subdivision Preliminary Plat Approval S-90-02, based on the findings and conclusions proposed by Staff with the five recommended conditions in the Staff Report and to amend Condition 1 to add, "Draft deed restrictions must be supplied for review by City Staff." Angus Anderson seconded. MOTION CARRIED 3-0 with three abstentions. Betty Fulmore, Don Trotter and Bob Vail were not at that meeting.

Don Trotter requested that a copy this Staff Report, as well as a copy of the minutes of the Planning Commission, this evening and last meeting on this hearing, be forwarded to the Traffic Safety Commission for review.

- 5.5 APPLICANT: Westwood Holding Corp.
PROPERTY OWNER: Lawrence Semmler
LOCATION: 11140 S.E. Stanley Avenue (Tax Lot 4600 of Tax Map T1S, R2E, 31AD)
PROPOSAL: Minor Land Partition in R-7 for 2 parcels (MLP-90-05)

Chairman Littlehales opened the public hearing. He asked the Commissioners if there were any ex parte contacts or conflicts of interest. There were none.

Dave Krogh explained to the Commission that this property was originally reviewed for a variance VR-90-04 on October 14, 1990. At that time the Applicant was requesting a side set-back variance on an existing house. The variance was approved with a lot access variance for the proposed flag lot. This Application, MLP-90-05, is a follow-up to that variance.

A request was made by neighbors and effected citizens for a public hearing. The Community Development Director felt that the concerns aired were valid and should be reviewed by the Planning Commission. The following are concerns raised:

What did the variance authorize? It authorized a lesser lot access width. The requirement is for a 15-foot paved driveway with 2-1/2-foot buffers on each side. The variance was granted for an access width less than the required 20-foot requirement.

What does the minor land partition actually do to the variance request? The minor land partition actually authorizes separation of the subject property, in line with approved variances.

What does the minor land partition do? It allows the creation of a second home site behind the existing house. It allows the property to be divided into two pieces and sold separately.

Can the minor land partition approval regulate the turn-around areas? The Applicant will be required to provide a 2,000 square foot turn-around area for emergency vehicle purposes. The land partition plat specifically indicates this area.

How does a minor partition affect setback areas? Building setback areas are established by the zoning that is in effect for the area, in this case R-7. The R-7 Zone requires a 20-foot front and rear setback and a 5-foot side yard on one side, and a 10-foot side yard on the other. In the case of a flag-lot, orientation of the building will determine where the setbacks will be placed. The front of the house determines the front yard.

What about the number of future dwellings? The proposal is only for a single dwelling. There is no authorization through this variance approval that allows for more. The only way another structure can be put on this site is through another variance approval. A variance upon this variance is highly unlikely. The access strip would have to be increased to 30 feet. This variance was to approve a lesser access strip for the single dwelling; to get approval for a variance to the 30-foot requirement would be very difficult.

Traffic generation for cars for two dwellings. The International Traffic Engineers Trip Generation Manual does indicate an average 10 vehicle trips per weekday could be generated by a single-family house.

Compatibility with adjacent properties. Technically, this is not an issue with a minor land partition request. It was a part of the variance discussion. The proposed parcel, 18,300 square feet, will only support one traditional single-family house without additional lot-size variances being approved.

Staff has reviewed this proposal by the usual land partition requirements and finds that all the R-7 Zone requirements are exceeded. Staff recommends approval of this partition.

APPLICANT'S PRESENTATION

Speaking: John Liljegrin, Westwood Corporation, 3030 SW Moody,
Portland, 97201

Mr. Liljegrin stated that he feels the Application meets all the requirements for the minor land partition to create this flag lot. There is no basis for denying the partition. The nature of the neighborhood has already been decided in the zoning code. The neighbors are trying to rezone the property by opposing this application. They are venting their frustration to changes in the neighborhood. This is not a basis for denial of the partition.

Traffic generation from this access strip is minimal. The access road is 200 feet, including the driveway. Using 10 miles per hour on this road, it would take about 13.6 seconds to drive the full 200 feet. Ten trips a day at 1.36 seconds, adds up to 136 seconds, 2 minutes 16 seconds a day of cars driving along this access road. Even at the maximum of 22 trips, you are still under 5 minutes a day.

Additional division of the lot in the future is not a issue at this hearing. There are multiple variances that would have to be granted.

The approval of the variance had a condition that the developer determine the location of the new dwelling that would maximize privacy. It is not necessary for the Planning Commission to impose additional setbacks, buffers, or landscaping requirements beyond what the code imposes. The code should apply uniformly to all similar properties. This property complies with all R-7 codes. The Applicant finds the conditions imposed by Staff as acceptable.

TESTIMONY IN FAVOR OF APPLICATION - None.

QUESTIONS OR COMMENTS

Speaking: John Sefer, 11003 S.E. Stanley

Mr. Sefer asked if the variance could be opened up by the Commission for changes? Chairman Littlehales stated that the variance had been approved and the appeal period had lapsed. There is no recourse on the variance.

TESTIMONY IN OPPOSITION OF APPLICATION

Speaking: Ethel Hicks, 5900 SE Reardon Court, Milwaukie

Ms. Hicks stated that she was unable to come to the August 14th meeting and had sent a letter on her behalf. She stated that friends who were at the meeting indicated that the letter had not been read. She further pointed out that the Staff Report was incorrect. There is not a fence along the whole length of her property. She cited errors on the site map.

Chairman Littlehales informed Ms. Hicks that there is no requirement that correspondence be read formally into the record. The letter was submitted to the Commissioners and had been acknowledged. Dave Krogh reported that the map that was part of notification is an excerpt of the City's zoning map. This is not the same map that is required by Section 7.02 to be filed with the application. This map has been furnished to the City and is on file. Discrepancies noted by Ms. Hicks' were incorrect on the map she received for notification, but were correct on the City's map in the Applicant's file.

Speaking: Clyde Ruby, 11004 S.E. Stanley, Milwaukie

Mr. Ruby stated that he did some figuring with the square footage on this site and found that with a road, driveway, and turn-around there is roughly 14,000 square feet left. This is enough for two houses. What he feels will put everyone mind's at ease, is some guarantee that there will not be two houses on this site. He also stated that the electrical power would have to come from Mrs. Hicks' property and he assumes that she will not give permission for this connection.

Speaking: John Sefer, 11003 S.E. Stanley, Milwaukie

Mr. Sefer indicated that the Staff Report states that the road is a 40-foot right-of-way on Stanley Avenue. He knows for a fact that 500 feet north from this property site, the property lines are 30 feet across. The proposed 20-foot paved road will not meet the traffic increase from this subdivision. City Staff should look into the traffic increase on Stanley as it is right now. There are probably three cars per house and traffic of at least one car per minute. This is presently a heavy volume for this type of neighborhood.

DELIBERATION AMONG COMMISSIONERS

Don Trotter asked Staff if the materials submitted by the Applicant meet the requirements for the minor land partition. Dave Krogh stated that provided the recommended conditions as stated in the September 6th Staff Report are applied, this application meets all standards.

Don Trotter asked Staff if all errors reported by Mrs. Hicks were noted, and if they were justified and valid. Dave Krogh stated that the only valid error that Mrs. Hicks stated tonight, is the fencing issue. A complete inspection of the boundary of Mrs. Hicks property was not done. Upon his first visit to the site, he did not walk completely around the perimeter of the property.

There was however, fairly thick vegetation just looking from one corner of the lot to the other. As Mr. Liljegrin indicated, there are some gaps, but there is a continuous border of vegetation along the side of the subject site.

Don Trotter asked if all conditions have been met and if this would be the final submittal before the Planning Commission. Dave Krogh stated that the Applicant will be required to follow through with all the administrative details of the partition. All conditions of the variance must be met, the partition plat must be corrected, and the corrected partition plat has to be signed and recorded.

Chairman Littlehales explained to Mrs. Hicks that the map she was referring to was a notification map. The map referred to in Section 7.02 of the Zoning Ordinance is a map that is submitted and is filed with the City.

Angus Anderson asked why this minor land partition hearing wasn't held at the time of the variance request. Maggie Collins stated that the minor land partition is normally a administrative review rather than a Planning Commission review, but Staff felt the process of the variance approval was not understood by the people in the neighborhood. On the basis of this misunderstanding and the sincere concerns from the neighbors about the neighborhood, their own lots, and what is going on in the area, it seemed reasonable to grant another hearing to help the neighborhood understand what the Planning Commission can legally do as opposed to what the neighbors would like to have done.

Don Trotter moved to uphold the action of the Planning Director in regard to the approval of Minor Land Partition

MLP-90-05 with the three conditions of approval listed on Page 3 of the Staff Report dated September 6, 1990, and the findings listed in that Staff Report as well as the additional findings listed in the Staff Report dated October 23, 1990. Chairman Littlehailes seconded.

Chairman Littlehailes proposed a change to Condition 1 on September 6, 1990, report to read, "All five conditions of approval of VR-90-04, see attached, are included by reference and must be met." Don Trotter concurred with the addition. MOTION CARRIED 6-0.

6.0 CONSIDERATION ITEMS - None.

7.0 OLD BUSINESS - None.

8.0 OTHER BUSINESS

8.1 Sign Ordinance - Replacement of Billboard Sign

Maggie Collins reported that the Planning Commission decision was overturned on the sign replacement application. Terry Sandblast appealed the decision on a "free speech" issue. The appeal was voted in his favor.

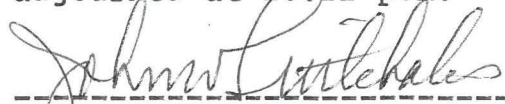
Discussion followed on the "free speech" issue and how more information should be provided so the Commission could better deal with these type of applications in the future. Staff was asked to research what does govern the Comprehensive Plan and feedback as to the decision of the City Manager's recommendation for changes in the Ordinance to address this issue.

8.2 Planning Commission Training Session

Maggie Collins reminded the Commissioners of a training session scheduled for October 30, 1990, at 6:30 p.m. at Milwaukie Providence Hospital.

9.0 Next Meeting: November 13, 1990

Carolyn Tomei moved to adjourn the meeting of October 23, 1990. Betty Fulmore seconded. MOTION PASSED UNANIMOUSLY 6-0. Meeting adjourned at 10:21 p.m.



John Littlehailes,
Chairman



Shirley Richardson,
Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.
Tuesday, October 23, 1990, at 6:30 p.m.

- 1.0 Call to Order
- 2.0 Procedural Questions
- 3.0 Consent Agenda
 - 3.1 Planning Commission Minutes: October 9, 1990
 - 3.2 City Council Minutes: October 2, 1990
- 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: W.C. Wood Construction Co.
Property Owner: Dieringer Properties
Location: 4300 S.E. King Rd. (Tax Lot 7700 of Tax Map T1S, R2E, 30CC)
Proposal: Parking Lot Variance in C-G (VR-90-03)
(continued from September 25)
 - 5.2 Applicant: Great American Development Co.
Property Owner: Asti et al and Lillia Bisio
Location: 4060 S.E. Lake Rd. (Tax Lot 1600 of Tax Map T1S, R1E, 25CA)
Proposal: Preliminary Plat approval for a 40 lot subdivision (S-90-01)
(continued deliberation from October 9)
 - 5.3 Applicant: Great American Development Co.
Property Owner: Asti et al and Lillia Bisio
Location: 4060 S.E. Lake Rd. (Tax Lot 1600 of Tax Map T1S, R1E, 25CA)
Proposal: Adoption of findings for NR-90-01
(continued deliberation from October 9)
 - 5.4 Applicant: Great American Development Co.
Property Owner: Great American Development Co.
Location: 42nd Ave. north of Mason Hill Dr.
(Tax Lot 100 of Tax Map T1S, R2E, 30BC)
Proposal: Preliminary Plat approval for a 37 lot subdivision (S-90-02)
(continued deliberation from October 9)
 - 5.5 Applicant: Westwood Holding Corp.
Property Owner: Lawrence Semmler
Location: 11140 S.E. Stanley Ave.
(Tax Lot 4600 of Tax Map T1S, R2E, 31AD)
Proposal: Minor Land Partition in R-7 for 2 parcels (MLP-90-05)
- 6.0 Consideration Items - None.
- 7.0 Old Business* - None.
- 8.0 Other Business - None.
- 9.0 Next Meetings:
 - October 30, 1990:
Planning Commission Training Session
 - November 13, 1990:
ZC-90-02 (Bartel/Calcagno)

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

Commissioners: John Littlehales, Chairman Angus Anderson Betty Fulmore Patricia Lent Carolyn Tomei Don Trotter Bob Vial	Staff: Maggie Collins, Community Development Director Anne Nickel, Development Coordinator Dave Krogh, Associate Planner Shirley Richardson, Hearings Reporter
--	--

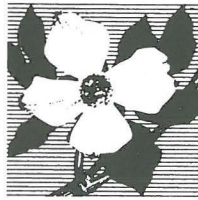
* Information request sheets - delivered at meeting.

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 659-5171.

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 23, 1990

To: Milwaukie Planning Commission
From: Dave Krogh, Associate Planner *Dave*
Re: Packets for Planning Commission Meeting - 10/23/90

Due to the late receipt of multiple information, only a partial packet is being provided at this time. The additional materials will be mailed to you as soon as possible. Thanks for your patience.

DK/mgh

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 23, 1990

To: Milwaukie Planning Commission

From: Maggie Collins, Community Development Director *MC*

Re: Continuation of Public Hearing - Case No. VR-90-03
King Road Shopping Center

Background

On September 25, 1990, the Planning Commission voted to continue the public hearing on this request to review in more detail the proposed landscaping of the Shopping Center in conjunction with granting a variance to parking space standards. The variance request is associated with the desire to add 5,250 additional square feet of retail space on the subject site.

Staff requested that OTAK, the City's landscaping consulting firm, review the site and submit some landscaping suggestions to assist the Applicant in preparing a revised site plan. OTAK's written assessment is provided in Exhibit 1. Draft renderings of OTAK's suggestions were provided to the Applicant.

Revised Site Plan - King Road Shopping Center

This attached revision identifies the desired shopping expansion area and the proposed reconfiguration of the entire parking area to accommodate a total of 320 parking spaces. In addition, the revised site plan and accompanying documents (Exhibit 2) identify a total of 8,085 square feet of landscaped area proposed to be added in a phased program.

All proposed landscaping is shown to be onsite except for a strip along Harrison Street. This strip is intended to extend into City right-of-way until improvements are made to Harrison Street. One of the suggested conditions of approval was that the Applicant sign a developers agreement to participate in Harrison Street improvements in the future. According to the Office Engineer, this segment is not scheduled for additional construction in the foreseeable future.

The Office Engineer has reviewed this revised site plan and has recommended approval of it, adding that the proposed landscaping improvements will be an asset to the site and to the City.

Memo to Milwaukie Planning Commission
Re: Continuation of VR-90-03 (King Road Shopping Center)
October 23, 1990

Comments

The revised site plan shows a total of 320 parking spaces, rather than the 423 required by City standards. The Applicant's parking capacity study, cited in the Staff Report dated September 25, 1990, indicates that current parking capacity approximates 40 percent at peak usage times. Even with a 10 percent margin of error, evidence has been submitted that the Shopping Center's parking capacity is about 50 percent at peak times.

The revised site plan, while providing 103 fewer parking spaces than the standards being applied by the City indicates are necessary, also adds over 8,000 square feet of new landscaping to the subject site. Because of the extreme landscape deficiency evident on the subject site, this trade-off of parking space for landscaping would have the effect of bringing the subject site's parking area to a 5 percent landscaping level without any discernible loss in parking capacity.

Conclusion and Findings

Staff concludes that the criteria of Section 7.02.1-4 are met, as outlined in the September 25, 1990, Staff Report, and with the following additional findings:

7.02.3. Whether there are feasible alternatives which would obviate the need for the variances, or overcome the difficulty with less adverse effects upon other properties.

The revised site plan shows reconfiguration of the parking area in part by creation of compact spaces. It also shows proposed landscaping to buffer the subject site from residential uses to the east and south.

7.02.4. Whether the variance would have benefits to the Applicant which would outweigh its adverse effects upon other properties or the public welfare.

No significant adverse effects to adjacent properties have been identified through this review process. In addition, the proposed landscaping for the subject site has a positive effect in upgrading the appearance of one of the City's two District Commercial Centers.

Recommendation

For approval, with Conditions 2 through 4 as outlined in the September 25, 1990, Staff Report; and with the following replacement language to Condition 1:

"The Applicant shall implement the site plan approved on October 23, 1990. Minor modifications to said plan may be allowed by Staff."

This recommendation is based on the findings included in the September 25, 1990, Staff Report and supplemented by the above-stated findings.

MC/mgh



Inc
Architects P.C
Architecture • Civil Engineering • Development Services • Landscape Architecture • Land Planning • Urban Design • Surveying

RECEIVED

OCT 04 1990

PLANNING

October 3, 1990

Maggie Collins
City of Milwaukie
Community Development Department
10722 S.E. Main Street
Milwaukie OR 97222

Re: 42nd & King Site
Project No. 3228

Dear Maggie:

At your request, we reviewed the site at 42nd & King on October 1, 1990. This review is occasioned by the proposed facility expansion, parking variance request and resultant need for landscape mitigation.

The following is an outline of our observations regarding constraints and opportunities for landscape and site improvements.

OUTLINE

KING ROAD SHOPPING CENTER: SITE REVIEW

10/2/90

CONSTRAINTS:

1) Site Related:

- Excessive grade changes between site and street edge on King Road.
- No room for landscape improvements along King Road
- Adjacent residential uses to south and east
- Site configuration makes modification of auto circulation all but impossible.

2) Use Related:

- Existing use requires high number of site access points.
- Poor visibility of:
 Storefronts and signage from King & Harrison
- While use is obviously auto-traffic related, pedestrian access to center from parking lots is poorly accommodated.

EXHIBIT #	1
DATE	10/23/90
SUBMITTED BY	OTAK
	2 pgs
RECEIVED	VR-90-03

- OPPORTUNITIES:
- 1) Screen uses from off-site residential
 - Landscape blank wall of proposed addition (already proposed)
 - 2)
 - Reinforce pedestrian circulation by constructing 'fingers' of curbed planter/sidewalk
 - Economize construction and maintenance of new landscape areas by creating large, contiguous areas of new landscape. This also serves to maximize visual impact of new plantings.
 - 3) Strengthen Views
 - Reinforce points of entry into site by creating landscaped right-of-way "edge" on west, south and east sides.
 - 4) Plant trees to avoid conflict with project signage.

Phasing: Approximate area of improvements - 7,000 s.f. (\pm 5% of parking area).

Recommend: 1st phase be Harison and 44th sides of center.

Below is a list of suggested plant materials:

Plant Material Suggestions:

- | | |
|---|--|
| ■ Street & On-Site Trees | 'Redspire' Flowering Pear
'Raywood' Ash |
| ■ Medium Height Screen Shrubs
(site perimeter) | Red-leaf Japanese Barberry
Otto Luyken English Laurel |
| ■ High Screen Shrubs
(South wall of proposed addition) | Photinia
Viburnum varieties |
| ■ Groundcover (perimeter on-site) | St. Johnswort
Prostrate Juniper varieties
Potentilla varieties |
| ■ Ornamental Plantings | Rhododendron
Azaleas |

We would also suggest that a waterline, quick coupler/hose bib be extended to all planting areas to irrigate any landscape improvements.

Sincerely,



Stephen H. Dixon
Project Manager

SHD:tm

KING ROAD SHOPPING CENTER
 PLANTING SCHEDULE

10/16/90

CODE	NAME	MATURE HEIGHT	MATURE WIDTH
A	ACER PLATANOIDES 'EMERALD QUEEN'		
B	ACER RUBRUM 'RED SUNSET'	40'-60'	30'-40'
C	CORNUS SERICEA 'RED OSIER'	5'-6'	3'-4'
D	VIBORNUM TOMENTOSUM	4'-6'	3'-5'
E	RHODODENDRON	3'-5'	3'-5'
F	RHODODENDRON JAPONICUM	2'-4'	3'-4'
G	PINUS MUGO MUGHUS	2'-3'	2'-3'
H	EUONYMUS ALATA	2'-4'	3'-4'
I	JUNIPERUS SABINA TAMARISCIFOLIA	6"-2'	GROUND
J	JUNIPERUS CHINENSIS SARGENTI	1'-2'	GROUND
K	EUONYMUS FORTUNEI	6"-1'	GROUND
L	HEDERA HELIX	6"	GROUND

* Note: Planting materials could change with availability of material at the time of planting. All changes or additions of planting materials will be approved by the City of Milwaukie.

ALL BED AREAS TO BE COVERED WITH 2"-4" BARK DUST.

AREAS 1, 2, 3 & 4 TO BE IRRIGATED.
 (ALL OTHERS WILL NOT BE IRRIGATED)

THE WORK TO BE DONE IN FOUR PHASES.

(PLANTER # 10 EXISTING)	200 SQ FT
PHASE 1 - 1, 2, 3, 6 & 7	1,856 SQ FT
PHASE 2 - 7, 9, 11, 12, & 13	2,152 SQ FT
PHASE 3 - 14, 15, & 16	2,162 SQ FT
PHASE 4 - 4, 5 (TO BE COMPLETED ALONG WITH STREET IMPROVEMENTS ON HARRISON ST.)	1,715 SQ FT

	8,085 SQ FT

EXHIBIT #	2
DATE	10/23/90
SUBMITTED BY	W.C. Wood
	4 pgs
RECEIVED	VR-90-03

KING ROAD CENTER PLANTING & PARKING STUDY

10/16/90

TOTAL AREA IN BLOCK.....(460'X 600')	276,000	SQ FT
LESS OTHER PROPERTIES IN THE BLOCK (NOT OWNED)		
(140'X 100')	14,000	
(100'X 100')	10,000	
(125'X 100')	12,500	
	=====	
	36,500.....	-36,500 SQ FT
		=====
<u>TOTAL AREA IN PROPERTY</u>	239,500	SQ FT
LESS EXISTING BUILDING.....	-73,425	SQ FT
		=====
		166,075 SQ FT
LESS ADDITION.....	-5,250	SQ FT
		=====
<u>TOTAL PARKING AREA</u>	160,825	SQ FT
5% OF TOTAL PARKING AREA		
160,825 x 0.05 = 8,041.25	8,041.25	SQ FT
<u>TOTAL PLANTING AREA PROPOSED</u>	8,085	SQ FT
<u>TOTAL PARKING STALLS</u>		
	STANDARD	351 STALLS
	HANDICAP	6 STALLS
		=====
EXISTING (AS SHOWN IN STUDY).....	357	STALLS
REMOVED FOR NEW BUILDING.....	-35	STALLS
		=====
		322 STALLS
CONVERSION OF STANDARD PARKING STALLS TO COMPACT PARKING STALLS (66 STALLS)...	+12	STALLS
		=====
		334 STALLS
LESS STALLS REMOVED FOR PLANTERS.....	-14	STALLS
		=====
<u>TOTAL PARKING STALLS UPON COMPLETION</u>	320	STALLS

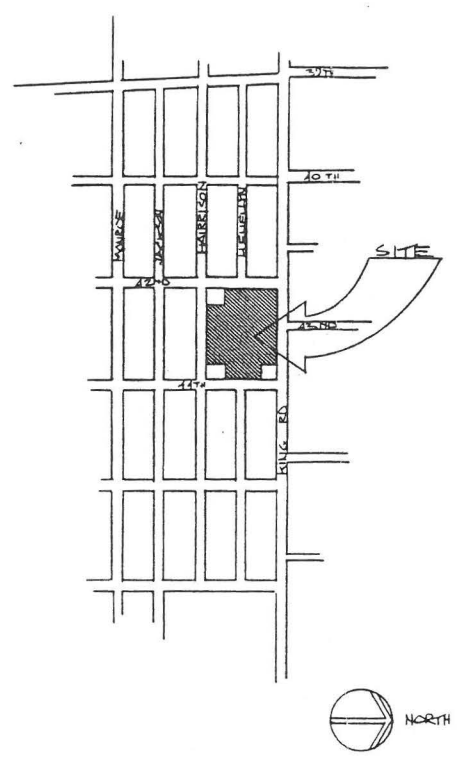
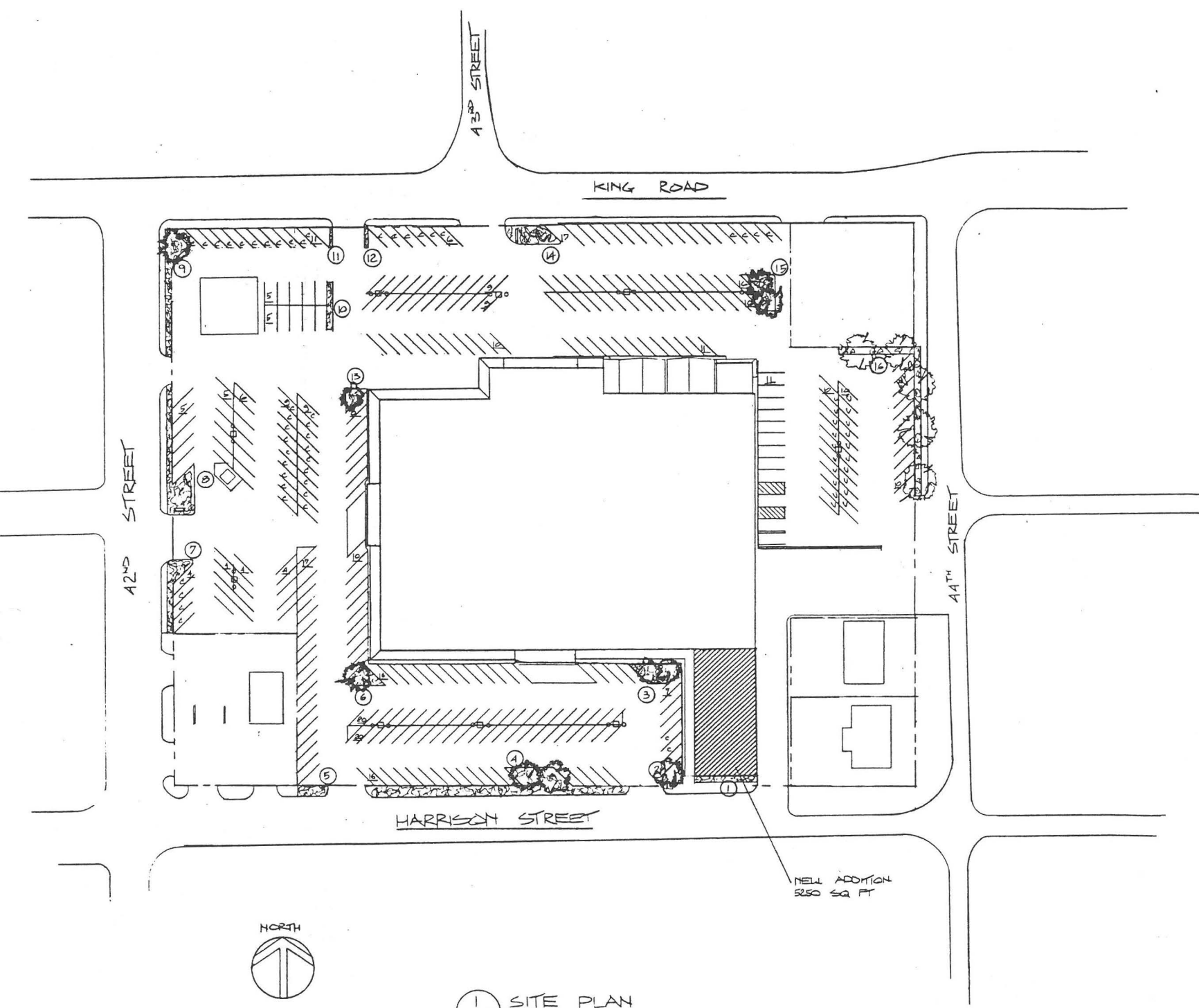
W.C. WOOD CONSTRUCTION CO., INC.

General Contractors

P.O. Box 5095 • Oregon City, OR 97045

(503) 633-3370

AREA	SIZE	King Road Center Planting Areas		10/16/90
		SUB-TOTAL SQ FT	TOTAL SQ FT	
1	50' X 5'	250	250	
2	18' X 5'	90	252	
	18' X 9'	162		
3	18' X 9'	162	594	
	10' X 18'	180		
	18' X 9'	162		
	5' X 18'	90		
4	210' X 5'	1050	1590	
	30' X 18'	540		
5	25' X 5'	125	125	
6	18' X 16.5'	297	297	
7	55' X 5'	275	463	
	18' X 9'	162		
	18' X 2'	36		
8	100' X 5'	500	1022	
	18' X 20'	360		
	18' X 9'	162		
9	100' X 5'	500	824	
	18' X 18'	324		
10	40' X 5'	200	200	
11	18' X 4'	72	72	
12	18' X 4'	72	72	
13	18' X 9'	162	162	
14	30' X 18'	540	594	
	18' X 3'	54		
15	36' X 20'	648	648	
16	120' X 5'	600	920	
	60' X 5'	320		
		=====		
		Total Area:	8085.00	



KING ROAD CENTER

TOTAL SALES AREA	62,325 SQ. FT.
TOTAL GROSS AREA	73,425 SQ. FT.
TOTAL GROSS AREA W/ ADDITION	78,675 SQ. FT.
EXISTING PARKING STALLS	351
EXISTING HANDICAP STALLS	6
TOTAL EXISTING PARKING	357 STALLS
TOTAL STALLS REMOVED	35 STALLS
PROPOSED TOTAL INCLUDING HANDICAP PARKING	322 STALLS
STALLS REMOVED FOR PLANTERS	14 STALLS
	308 STALLS
CONVERTED STANDARD STALLS	+12 STALLS
	320 STALLS

THESE DRAWINGS ARE THE PROPERTY OF W. C. WOOD CONSTRUCTION CO., INC. AND ARE NOT TO BE CONSTRUCTED OR REPRODUCED IN ANY MANNER, EXCEPT WITH WRITTEN PERMISSION FROM W. C. WOOD CONSTRUCTION.

DIERINGER'S PROPERTIES
15611 KING ROAD, MULTNOMAH, OR 97222

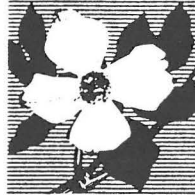
SITE PLAN
SCALE 1"=50'-0"

W.C. WOOD CONSTRUCTION CO., INC.
General Contractors
P.O. Box 5095 • Oregon City, OR 97045
(503) 655-5370

DRAWN BY
H. J. WILKINSON
DATE 3/23/00
REF = 071
REV 10/2/00
12/6/00

1
2

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
October 23, 1990

TO: Planning Commission Members
THRU: *MC* Maggie Collins, Community Development Director
FROM: Dave Krogh, Associate Planner *Dave*
RE: Continuation of S-90-01 (Great American)

Background

The Planning Commission held a public hearing for S-90-01 (Kellogg Creek Acres Subdivision) on October 9, 1990. Questions were raised regarding access to Lot 1, the access strip between Lots 9 and 10, and trees within the right-of-way fronting Lots 32 and 33. The Planning Commission requested Staff address these questions and report back on October 23rd. The Commission continued its deliberation until that date.

Discussion

Staff submitted an information request to the City Office Engineer (see Exhibit 1). The response is Exhibit 2. A summary follows:

1. Access alternatives for Lot 1 other than onto Lake Road.

The Office Engineer has responded that no other viable alternative exists but to provide a flag lot type 20-foot wide access strip to Vernie for access to Lot 1. The issue of restricting access to Lot 1 was raised in the October 9th Staff Report. Traffic safety problems are evident if this lot has direct access onto Lake Road too close to the Vernie/Lake intersection.

If an access strip is provided to Vernie, Lot 1 will not be a "flag lot" by definition. This is because flag lots (according to Section 1.02 of the Subdivision Ordinance) only front on a public street through the access strip. The normal 2,000 square foot area turnaround requirement for flag lots (from Section 7.04.2 of the Subdivision Ordinance) is not applicable. Therefore, Lot 1 would simply be a lot with a separate access strip. In the case of emergency access, Lot 1 would actually be accessible by either Vernie Avenue or Lake Road.

Another potential alternative would be to create an access easement across Lot 2 to Lot 1. Such easements for purposes of access are often cumbersome due to maintenance and use concerns.

2. Development requirements for the driveway between Lots 9 and 10.

This access strip is recommended to be treated as part of a flag lot. A 15-foot wide paved driveway will be required. Since this unpaved driveway already exists, is of short length off Angela Way, and serves an existing house, a turnaround area would not be required unless the Fire Department determines such is necessary for purposes of fire, life, and safety. This determination will be made by the Fire Department as part of the subdivision street/utility development.

The proposed 25 foot wide access strip impacts the possibility of future division of tax lot 1601. Although tax lot 1601 is 25,376 square feet in area in an R-10 zone, this property could not meet double flag lot provisions of Section 7.04 of the Subdivision Ordinance. A variance would not be justified since additional property could be lot line adjusted at this time to allow tax lot 1601 the ability to fully comply with double flag lot standards.

3. Tree retention on Vernie by Lots 32 and 33.

The Applicant's engineer has provided a survey map pinpointing the location of the trees in question. Only one of the four, a 20-inch diameter fir tree, is far enough towards the edge of the proposed street area that it can potentially be saved. The other three trees, are located almost in the middle of where Vernie Avenue will be newly paved.

The loss of the three trees can be mitigated somewhat by the street tree planting requirements which the Applicant will have to meet.

Conclusion

Based on the above discussion and findings presented on October 9, 1990, S-90-01 can be granted preliminary plat approval.

Recommendation

For preliminary plat approval with the following modified conditions:

1. Final Plat provisions of Section 4 of the Subdivision Ordinance shall be met.
2. Final Plat approval shall be contingent upon final R-7 rezoning approval (ZC-90-01).
3. The one-year time limit for completing the Final Plat shall commence from the effective date of R-7 zoning approval for the subject site.
4. Deed covenants shall be provided for Lots 37 to 40 as specified in condition c. for NR-90-01; and for Lot 1 regarding access use only via the access strip to Vernie Avenue. Lot 1 shall be reconfigured to reflect an access strip to Vernie.

Memo to Planning Commission
Continuation of S-90-01
October 23, 1990

5. The /NR Zone shall be shown on the Final Plat following Condition b. of NR-90-01.
6. A street tree plan shall be provided for Staff's approval following the City's Street Tree Ordinance.
7. Public Facility improvements shall be provided as per the Office Engineer's memo (Exhibit 2 to the October 9 Report).
8. Building permits shall be obtained prior to any construction on site. Because an existing house is located on proposed Lot 8, no new building permits may be issued prior to Final Plat approval.
9. The access area for Tax Lot 1601, between Lots 9 and 10, shall be labeled as such.
10. Street construction to Angela Way and Licyntra Lane shall be made to approved Public Works specifications.
11. If practical, improvements to Vernie shall be located so as to retain the existing 20-inch diameter fir tree fronting Lot 32.

Exhibits

1. Memo to Office Engineer
2. Office Engineer Memo
3. Tree Location Map.

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
October 10, 1990

TO: Paul Roeger, Office Engineer
THRU: *MR* Maggie Collins, Community Development Director
FROM: Dave Krogh, Associate Planner *Dave*
RE: Request for Additional Information for S-90-01 and S-90-02

At the Planning Commission meeting last night the Commission continued action on both of the above requests to October 23, 1990 pending the receipt of additional information. Some of this information need pertains to public facilities (streets), street capacities, and access. The specific concerns raised are as follows. Please provide a written response to these by Monday, October 15, if possible, that we may submit them to the Commission with their next packets.

S-90-01 (Kellogg Creek Acres)

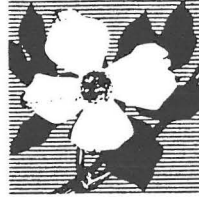
1. What access alternatives are available for Lot 1 so as to mitigate potential traffic safety concerns for Lake Road? The Commission is not inclined towards access onto Lake Road for Lots 1 and 2.
2. What development requirements are there for the driveway proposed on the 25 foot access strip between Lots ~~8~~ ⁹ and ~~9~~ ¹⁰?
3. Can the existing trees within the proposed Vernie right-of-way expansion fronting Lots 32 and 33 be retained? If not, why?

S-90-02 (Meadowcrest)

1. Are methods available that could mitigate construction impacts to 9038 SE 42nd Ave. (Mr. Hess's house)?
2. What traffic impacts can be expected for adjacent streets to this development and are the adjacent streets within capacity to accept the traffic to be generated by this site? Also, is the 10 vehicles per day figure provided by the Applicant a reasonable estimate of traffic generation? (Note: the ITE Manual, 3rd Edition, uses 10 as an average vehicle generation figure for single-family detached housing).
3. Are there feasible alternatives to paving SE 43rd to Roswell? Would this paving create capacity problems for SE 43rd north of Roswell?

EXHIBIT #	<u>1</u>
DATE	<u>10/23/90</u>
SUBMITTED BY	<u>Staff</u>
RECEIVED	<u>S-90-01</u>

CITY OF MILWAUKIE



DATE: October 15, 1990
TO: Planning
FROM: Paul Roeger
Office Engineer
SUGJ: S-90-1
Kellogg Creek Acres

In response to your request for additional information on the proposed subdivision I make the following comments:

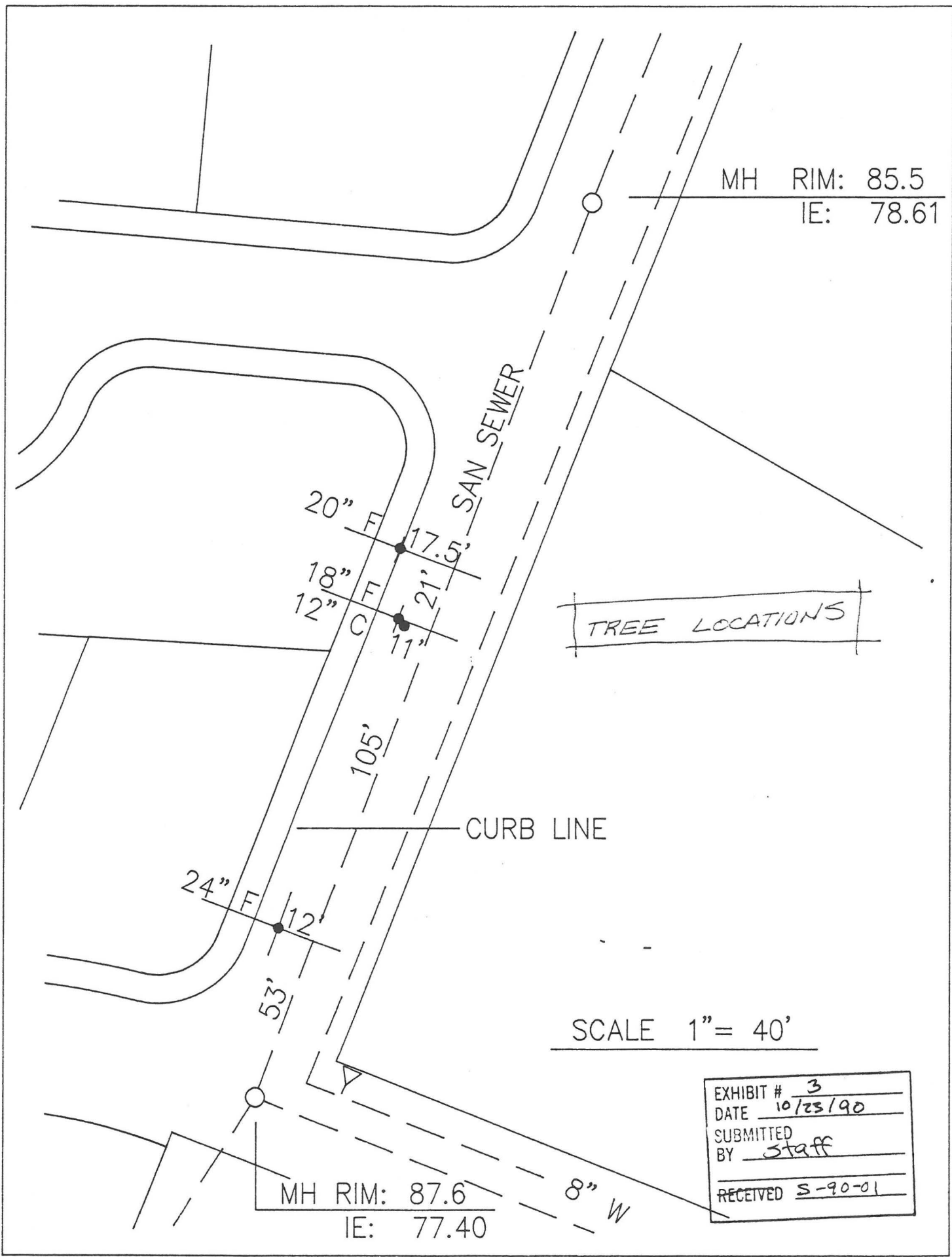
Access alternatives for Lot 1 to mitigate potential traffic safety concerns for Lake Road include making Lot 1 a flag lot from Vernie Avenue. There appears to be sufficient area in Lot 2 to allow taking a 20 foot strip off the south side for a driveway to lot 1 and still meet the R-7 requirement. I do not see any other viable alternatives.

The access strip between Lots 9 and 10 for the existing house must be paved with a 15 foot wide asphalt or concrete driveway. A concrete approach with sidewalk must be provided across the frontage on Angela Way. I would expect this to be treated like a flag lot. Whether the Fire Department wants to require a turn around is up to them.

The attached map by Bob Wells of Engineered Concepts shows the tree locations at the south end of Vernie Avenue. It appears that only one of the four trees can be retained by moving the curb a few feet to the east and running the sidewalk behind the tree. The other trees are too far out into the street to allow a standard street between the trees and the existing east right-of-way line.

PHR/blm

EXHIBIT #	<u>2</u>
DATE	<u>10/23/90</u>
SUBMITTED BY	<u>Public Works</u>
RECEIVED	<u>5-90-01</u>



MH RIM: 85.5
IE: 78.61

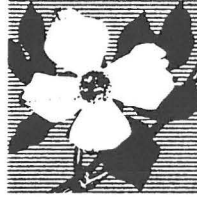
MH RIM: 87.6
IE: 77.40

TREE LOCATIONS

SCALE 1" = 40'

EXHIBIT #	3
DATE	10/23/90
SUBMITTED BY	Staff
RECEIVED	S-90-01

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 23, 1990

To: Milwaukie Planning Commission

From: Dave Krogh, Associate Planner

Dave

Re: Findings for NR-90-01

As per your request, the Applicant's findings for approval of NR-90-01 have been modified to reflect Staff's recommended /NR boundary (Exhibit F). These modifications were provided by the Applicant and have been reviewed by Staff (see attached). Staff recommends their adoption.

DK/mgh

BLACK HELTERLINE

LAW OFFICES

1200 THE BANK OF CALIFORNIA TOWER
707 S. W. WASHINGTON STREET
PORTLAND, OREGON 97205

TELEPHONE (503) 234-5560
FACSIMILE (503) 234-6148

RONALD T. ADAMS
ALBERT J. BANNON
VINCENT P. CACCIOTTOLI
CLARENCE H. GREENWOOD
RUSSELL M. HELTERLINE
JAMES E. McCOBB
JOHN M. McGUIGAN*
MICHAEL O. MORAN
THOMAS K. O'SHAUGHNESSY
GERALD H. ROBINSON
RICHARD N. ROSKIE
DAVID P. ROY
STEVEN R. SCHELL

*ALSO ADMITTED IN WASHINGTON

STARK ACKERMAN
JAMES M. BAUMGARTNER
ERIC J. FJELSTAD*
PAUL R. HRIBERNICK
ANITA C. MANISHAN*
ROBERT J. PRESTON*
KERBY M. SMITH*
SUSAN J. WIDDER

GUY J. RAPPLEYEA
OF COUNSEL

JOHN D. PICCO
COUNSEL

HARVEY N. BLACK (1986)
BORDEN F. BECK, JR. (1989)

October 18, 1990

OUR FILE NUMBER
G42-6

VIA FACSIMILE

Mr. Dave Krogh
Associate Planner
City of Milwaukie
Community Development Department
6101 S.E. Johnson Creek Boulevard
Portland, Oregon 97266

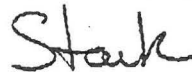
Reference: Kellogg Creek Acres (NR-90-01)

Dear Dave:

Enclosed is a copy of the revised findings for the Natural Resource Overlay Zone Review and Approval for the Kellogg Creek Acres Subdivision (NR-90-01). This version incorporates the changes you reviewed earlier.

If you have any questions about this, please feel free to call. I am also sending you an original copy of these findings by mail.

Very truly yours,



Stark Ackerman

SA:llw
Enclosure
sa931

October 23, 1990

EXHIBIT "B"

FINDINGS FOR NATURAL RESOURCE OVERLAY ZONE REVIEW AND
APPROVAL FOR THE KELLOGG CREEK ACRES SUBDIVISION (NR-90-01)

Applicant proposes a subdivision on 10.8 acres of property within the City of Milwaukie Natural Resource Overlay Zone. The applicable approval standards for development within the Natural Resource Overlay Zone are those found in Sections 3.21.07 through 3.21.18 of the Zoning Ordinance of the City of Milwaukie.

I. Development Standards

Section 3.21.07 of the Zoning Ordinance of the City of Milwaukie establishes development standards for activities within the Natural Resource Overlay Zone. Compliance with these development standards must be shown in a written report provided by the applicant. We find that the applicant has submitted a narrative in support of its application ("applicant's narrative") and an accompanying Natural Resources Assessment prepared by Scientific Resources, Inc. ("applicant's assessment"). We find, from a review of these documents, and as more fully discussed below, that the documents address compliance with all of the applicable standards of the Natural Resource Overlay Zone. We find further, as is more fully discussed below in the finding for Section 9.21.09, that the boundary of the natural resource location is as depicted on Exhibit F, that no development is being approved at this time south of that boundary, and that this boundary defines which of the applicant's proposed development activities are subject to the standards in Sections 3.21.07.A and 3.21.07.B. We conclude, therefore, that the written report requirement of Section 3.21.07 has been met and that the development standards in Section 3.21.07 apply to the proposed development based upon the natural resource location as depicted on Exhibit F.

A. Development Activities Within a Designated Natural Resource Site Outside of the Natural Resource Location.
Section 3.21.07.A requires that development activities within a designated natural resource site adjacent to or outside of a specific natural resource location comply with specified standards.

1. Section 3.21.07.A.1 requires site preparation and construction practices which prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location. We find, based upon the preliminary plat and the applicant's narrative and assessment, that the proposed subdivision includes proposed development activities adjacent to and outside of the specific natural resource location. We further find, from the applicant's narrative, that the applicant proposes to prepare a construction management plan with provisions to ensure protection of the adjacent natural resource location from drainage of hazardous materials or erosion, pollution, or sedimentation. The construction management plan, which will be reviewed as part of the city's building review, will provide protection through such practices as the fueling and maintenance of construction vehicles and equipment at distant locations and the use of erosion control barriers such as hay bales adjacent to the natural resource location to contain and control erosion and sedimentation. We find that such practices will be sufficient to prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location. We conclude, therefore, that the standards in Section 3.21.07.A.1 have been met.

2. Section 3.21.07.A.2 requires a development setback which adequately protects the resource site. We find, based upon the applicant's narrative and assessment, and based upon our finding for Section 3.21.09 regarding the location of the natural resource location and that no development is being approved at this time within that location, that all development will take place north of the natural resource location. We find that the lack of development in the natural resource location, in conjunction with the protective measures to be established in the construction management plan for activities adjacent to the natural resource location, create a sufficient development setback to protect the resource site. We conclude, therefore, that the standard in Section 3.21.07.A.2 has been met.

3. Section 3.21.07.A.3 requires that vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas be screened from the natural resource location by site obscuring vegetation or fencing. We find, based upon a review of the applicant's preliminary plat and narrative, that the proposed subdivision will not include any vehicle maneuvering and parking areas or storage, display or trash collection areas

adjacent to the natural resource location except for small areas incidental to residential use. We further find that the intent of this section was to screen larger scale commercial activities and storage areas from the natural resource location. We conclude, therefore, that the standards in Section 3.21.07.A.3 have been met.

4. Section 3.21.07.A.4 prohibits outdoor activities which create large amounts of noise, dust or glare. We find, based upon the applicant's narrative, that the proposed subdivision will only include single family residential homes and no commercial or industrial uses. We find further that this section was intended to primarily apply to sustained commercial and industrial activities and not to residential uses. We conclude, therefore, that this standard has been met.

5. Section 3.21.07.5 requires that types, sizes and intensities of lights be placed so that they do not shine directly into the natural resource locations. We find that this section was intended primarily to address commercial and industrial uses. We find further that the standard is applicable to residential outdoor lights such as porch lights or spotlights. We find that this standard can be met through a condition prohibiting porch lights or outdoor lights on the residential lots abutting the natural resource location from being placed so that they shine directly into the natural resource location. We conclude, therefore, that subject to such a condition, the standards in Section 3.21.07.A.5 have been met.

B. Development Activities Within a Natural Resource Location.

1. Section 3.21.07.B.1 requires that any development of trails, rest points, view points, and other facilities for the enjoyment of the resource be done in a way that reduces impacts on the natural resource while allowing for the enjoyment of the natural resource. We find, based upon the preliminary plat and the applicant's narrative, that there is no access proposed for the general public. We also find that Section 3.21 does not require that trails be developed within the natural resource location. We find, therefore, that the standards in Section 3.21.07.B.1 are not applicable.

2. Section 3.21.07.B.2 requires that development in areas of dense standing trees be designed to minimize the number of trees to be cut to no more than 50 percent of the

mature standing trees (six inch dbh) without a one-for-one replacement with comparable species. It further requires that the site plan for the proposed activity identify all mature standing trees proposed for removal by type, size, and location, and where and what type of tree replacement if any is to occur. We find, based upon the applicant's assessment (particularly Figure 6) in conjunction with the natural resource location as depicted on Exhibit F, that there are 23 trees or groves of mature standing trees of six inch dbh or greater within the boundary of the natural resource location. We find that the information supplied in the applicant's assessment identifies all mature standing trees by type, size and location. We further find that no development (including removal of trees) is being approved at this time within the natural resource location. We conclude, therefore, that the standards in Section 3.21.07.B.2 have been met.

3. Section 3.21.07.B.3 prohibits harvesting of uncultivated timber except as allowed by Section 3.21.07.B.2. We find, based upon the fact that no development is being approved at this time within the natural resource location, that no harvesting of uncultivated timber will occur. We conclude, therefore, that the standard in Section 3.21.07.B.3 has been met.

4. Section 3.21.07.B.4 requires that areas of standing trees, shrubs, and natural vegetation remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved. The purpose of retaining such vegetation is to provide a transition between the proposed development and the natural resource, to provide opportunity for food, water, and cover for animals located within the natural resource location, and to protect the visual amenity values of the natural resource. We find, based upon a review of the applicant's narrative and assessment, that the natural resource location will result in a continuous corridor of standing trees, shrubs and natural vegetation along Kellogg Creek which will connect to vegetation to the east and west of the property. We find, based upon the applicant's assessment, that the preservation of this wide vegetative corridor in its natural condition will protect the major stream corridor and adjacent diverse upland habitat which are the area's most valuable assets, and also provide visual attractiveness of the undisturbed vegetation. We conclude, therefore, that the standards in Section 3.21.07.B.4 have been met.

5. Section 3.21.07.B.5 requires that the natural riparian vegetation along streams and drainageways be maintained and preserved, except where mitigation is approved, for a minimum of 15 feet from the normal high water line in those areas with slopes of 10 percent or less. We find, based upon a review of the preliminary plat and the applicant's narrative and assessment, that the natural riparian vegetation along Kellogg Creek will be preserved, where it exists, for more than 15 feet from the 100 year floodplain level which defines the riparian zone. We further find, from the same documents, that the 100 year floodplain level is at least as far back from Kellogg Creek as the normal high water line, and that the slopes of the property at that point do not exceed 10 percent. We also find that the applicant proposes no selective cutting, trimming or thinning to allow access to the waterway. We conclude, therefore, that the standards in Section 3.21.07.B.5 have been met.

6. Section 3.21.07.B.6 requires that storm flows from the proposed development within and to natural drainage courses shall not exceed natural flows as determined by the City Public Works Department. We find, based upon the preliminary plat, the applicant's narrative and the September 5, 1990 letter from Paul Roeger, Office Engineer (Exhibit G), that after the proposed subdivision is constructed, storm water flows through the natural resource location will be significantly reduced as a result of the collection and distribution of storm waters by the storm sewer system and discharge to the west of the property. We further find that storm water flows and storm system design will be consistent with the flow specification determined appropriate by the City Public Works Department. We conclude, therefore, that the standards in Section 3.21.07.B.6 have been met.

7. Section 3.21.07.B.7 requires that construction practices include steps to ensure that land cuts are not exposed to storm water flows, that land and trenches are graded to allow direct flow into natural drainage courses and that grading not expose unprotected surfaces to water flows and possible erosion. We find that no approval is being given at this time for construction within the natural resource location. We further find, as discussed above in the finding of compliance with Section 3.21.07.A.1, that the applicant will prepare and obtain approval for a construction management plan prior to development of the property and that this construction management plan will provide for the protection of the natural resource location

from construction activities occurring adjacent to that location. We find that as a result of the lack of development in the natural resource location and the protective measures to be applied adjacent to the natural resource location that the proposed development will ensure that unprotected surfaces are not exposed to storm water flows and erosion. We further find that since no development is approved in the natural resource location, and since the proposed subdivision will direct water into a storm water sewer system, there is no need for grading land or trenches to allow direct flow into natural drainage courses. We conclude, therefore, that the standards in Section 3.21.07.B.7 have been met.

8. Section 3.21.07.B.8 requires that development be designed to have the least possible impact on the natural features and values of the site, and that the development should look at alternative designs and locations to mitigate the impact. We find that this section must be interpreted in conjunction with Section 3.21.03, which states the provisions of the Natural Resource Overlay Zone do not prohibit uses allowed by the primary zone, but merely regulate the amount and placement of those uses. In this context, we find that this section was not intended to prohibit all impacts of development on the natural features and values within a natural resource location, but was intended to be read consistently with other parts of Section 3.21 which allow development if specified conditions are met, even if impacts on the natural resource values result. We find, however, as is discussed more fully in the finding for Section 3.21.09, that no approval is being given at this time for development in the natural resource location. We further find, based upon the findings for Section 3.21.07.A, that the proposed development activities outside of the natural resource location comply with all applicable standards. We also find, based upon the applicant's assessment and the lack of approved development within the natural resource location, that the impact of the applicant's proposed subdivision will have a negligible impact on the values of the natural resource site. Despite concerns raised by some members of the public that additional protection of the natural resource values should be required in the form of open space or required participation in a tax deferral program, we find that such actions are not required by Section 3.21 and are not necessary to provide the protection required by the approval standards in Section 3.21. We conclude, in light of these considerations, that the standards in Section 3.21.07.B.8 have been met.

9. Section 3.21.07.B.9 requires that road crossings of major natural drainage courses be minimized as much as possible. We find, based upon a review of the preliminary plat and the applicant's narrative, that there are no proposed road crossings of Kellogg Creek, the only natural drainage course in the area of the proposed development. We find, therefore, that the standard in Section 3.21.07.B.9 is not applicable.

10. Section 3.21.07.B.10 requires that construction of the development be done in such a manner to safeguard the portions of the site within the Natural Resource Overlay Zone that have not been approved for development in order to avoid harm to the natural resource area. We find that no approval is being given at this time to development within the natural resource location. We find further, as discussed above in the findings for Section 3.21.07.A, that the applicant will obtain approval of a construction management plan prior to development and will take other specified measures which will provide safeguards to protect the natural resource location from activities occurring adjacent to the natural resource location. We find that these protective measures will be sufficient to avoid harm to the natural resource location. We conclude, therefore, that the standards in Section 3.21.07.A.10 have been met.

11. Section 3.21.07.B.11 requires a mitigation plan, as determined under Section 3.21.10, for development activities that would adversely impact the natural resource values of the site. We find, based upon the finding for Section 3.21.10, that no mitigation plan is required of the applicant. We find, therefore, that the standards in Section 3.21.07.B.11 are not applicable.

II. Site Surveys

A. Section 3.21.08 requires site surveys to inventory the location, nature, and characteristics of the natural resources when: (1) the extent of the natural resource location is not specifically identified by the City Natural Resources Inventory, (2) the applicant believes the Natural Resource Overlay Zone boundary is inaccurate, or (3) modifications impacting the natural resource are proposed. We find, based upon a review of the applicant's narrative and assessment and the City Natural Resources Inventory, that the location of the riparian area and upland habitat for this property are not specifically identified in the City Natural Resources Inventory and that consequently a site survey is required. We find further that the

applicant has performed an on-site survey as described in the applicant's assessment. We find, therefore, that the requirements in Section 3.21.08 have been met.

B. Section 3.21.09 requires a site survey to include: (1) a scaled site plan clearly identifying the nature and characteristics of the natural resources at the site (including a description of the species and habitats observed); the location of both existing and proposed structures, parking/maneuvering areas, utilities and other development; the physical characteristics of the site (including slope, water course location, and vegetation location and type); and information provided for the site on the City Natural Resources Inventory; and (2) a narrative describing the proposed activity and its relation to the location of the natural resources. We find, based upon a review of the applicant's narrative and assessment, that the applicant has comprehensively described the physical and biological features of the natural resource site, including a description of the species and vegetation thereon. We further find, based upon a review of the preliminary plat, that the applicant has identified the location of existing development and generally identified the location of proposed development. We also find, based upon a review of the applicant's narrative and assessment, that the applicant has thoroughly described the physical characteristics of the site, including slope, water course location and vegetation location, and that the vegetation has been described with regard to species and the location of trees six inches in diameter or larger at five feet above the ground. Despite questions raised by certain opponents of the development regarding the adequacy of sampling and inventory procedures, we are persuaded by the qualifications of the Scientific Resources, Inc. personnel who worked on the applicant's assessment, the content of the assessment, and the testimony of Dave McAllister of Scientific Resources, Inc. that the techniques used were adequate and up to standards of the profession. We also find that we have reviewed and incorporated as part of the record the information provided for this site in the City Natural Resources Inventory. We further find that the applicant's narrative and assessment describe the proposed activity and its relation to the location of the natural resources. We find, in interpreting this section, that the site survey is the appropriate place to establish the boundary of the natural resource location where that location is not specifically identified in the City Natural Resources Inventory. After reviewing the City Natural Resources Inventory and the applicant's assessment, we find that the boundary of the natural resource location should be established as depicted by the dashed line of the staff recommendation on Exhibit F. We choose this location rather than the applicant's development line as proposed

on Figure 9 of Exhibit E because we find the proposed development line on Figure 9 does not include the diverse mixture of large trees on Lot 40 north of the applicant's proposed development line, and because the applicant's assessment identifies large and diverse trees as an important vegetation component of the value of the upland wildlife habitat. For Lots 37 to 39, we choose the staff's recommendation, which was similar to the applicant's proposal, based upon the applicant's narrative and assessment, because of the ease of implementing this line and because of the lack of diversity of trees north of this boundary. We further find, based upon the City Natural Resources Inventory, the applicant's narrative, and the testimony of David McAllister at the Planning Commission hearing on October 9, 1990, that there are no wetlands on the upper portion of the property that are of significant size or were intended to be within the Natural Resource Overlay Zone. Despite the testimony of several people that some wetlands may exist on that property, we were persuaded by Mr. McAllister's expert testimony that an adequate assessment of the area had been made and that the presence of any wetlands was insignificant. We find further that the applicant has not made a specific proposal for development on lots subject to the natural resource location as we have established it. We further find that in establishing the natural resource location we are not at this time approving any development to the south of that line, and that any such development will require further review under this Section 3.21. In conclusion, then, we find that all of the information required by Section 3.21.09 has been provided. We conclude, therefore, that this standard has been met.

III. Mitigation Plan

Section 3.21.10 requires the preparation of a mitigation plan if avoidance of the resource area is not practical and development has the potential for reducing the natural resource value of the site in question to the point of no longer qualifying as a natural resource site on the City Natural Resources Inventory. We find, based upon the findings above, that no development is being approved at this time within the natural resource location as depicted on Exhibit F. We further find, based upon a review of the applicant's narrative and assessment, and the City Natural Resources Inventory, that the natural resource values of the site relate to its riparian and upland wildlife habitat values. We find, based upon the conclusions in the applicant's assessment with regard to the development proposed by the applicant, and based upon the fact we are approving less development in the natural resource location than proposed by the applicant and evaluated in the applicant's assessment, that the approved development would not significantly impact the existing values of the natural resource area, and that

the resulting natural resource values would still rank the site as a highly valuable site relative to other sites within the city. We find, therefore, that the site, even with the approved development, would still qualify as a natural resource site on the City Natural Resources Inventory. We find, therefore, that no mitigation plan is required for the site. We conclude, therefore, that the standards in Section 3.21.10 have been met.

IV. Natural Resource Management Plan

Section 3.21.11 provides for natural resource management plans which can be approved as part of the development review process for larger scale, long-term or phased developments. We find that the proposed development is not a larger scale, long-term or phased development and has not requested approval of such a natural resource management plan. We find, therefore, that the standards in Section 3.21.11 are not applicable.

V. Preparation of Plans and Surveys

Section 3.21.12 requires that natural resource site surveys, mitigation plans and management plans be prepared by competent professionals with expertise in natural resources. We find, based upon a review of the qualifications of Steven R. Helm and Richard Forbes, who prepared the assessment for Scientific Resources, Inc., that the assessment has been prepared by competent professionals with expertise in natural resources. We conclude, therefore, that the standards in Section 3.21.12 have been met.

VI. Miscellaneous

Sections 3.21.13 through 3.21.18 establish requirements relating to density transfers, procedures for modifying Natural Resource Overlay Zone boundaries, dedication for trails and coordination among regulatory agencies. We find, based upon a review of the applicant's proposal, that these sections either do not apply to the proposed development or do not establish standards of approval. We find, therefore, that these sections are not applicable to natural resource area approval for the proposed development.

In conclusion, we find that the approval standards applicable to this Natural Resource Overlay Zone review have been fully met. We further find that the boundary of the natural resource location be established as depicted on Exhibit F, that no development be approved at this time in the area of the property south of that boundary, that the boundary be shown on

the Final Plat of S-90-01 and referred to in deed covenants for Lots 37 to 40, and that the boundary remain valid if, for some reason, S-90-01 and ZC-90-01 are not finalized. Consequently, we approve the proposed development of the natural resource site subject to certain stated conditions.

sa927

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 23, 1990

To: Milwaukie Planning Commission
Thru: Maggie Collins, Community Development Director *MC*
From: Dave Krogh, Associate Planner *Dave*
Re: Continuation of S-90-02 (Great American Development Co.)

Background

The Planning Commission held a public hearing for S-90-02 (Meadowcrest Subdivision) on October 9, 1990. Questions were raised regarding traffic capacity and also regarding construction impacts to 9038 S.E. 42nd by this proposal. The Planning Commission requested Staff address these questions and report back on October 23. The Commission continued their deliberation until that date.

Discussion

Staff submitted an information request to the City Office Engineer (see Exhibit 1). A response has been provided (see Exhibit 2). Staff will address the questions raised as follows:

1. Construction mitigation for 9038 S.E. 42nd (the Hess house)

The Office Engineer feels this is not necessary. Proper construction techniques during the short period of construction could provide adequate impact control. The property at 9038 S.E. 42nd already has a sight-obscuring wooden fence in place augmented by a hedge (in one portion) and other onsite vegetation.

The owner (Mr. Hess) has stated he feels a masonry or cement wall should be provided for purposes of buffering his property. He provided a sketch which was redrawn by Staff (see Exhibit 3). This type of wall is similar to that placed along major arterials and freeways for visual/sound buffers.

Considering the low traffic generation expected by this subdivision (\pm 370 trips per day), the short duration for street/utility construction (2 to 3 months) and the existing fence/vegetation on the Hess property, Staff concurs with the Office Engineer's analysis.

Memo to Milwaukie Planning Commission
Re: Continuation of S-90-02 (Great American Development Co.)
October 23, 1990

2. Traffic capacities/traffic generation

The Office Engineer's memo indicates traffic count and street capacity data for area streets. The data shows adjacent streets being able to support the anticipated traffic generated by and through the proposed development.

The 370 trips per day figure (10 vehicle trips per day per unit) to be generated by this subdivision is reasonable and may even be high. The International Traffic Engineers Trip Generation Manual (3rd Edition) gives an average figure of 10 vehicle trips per weekday generated by occupants of a single-family detached house. This figure is easy to rationalize. For example, in a single day, with a 2-car family where both spouses work, 4 trips would be generated (2 going and 2 returning). If a delivery truck drops off a package, you have 2 more trips. If a relative visits, 2 new trips are added. And if one of the spouses runs an errand, 2 more trips are added.

It should be noted that the "10" trips figure is an average. The actual range was 4.3 trips (low) and 21.9 trips (high). A 10 trips per day figure may be high; it will depend on the occupants, their situation, number of children, and number of personal vehicles. Without other information, Staff can only assume that no greater traffic generation will occur in this proposed subdivision than for any other residences in the area.

It also should be noted that the 370 trips per day will not occur all at once, but will be spread throughout the day. Similarly, these trips will take different routes with the majority traveling down Meadowcrest Court to S.E. 42nd.

No information is evident, at present, to substantiate concerns that S.E. 43rd at Johnson Creek Blvd. is inadequate to handle the fewer than 200 trips per day that the Office Engineer estimates will occur.

Concerns raised on October 9, that the Lester Interchange improvements will grossly affect Johnson Creek Blvd., are unfounded at this time. However, it is logical to assume that some effects will occur. Increased Johnson Creek traffic may be exacerbated by increased access to Johnson Creek Blvd. via S.E. 43rd. These are regional questions which are not the responsibility of the Applicant to address. Rather, Staff suggests the City's Traffic Safety Commission review this matter. Potential interim measures that they could evaluate might include closing S.E. 43rd at the north boundary of the subdivision, placing a "stop ahead" sign or "slow" sign on S.E. 43rd-north of Roswell, or placing a "right turn only" sign on S.E. 43rd at Johnson Creek Blvd. Any of these measures would help to mitigate concerns for that intersection until such time as additional traffic data for Johnson Creek Blvd. is available.

Also pertaining to the above, the Traffic Safety Commission is better suited to look at potential improvements needed to S.E. 43rd. If justifiable, such improvements could be prioritized for inclusion on a future Public Works annual projects list.

Memo to Milwaukie Planning Commission
Re: Continuation of S-90-02 (Great American Development Co.)
October 23, 1990

3. Southeast 43rd paving alternatives

The Applicant is following adopted City policies by providing a connection to S.E. 43rd and improving traffic networking for the area. The minimum paving Public Works will allow which guarantees safe two-way traffic is a 24 foot width of paving. To not pave 43rd south of Roswell is contrary to policy and may create unsafe street surface conditions.

Since data is not available to show street capacity problems for S.E. 43rd, the Office Engineer cannot find a rationale for requiring improvements greater than the 24 foot wide paving strip as proposed.

As mentioned in the discussion for Question 2, the City Traffic Safety Commission is the appropriate group to look at S.E. 43rd as it relates to both this development and Johnson Creek Blvd.

In summation, capacity problems are not evident for S.E. 43rd at this time.

Conclusion

Based on the above discussion and findings presented on October 9, 1990, S-90-02 can be granted preliminary plat approval.

Recommendation

For preliminary plat approval with the following conditions (as presented on October 9):

1. The final plat shall comply with provisions of Section 4 of the Subdivision Ordinance. Minor deviations from the preliminary plat may be allowed by Staff.
2. Compliance is required with requirements of the City Public Facilities Improvements Ordinance. Requirements shall include 24 feet of paving connecting S.E. 43rd Avenue at the subject property north boundary to Roswell Street.
3. Compliance is required with building permit procedures as implemented by the City Building Official.
4. A street tree plan shall be provided for Staff approval and implemented.
5. Meadowcrest Drive shall be renamed as Meadowcrest Court. Other street names provided on the preliminary plat shall be corrected as follows: S.E. 42nd and S.E. 43rd Avenues (not streets) and Roswell Street (not avenue).

Exhibits

1. Memo to Office Engineer
2. Office Engineer Memo
3. Sketch of Wall

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
October 10, 1990

TO: Paul Roeger, Office Engineer
THRU: *MR* Maggie Collins, Community Development Director
FROM: Dave Krogh, Associate Planner *Dave*
RE: Request for Additional Information for S-90-01 and S-90-02

At the Planning Commission meeting last night the Commission continued action on both of the above requests to October 23, 1990 pending the receipt of additional information. Some of this information need pertains to public facilities (streets), street capacities, and access. The specific concerns raised are as follows. Please provide a written response to these by Monday, October 15, if possible, that we may submit them to the Commission with their next packets.

S-90-01 (Kellogg Creek Acres)

1. What access alternatives are available for Lot 1 so as to mitigate potential traffic safety concerns for Lake Road? The Commission is not inclined towards access onto Lake Road for Lots 1 and 2.
2. What development requirements are there for the driveway proposed on the 25 foot access strip between Lots ~~8~~⁹ and ~~9~~¹⁰?
3. Can the existing trees within the proposed Vernie right-of-way expansion fronting Lots 32 and 33 be retained? If not, why?

S-90-02 (Meadowcrest)

1. Are methods available that could mitigate construction impacts to 9038 SE 42nd Ave. (Mr. Hess's house)?
2. What traffic impacts can be expected for adjacent streets to this development and are the adjacent streets within capacity to accept the traffic to be generated by this site? Also, is the 10 vehicles per day figure provided by the Applicant a reasonable estimate of traffic generation? (Note: the ITE Manual, 3rd Edition, uses 10 as an average vehicle generation figure for single-family detached housing).
3. Are there feasible alternatives to paving SE 43rd to Roswell? Would this paving create capacity problems for SE 43rd north of Roswell?

EXHIBIT #	<u>1</u>
DATE	<u>10/23/90</u>
SUBMITTED BY	<u>Staff</u>
RECEIVED	<u>S-90-02</u>

TO: PLANNING
FROM: Paul Roeger, Office Engineer *PR*
RE: S-90-02 Meadowcrest Subdivision
DATE: October 16, 1990

EXHIBIT #	<u>2</u>
DATE	<u>10/23/90</u>
SUBMITTED BY	<u>Public Works</u>
RECEIVED	<u>S-90-02</u>

In response to your request for additional information on this subdivision, I make the following comments:

One available method to mitigate construction impacts to 9038 SE 42nd Avenue is to have our inspector make sure the contractor waters down their work area to keep the dust down.

A 6 foot fence already exists along the north side of this property as a noise and sight buffer. There is also a hedge along the east portion of the north line and along the east line of this property, which adds to the noise and sight buffer. To ask the developer to do more would not be practical for the short duration of actual construction in the near proximity of this property.

Traffic impacts to existing streets would be minimal. The applicant's figure of an average of 10 trips per day per lot is reasonable. This would produce about 370 trips per day from the new development. 42nd Avenue is a collector carrying approximately 4300 cars per day (1985 count). Capacity of 42nd Ave. is conservatively 1,000 vehicles per hour. We do not have a current count on 43rd Avenue; however, we did count Roswell Street between 42nd and 43rd Avenues in 1985, and we had approximately 200 vehicles per day. I would think 43rd Avenue would have even less vehicles per day. We do not have any counts on 45th Avenue, but a 1986 count on Mason Lane showed 835 vehicles per day near 45th Avenue.

The 370 trips per day generated by this development would be distributed on all of these streets, but the majority should go to 42nd Avenue. The only vehicles that would use 43rd Avenue would probably be going to Johnson Creek Boulevard to turn right. Those wishing to turn left onto Johnson Creek Boulevard would probably go to 42nd Avenue, because 42nd & Johnson Creek Boulevard has a 3-way stop for easy access. Residents on Mason Hill Drive and some on Mason Lane and Fieldcrest may also use 43rd Avenue if they were going to turn right onto Johnson Creek Blvd. I would anticipate less than one-quarter of the trips generated by this development would use 43rd Avenue (approximately 90 trips per day). I would also anticipate another 100 trips per day from the existing developed areas. 43rd Avenue as proposed and existing is fully capable of handling the additional load. Those motorists wishing to travel south will use 45th and Mason Lane or go directly to 42nd Avenue.

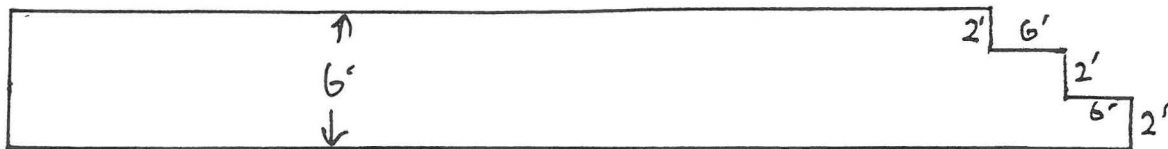
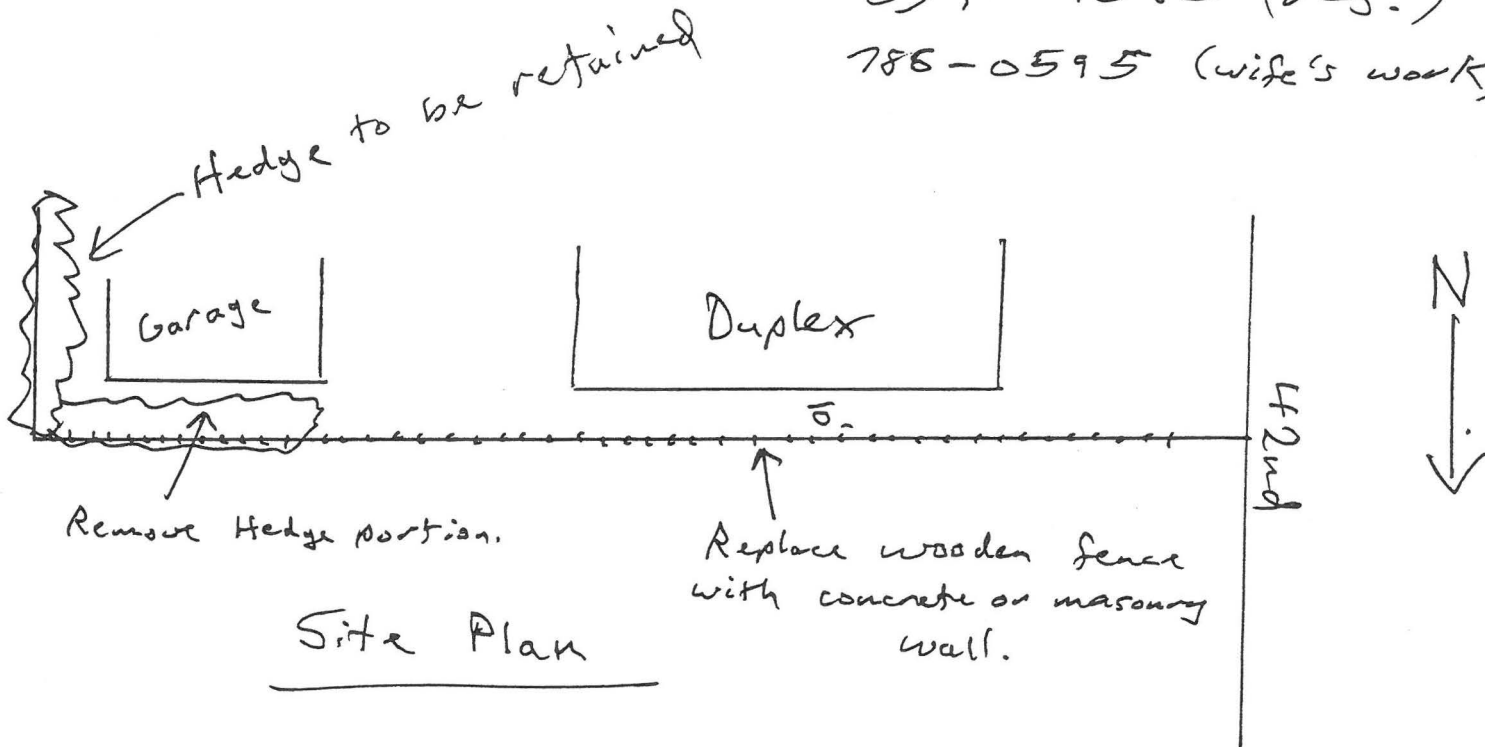
The connection to 43rd Avenue must be made in order to provide good circulation of traffic. Existing 43rd Avenue south of Roswell Street is only dirt and gravel, and therefore must be paved a minimum of 24 feet wide to provide for two-way traffic.

PHR/cjl

10/11/90

Suggested Wall Buffer
for 9038 SE 42nd

Requested by owner - Mr. Hess
659-9080 (res.)
786-0595 (wife's work)

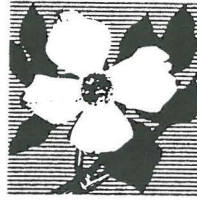


Elevation of Wall

Stepped taper at 42nd

EXHIBIT #	3
DATE	10/23/90
SUBMITTED BY	Owner/Staff
RECEIVED	5-90-02

CITY OF MILWAUKIE



MAILING ADDRESS:
P.O. BOX 22009
MILWAUKIE, OR 97222-0009
FAX (503) 652-4433

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

October 23, 1990

To: Milwaukie Planning Commission
Thru: Maggie Collins, Community Development Director *MC*
From: Dave Krogh, Associate Planner *Dave*
Re: Request for Hearing for MLP-90-05 (Westwood)

Proposal

Approval of a minor land partition to create 2 parcels in an R-7 Zone located at 11140 S.E. Stanley Avenue.

Background

On August 14, 1990, the Planning Commission approved a variance filed by the Westwood Holding Corporation. This variance (VR-90-04) allows a lesser flag lot access width (18.59 feet instead of the required 20 feet) and acknowledges the partition configuration as here proposed (MLP-90-05).

Since minor land partitions are processed as a Type II Administrative review, Staff reviewed the partition request and issued a Notice of Tentative Approval and Staff Report (see Exhibit 1) on September 6, 1990. On September 14, Staff received a petition from neighbors of the subject property (see Exhibits 2 and 3) requesting a public hearing. The request was approved by the Community Development Director for a public hearing on October 23 with the Planning Commission.

Discussion

Compliance with partition and zoning standards is addressed in Exhibit 1 (Notice of Tentative Approval and Staff Report).

Several questions were raised, however, by neighbors, both at the August 14 hearing and in the petition (Exhibit 2). These will be addressed as follows:

1. Location and status of 2,000 square foot turnaround area

The location was clearly shown on the blue-line partition plat, but did not show up on the photocopies included with the Staff Report. The required turnaround area is proposed for the southwest corner of the "flag" portion of Parcel 2. The turnaround area is 40 feet by 50 feet in configuration with the 50 foot portion extending north. The bulk of the turnaround area will not be visible from Stanley Avenue as it is behind the house (the Semmler residence) located on Parcel 1.

Memo to Milwaukie Planning Commission
Re: Request for Hearing
MLP-90-05 October 23, 1990

The turnaround area is not required to be dedicated; that is, it is not intended for public turnaround use. It is intended to be privately owned and maintained by the owner of Parcel 2. It is required as per Section 7.04.2 of the Subdivision Ordinance for emergency vehicles that may need to access Parcel 2.

2. Future division of Parcel 2

The R-7 Zone requires a 7,000 square foot minimum lot size per single family dwelling. That would seem to imply that Parcel 2, which is 18,300 square feet in area, could be redivided into an additional parcel. That is not necessarily true.

Section 7.04 of the Subdivision Ordinance sets requirements for flag lots. Basically, a double flag lot requires a 30 foot wide access strip and a 3,000 square foot turnaround area. The access strip and turnaround area must total at least 7,000 square feet per unit. For the current Parcel 2, the access strip (2,602.6 square feet) and the required 3,000 square foot turnaround area would yield a remainder of 12,697.4 square feet. Divided by the R-7 7,000 square foot area requirement per unit, it is clear that Parcel 2 cannot support a second unit.

In addition to the above, the 30 foot access width requirement could not be met considering the current access strip has already been lessened, by variance, to 18.59 feet.

Considering the magnitude of variances that would be needed to divide Parcel 2 (access and lot width variances), such a division is probably unlikely. However, if such variances were desired, a new public hearing process would be required, as has already occurred for VR-90-04. Therefore, concerned neighbors would have ample opportunity for input.

3. Traffic generation for Parcel 2

The International Traffic Engineers Trip Generation Manual (3rd Edition) gives an average figure of 10 vehicle trips per weekday being generated for a single family detached house. This figure is easy to rationalize. For example, with a 2 car family where both spouses work, 4 trips would be generated (2 going and 2 returning). If a delivery truck drops off a package, you have 2 more trips. If a relative visits, 2 new trips are added. And if one of the spouses runs an errand, 2 more trips are added.

It should be remembered that the "10" trips figure is an average. The actual range was 4.3 trips (low) and 21.9 trips (high). In all likelihood, the 10 trips per day figure is high and will depend on the occupants, their situation, number of children, and number of personal vehicles. In summation, without other information, Staff can only assume that no greater traffic generation will occur than for any other residence in the area.

Memo to Milwaukie Planning Commission
Re: Request for Hearing
MLP-90-05 October 23, 1990

4. Compatibility with adjacent properties

Parcel 2 is separated from adjacent properties by sight-obscuring wooden fences. The size of Parcel 2 (18,300 square feet) is also large enough so that a centrally located structure could have setbacks greatly exceeding those of the R-7 Zone. The fencing and larger setbacks could provide a degree of compatibility with adjacent properties.

In addition, if the owners of Parcel 2 added landscaping along the fence line, additional visual and sound protection would result.

Compatibility, technically, is not a specific criterion of the partition process. Therefore, concerns over house placement or landscaping, beyond what is normally required by the R-7 Zone, could best be addressed by a good faith effort on the part of the developer.

Note: Centrally locating a house on this site would also preclude the potential for a future division of Parcel 2.

The Applicant is aware of the above concerns and can offer additional comments pertaining to these at the public hearing on October 23.

Conclusion

Based upon findings presented within the Staff Report (see Exhibit 1) and discussion of concerns (see above), Staff feels approval criteria have been met.

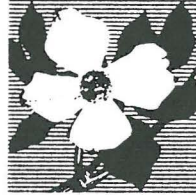
Recommendation

For approval with the conditions as proposed on Page 3 of the Staff Report (see Exhibit 1).

Exhibits

1. Notice of Tentative Decision/Staff Report and Attachments
2. Petition
3. Acknowledgment of Petition
4. Notice
5. Narrative for MLP-90-05

CITY OF MILWAUKIE



September 6, 1990

File #MLP-90-05

NOTICE OF TENTATIVE APPROVAL

This is your notice that MLP-90-05, filed by Westwood Holding Corp., to allow a minor land partition to create a second parcel at 11140 S.E. Stanley Avenue, will receive tentative approval on Monday, September 17, 1990, at 5:00 p.m. This approval will become effective on that date provided no appeal is filed for VR-90-04 (a variance approved by the Planning Commission on August 14), or, provided no objections or requests for a public hearing are received from parties receiving this notice which would result in reconsideration of this application.

Findings to support this action are included within the attached report. Once this tentative approval becomes effective, a 15-day appeal period will follow. For additional information on this matter please contact the Community Development Department at 652-4410.

Maggie Collins, Community Development Director

MC/mgh

EXHIBIT #	1
DATE	10/23/90
SUBMITTED BY	Staff
	8pgs
RECEIVED	MLP-90-05

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: September 6, 1990
File No.: MLP-90-05

Application: Minor Land Partition in R-7 Zone
Applicant: Westwood Holding Corporation
Property Owner: Lawrence Semmler
Location: 11140 S.E. Stanley Ave.
(Tax Lot 4600 of Tax Map T1S, R2E, 31AD)

Proposal

Minor land partition in R-7 zone to allow creation of 2 parcels as authorized by VR-90-04.

Discussion

This is a 30,000 square foot lot located on the east side of Stanley Avenue near Harlene Drive. A single family residence currently is located on the portion of this lot fronting Stanley. The rest of the lot is flat and vacant.

The area surrounding this property is also zoned R-7 and planned for Low Density Residential use. The area is well developed with single family residences located on lots ranging from 7,000 square feet to $\frac{1}{2}$ acre in size.

This area is fully serviced except for storm sewers. Also, Stanley Avenue has a 40 foot right-of-way in this area with a planned right-of-way of 50 feet.

Findings

1. The Applicant proposes to create a second parcel in a flag lot configuration through this minor land partition process. Zoning is R-7 and the subject site is 100 by 300 feet in area (30,000 square feet).
2. On August 14, 1990, the Planning Commission approved a variance (VR-90-04) to allow an 18.59 foot wide access strip for a flag lot instead of the normal requirement of 20 feet (as per Section 7.04.2 of the City Subdivision Ordinance). The variance will take effect at 5:00 p.m., August 31, 1990, if no appeals are filed.
3. This minor land partition is being reviewed by Type II Administrative Review process as per Section 10.11(B) of the City Zoning Ordinance and Section 7.03 of the City Subdivision Ordinance.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
 STAFF REPORT - Westwood Holding Corporation
 MLP-90-05 September 6, 1990

4. The Applicant has filed a partition map prepared by a surveyor. This map meets submission requirements of Section 7.02 of the Subdivision Ordinance and also meets survey requirements of ORS 92.050.
5. The proposed minor land partition meets R-7 standards except for the approved variance as shown by the following table:

	<u>R-7</u>	<u>Parcel 1</u>	<u>Parcel 2</u>
Lot Size (sq. ft.)	7,000	11,200	18,300*
Min. Lot Width (ft.)	60	80	100
Ave. Lot Depth (ft.)	80	140	100
Access Strip (ft.)	20	-	18.59**
Front Yard (ft.)	20	43.72	At least 20
Rear Yard (ft.)	20	49	At least 20
Side Yard (ft.)	5/10	5/14.14	At least 5/10

* Includes total of access strip, turnaround area and buildable lot.
 ** Variance allowed as per VR-90-04.

Note: The existing house is on Parcel 1; Parcel 2 is vacant.

6. The partition map (see Exhibit 1) shows 5 foot side setbacks for the flag lot (Parcel 2). This does not meet R-7 side setback requirements of 5 feet and 10 feet. The partition map also does not label each parcel. Staff has designated the developed parcel as #1 and the flag lot as #2. Finally, the new access strip width (18.59 feet) as allowed by VR-90-04 will need to be indicated on the partition plat map. These modifications can be made conditions of approval.
7. The City Office Engineer has responded that as part of the minor land partition (MLP-90-05), the Applicant will need to dedicate 5 feet of frontage along Stanley Avenue for public right-of-way and sign a developers agreement for participation in future street improvements. In addition, separate drywells will need to be provided for roof drains and driveway/catch basin.
8. The City Building Official has responded with comments relative to the turnaround area necessary for emergency vehicles.
9. This application conforms to policies within the Residential Element of the Comprehensive Plan which promote infill development

Intent to Approve

Based upon the above findings, MLP-90-05 is receiving tentative approval to be effective as of Monday September 17, 1990, at 5:00 p.m. This tentative approval is subject to no appeals being filed for VR-90-04 and may be subject to reconsideration if parties receiving this report raise objections or request a public hearing prior to the effective date. If MLP-90-05 is approved, a 15-day appeal period then occurs in which time affected parties could appeal the approval to the Planning Commission.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Westwood Holding Corporation
MLP-90-05 September 6, 1990

Conditions of approval for MLP-90-05 are as follows:

1. All 5 conditions of approval for VR-90-04 (see attached).
2. The partition plat shall be corrected to label Parcels 1 (where current house is) and 2 (the flag lot).
3. Corrected partition plat shall be signed and recorded with the County Surveyor's Office. Two recorded copies shall be provided to the City.

Exhibits

1. Partition Plat
2. Office Engineer's Memo (Exhibit 5 for VR-90-04)
3. Building Official's Memo
4. Conditions of Approval for VR-90-04

Approved by:

Maggie Collins
Maggie Collins, Community Development Director

September 6, 1990
Date

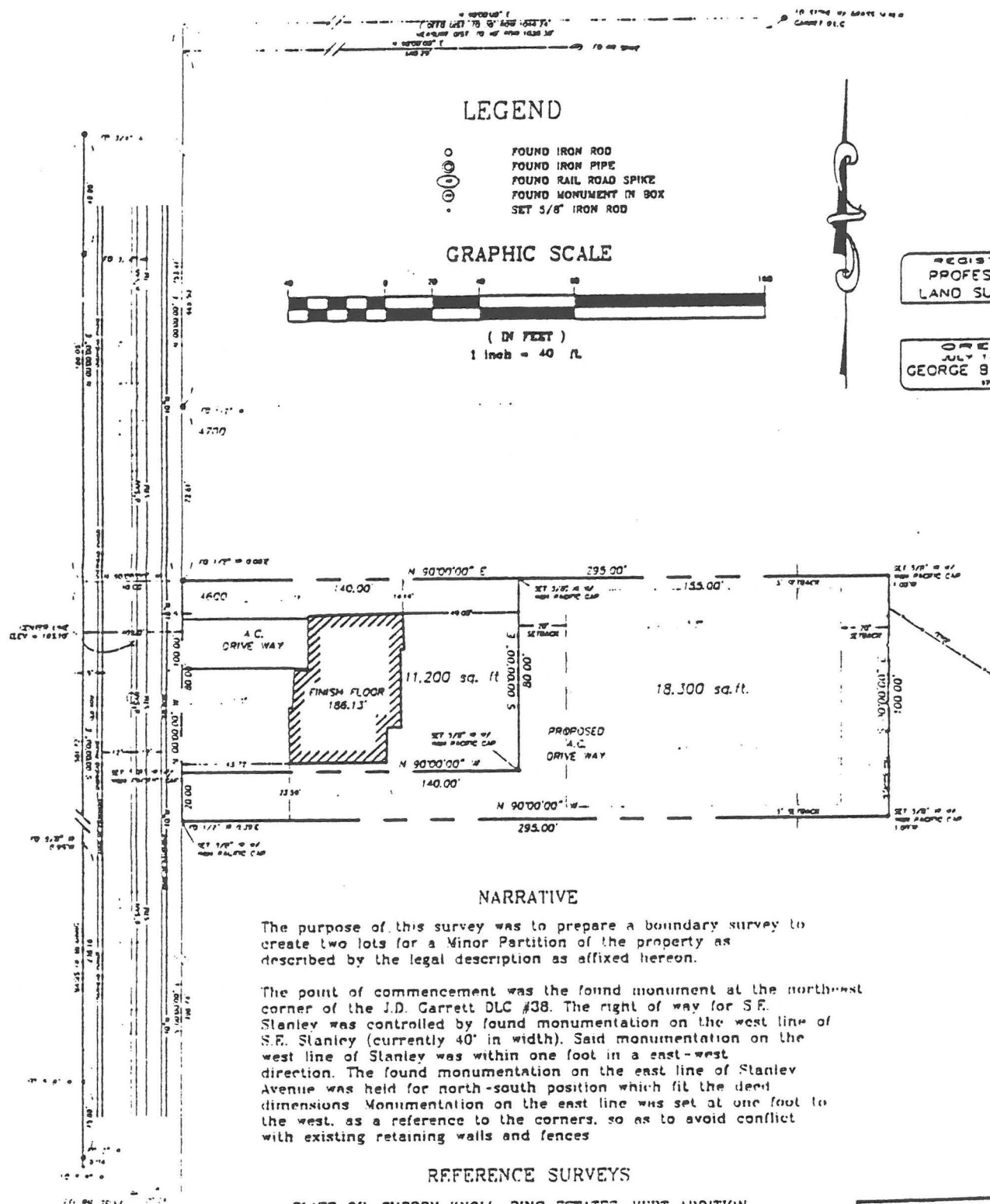
Prepared by:

Dave Krogh
Dave Krogh, Associate Planner

9/6/90
Date

PARTITION PLAT NO. _____

IN THE
SE 1/4 NE 1/4 Section 31,
Township 1 South, Range 2 East W.M.
City of Milwaukie, Clackamas County, Oregon



LEGEND

- FOUND IRON ROD
- FOUND IRON PIPE
- FOUND RAIL ROAD SPIKE
- FOUND MONUMENT IN BOX
- SET 5/8" IRON ROD

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1972
GEORGE S. CATHEY
170

NARRATIVE

The purpose of this survey was to prepare a boundary survey to create two lots for a Minor Partition of the property as described by the legal description as affixed hereon.

The point of commencement was the found monument at the northwest corner of the J.D. Garrett DLC #38. The right of way for S.E. Stanley was controlled by found monumentation on the west line of S.E. Stanley (currently 40' in width). Said monumentation on the west line of Stanley was within one foot in a east-west direction. The found monumentation on the east line of Stanley Avenue was held for north-south position which fit the deed dimensions. Monumentation on the east line was set at one foot to the west, as a reference to the corners, so as to avoid conflict with existing retaining walls and fences.

REFERENCE SURVEYS

- PLATS OF: CHERRY KNOLL, BING ESTATES, VERT ADDITION,
WAYMIRE ADDITION, SAUTER'S BERRY FARM
- PS 1329
 - PS 1390
 - PS 12982
 - PS 14723
 - PS 21757
 - PS 22207
 - PS 23126
 - PS 733
 - PS 774
 - R-85

EXHIBIT # 1
DATE 9/6/90
SUBMITTED BY Applicant
RECEIVED MLP-90-05

TO: Community Development
FROM: Paul Roeger *PR*
Office Engineer
RE: VR-90-04, MLP-90-05
11140 SE Stanley Avenue
DATE: July 19, 1990

RECEIVED

JUL 19 1990

PLANNING

City sanitary sewer and water are available in Stanley Avenue, and are of adequate size to serve the proposed additional lot.

Pursuant to Ordinance #1645, the property owner must sign a developer's agreement for street improvement of Stanley Avenue. In addition, a five foot (5') strip of property along Stanley Avenue must be dedicated for public right-of-way to make Stanley Avenue a 50 foot (50') right-of-way.

Roof drains on the existing house and on any new structures must be run to drywells. A separate drywell must be installed for the flag lot driveway and turnaround area. The driveway and turnaround area must be paved with an inverted siphon catch basin, connected to a drywell, placed at the low point.

PHR/cjl

EXHIBIT #	<u>2</u>
DATE	<u>9/6/90</u>
SUBMITTED BY	<u>PublicWorks</u>
RECEIVED	<u>MLP-90-05</u>

RECEIVED

JUL 25 1990

PLANNING

July 25, 1990

TO: COMMUNITY DEVELOPMENT
FROM: STRUCTURAL SAFETY DIVISION
SUBJ: MLP-90-05

The proposed creation of a flag lot at this location creates one possible problem. The problem involves the location of the existing structure (see report VR-90-04).

The 2,000 square foot turn-around is for emergency vehicle use only (i.e. police, fire, etc...). Normal use parking for motor vehicles, boats, trailers, RVs, etc... requires an additional paved area.



Jim Mishler
Building Official

JM/kp

EXHIBIT #	3
DATE	7/6/90
SUBMITTED BY	Building
RECEIVED	MLP-90-05

Conditions of Approval for VR-90-04

1. The variance requested is hereby modified to a reduced access strip width of 18.59 feet for Parcel 2 (instead of the normal width requirement of 20 feet).
2. Minor land partition process for MLP-90-05 shall be completed prior to any new residential construction onsite.
3. Corrections to the partition map shall be made relative to access strip width, and the depiction of accurate setbacks required by the R-7 zone.
4. Public facilities improvements are required as indicated by Exhibit 5.
5. When Parcel 2 is developed, City Staff shall encourage the builder to provide larger than normal R-7 setbacks to promote greater privacy for the new property owners and neighbors.

EXHIBIT #	9
DATE	9/6/90
SUBMITTED BY	Staff
RECEIVED	MLP-90-05

September 13, 1990

REQUEST PUBLIC HEARING ON MLP 90-05

The proposed partition plot plan does not show where the required 2000 sq. foot turn-around area is to be dedicated, and this needs to be resolved in a public hearing.

Mr. Dave Krogh has said that a variance could be issued at a later date (if requested) for an additional dwelling at this location. This issue needs to be discussed in a public forum and be approved or rejected before final decision of MLP 90-05.

Emergency protection - location of and access by emergency vehicles?

The following parties received your letter from the City of Milwaukie regarding MLP 90-05.

Mr & Mrs Erwin Hoch Jr
Martha Olney
Mr & Mrs Howard Hunt
Mr. Robert Grubbs
Mrs L M Fields
L. M. Fields

EXHIBIT #	2
DATE	10/23/90
SUBMITTED BY	Petitioner
	Z.P.P.
RECEIVED	MLP-90-05

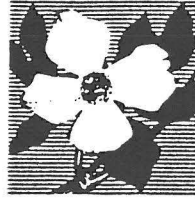
September 13, 1990

REQUEST PUBLIC HEARING ON MLP 90-05

I am in favor of a public hearing regarding MLP 90-05.

	<u>NAME</u>	<u>ADDRESS</u>
1.	Wald + Rose Olson	10811 SE Stanley Ave.
2.	Ed and Colleen Moore	10912 S.E. Stanley Ave.
3.	John + Fuschie Seifer	11003 SE Stanley
4.	Ron + Suzanne Wright	11012 SE Stanley
5.	Melinda S. Moore	11011 SE Stanley
6.	Mrs Lawrence Fields	11106 SE Stanley
8.	Jeddie Martz	11107 SE Stanley
9.	Clyde + Ruth Gubig	11004 SE Stanley
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25.		

CITY OF MILWAUKIE



MAILING ADDRESS:
P.O. BOX 22009
MILWAUKIE, OR 97222-0009
FAX (503) 652-4433

RECEIVED

SEP 14 1990

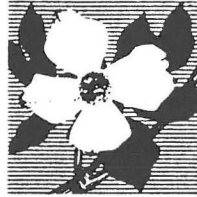
PLANNING

I received a request for hearing on MLP-90-05 from Mrs Crabb and Mrs Field on Friday, September 14, 1990.

*Magye Collins
Community Dev. Dir.*

EXHIBIT #	<u>3</u>
DATE	<u>10/25/90</u>
SUBMITTED BY	<u>Staff</u>
RECEIVED	<u>MLP-90-05</u>

CITY OF MILWAUKIE



October 3, 1990

File #MLP-90-05

NOTICE OF PUBLIC HEARING

To: Property Owners and Residents
On: Tuesday, October 23, 1990, beginning at 6:30 p.m.
At: Milwaukie Center
5440 S.E. Kellogg Creek Dr.

The Milwaukie Planning Commission will consider a request by Westwood Holding Corp. (applicant) and Lawrence Semmler (property owner) for approval of a minor land partition for 2 parcels in R-7 on the property located at 11140 S.E. Stanley Ave. (Tax Lot 4600 of Tax Map T1S, R2E, 31AD).

The site is shown on the reverse of this letter.

The criteria which will be used by the Planning Commission in reaching a decision are shown on the attached sheet(s). Testimony and comments must be directed at this hearing towards the criteria identified.

Interested persons are invited to attend this hearing or to submit comments in writing prior to the meeting time. Written testimony may be submitted in advance to the Community Development Department or in person at the hearing. Those wishing to present verbal testimony, either pro, con, or to raise questions, will be asked to speak following the applicant's testimony.

A copy of the application and all documents and evidence relied upon by the applicant are available for public review at the Community Development Department located at 6101 S.E. Johnson Creek Blvd. (at Linwood Ave.). Copies of these can be provided at reasonable cost. A Community Development Staff Report will be available for public review after 4:00 p.m., Tuesday, October 16, 1990, in the Community Development Department; after 5:00 p.m., Tuesday, October 16, 1990, at the Ledding Library, local information shelf; and after 8:00 a.m., Wednesday, October 17, 1990, at City Hall, 10722 S.E. Main. Copies of applicable City ordinances and the Comprehensive Plan are also available for review at these locations.

If you have any questions, please call the Community Development Department at 652-4410.

EXHIBIT #	4
DATE	10/23/90
SUBMITTED BY	Staff
	4 pgs
RECEIVED	MLP-90-05

PARTITIONING

SECTION 7. PARTITIONING

Section 7.01. Procedure for Approval. A parcel of land or contiguous parcels under a single ownership within the city shall not be partitioned into two or less than four parcels for transfer of ownership or building development so as to conflict with applicable standards for subdivision as set forth in this section. Such land partitioning, other than subdivision or the creation of a street or way, shall be known as partitioning and shall be approved under the following procedure:

Section 7.02. Submission. There shall be submitted to the Planning office four copies of a sketch map 8½ x 11 inches, or 18 x 24 inches in size with the following information:

1. The date, north point, scale, and sufficient description to define the location and boundaries of the parcel to be partitioned and its location. Topography of land within 250 feet of all boundaries.
2. The name and address of the record owner or owners and of the person who prepared the sketch map.
3. The approximate acreage of the parcel under a single ownership, or if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partitioning.
4. For land adjacent to and within the parcel to be partitioned, the locations, names and existing widths of all streets and easements-of-way: location, width, and purpose of all other existing easements; and location and size of sewer and water lines, drainage ways, and power poles.
5. The location of existing structures to remain in place.
6. The lot layout, showing size and relationship to existing or proposed streets and utility easements.
7. Such additional information as required by the Planning Commission.

Section 7.03. Administrative Approval. Minor partition requests shall be processed according to Section 10.05(B) of the Zoning Ordinance, Type II Administrative Review. (Amended 3/17/87, Ord. 1620.)

Section 7.04. Flag Lots. Flag lots may be created by partitioning under the following conditions:

1. Applicants for flag lot partitioning must show that access by means of a dedicated public street is not possible. In addition, consideration will be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots.
2. For any flag lot, the minimum width of the access strip will be 20 feet, 15 feet of which must be paved for the full length of the access strip. A paved turn around area, which is not less than 2,000 square feet in area, nor less than 40 feet in width or length, shall be provided at the end of the access strip. The turn around area shall be considered as part of the access way, and shall not be included in areas devoted to required off-street parking.

3. Where two flag lots will have abutting access strips, the combined width of the two access strips shall not be less than 30 feet. A joint access easement shall be created for the two flag lots, which extends to the deepest lot for the full width of the combined access strips. Within the joint access strip, a common driveway 24 feet in width shall be provided which extends from the street to the deepest lot. At the end of the access easement, a joint use paved turn around shall be provided which is not less than 3,000 square feet in area nor less than 40 feet in length or width.
4. Proposed flag lots shall be referred to the Public Works and Fire Departments for review and recommendation or decision on appropriate improvements and other requirements to be provided by the partitioner. These may include: paved access driveways constructed to residential street standards; special additional easements for utilities; vertical clearance for fire equipment; sewer lines, and pumps; water meters and lines for adequate flows and pressures; fire hydrants; special post for display of house numbers at street entrance to access easement; street lights; and assurance of clear vision conditions at access entrance.
5. Although discouraged by the Planning Commission, development of three or four flag lots in which there are more than two lots in depth from a public street may be considered by the Planning Commission under the variance procedure. Increased standards for improvements in such cases shall be as determined by the Planning Commission with advice from Public Works and other departments as appropriate.
6. Flag lot size: For flag residential lots, privately owned access strips and required paved turn around areas shall be excluded for computing the minimum area of a buildable lot.

Section 7.05. Planning Commission Approval. If the location or type of land has not been defined for routine administrative approval or if the proposed partitioning does not comply with the requirements for routine administrative approval, the sketch map shall be submitted to the Planning Commission for determination that the proposal will be compatible with the comprehensive development plan. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to carry out the comprehensive development plan. In no event, however, shall the Planning Commission require greater dedication or conditions than could be required if the parcel were subdivided. If the partitioning provided in the sketch map results in complete accomplishment of those parts of the comprehensive development plan which would be affected by partitioning of the parcel, the Planning Commission shall state on the sketch map that future partitioning within the area shown on the sketch map may occur without submission for approval of the Planning Commission

Section 7.06. Subdivision Requirements. Full compliance with all requirements for subdivision may be required if the Planning Commission should determine that the entire parcel being partitioned is in the process of being divided into small parcels. This provision applies if the parcel of land to be partitioned exceeds two acres and within a year is being partitioned into more than two parcels, any one of which is less than one acre.

Section 7.07. Filing Map. When a sketch map has been approved, all copies shall be marked with the date and conditions, if any, of approval. Two copies shall be returned to the applicant, and two copies shall be retained by the Planning Commission.

NARRATIVE FOR PROPOSED MINOR PARTITION
11140 S.E. Stanley Avenue

Applicant proposes a minor partition of 11140 S.E. Stanley Avenue (R12E 31AD tax lot 04600). Applicant has entered into an earnest money agreement (copy attached) to purchase the parcel, subject to approval of a minor partition. The existing parcel is about 29,500 square feet and is zoned R7. One single family residence now exists on the lot, near the "front," facing Stanley Avenue.

Applicant proposes creating a second lot, which would be a flag lot, including a 20 foot driveway along the southerly boundary of the parcel (about 140 feet long) and a new tax lot in the "back" about 160 feet deep and 100 feet wide. Thus, the flag lot would contain about 18,300 square feet (0.42 acres) and the other lot (on which the existing house is located) would contain 11,200 square feet (0.26 acres). Both lots would be well in excess of the minimum size required under the R7 zone, even after excluding the access strip and required turn around area for the flag lot.

The proposed 20 foot driveway equals the minimum width required for flag lots under Section 7.04.

Under Applicant's proposal, there would be a setback of 3.59 feet from the south side of the existing improvements to the access strip or driveway portion of the flag lot and a setback of 49 feet from the back of the house to the "front" or westerly boundary of the main portion of the flag lot.

The proposed flag lot would not be adjacent to any public streets, and thus no access to a public street from the proposed flag lot is possible except as proposed by applicant.

There is precedent in the immediate neighborhood for creation of flag lots. Tax lot 4200, which is separated from the subject property by one parcel (tax lot 4500) and is about 140 feet to the south, is known as Vest Lane and provides access to tax lots 4300 and 4201 (each of which is only 0.19 acres) and to several housing units on tax lot 3600.

I/6j-jnsn5
7/10/90

EXHIBIT #	5
DATE	10/23/90
SUBMITTED BY	Applicant
RECEIVED	MLP-90-05

CITY OF MILWAUKIE



MEMORANDUM

October 9, 1990

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager

FROM: *MC* Maggie Collins, Community Development Director

RE: Proposed Resolution Supporting Light Rail Transit Local
Funding Match (Ballot Measure 26-1)

Requested Action

Consideration of adoption of a resolution supporting passage of Ballot Measure 26-1.

Background

Attached is information on the Ballot Measure, and how it could affect Milwaukie and its residents. Also attached is a proposed Resolution for your consideration.

MC:mc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF BALLOT MEASURE 26-1, A PROPOSAL TO ISSUE GENERAL OBLIGATION BONDS TO CONSTRUCT LIGHT RAIL TRANSIT IMPROVEMENTS, SAID PROPOSAL TO BE CONSIDERED AT THE NOVEMBER 6, 1990 GENERAL ELECTION.

WHEREAS, light rail transit expansion is an integral component of the METRO Regional Transportation Plan; and

WHEREAS, the Regional Transportation Plan identifies construction of a Westside MAX line as the region's top priority, followed by a MAX line to serve Milwaukie and Clackamas County; and

WHEREAS, seventy-five percent of the funds necessary for Westside MAX construction will be provided by the federal government if a twenty-five percent regional funding match is in place by September, 1991; and

WHEREAS, Ballot Measure 26-1 authorizes \$110 million in general obligation bonds to build Westside MAX to Hillsboro and \$15 million for Milwaukie-Clackamas County MAX planning and development; and

WHEREAS, it is in the interests of Milwaukie and the metropolitan region as a whole to secure maximum federal funding opportunities in order to move the region's light rail transit program forward;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milwaukie supports the passage on November 6, 1990, of Ballot Measure 26-1, thereby allowing orderly promotion of the light rail transit component of the Regional Transportation Plan.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on the ____th day of October, 1990.

Roger A. Hall, Mayor

ATTEST:

Jerri L. Widner, City Recorder

Approved as to form:

Timothy V. Ramis, City Attorney

Some Common Bond Measure Questions

Q. What if the Property Tax Limitation passes? What is the effect on these bonds?

A. There would be no effect; the limitation would not apply to the bonds. It is possible for the voters to choose to pass both the property tax limitation and the light rail bonds.

Q. Why are voters considering tax monies when they don't even know yet what the project will be?

A. Ideally, the route of the westside MAX would be selected, and then a funding measure would go to voters. But a federal deadline creates some urgency: Under current law, the federal government would pay to 75% of the Westside MAX construction cost. This law expires September 30, 1991, at which time federal funding is expected to decline to a maximum of 50%.

If local funding is not approved before this deadline, Tri-Met could lose some \$200 million in federal money for the Westside MAX project.

The general obligation bond proposal does not prejudice what the route or project elements will be. The final route can only be determined after a process that examines and addresses all the environmental impacts.

Q. How much will Westside light rail cost?

A. Estimated cost to construct light rail to Hillsboro is \$650 million (1990 dollars). (This estimate includes costs of a long tunnel, Zoo Station, Sylvan Station, and the Henry Street alignment in downtown Beaverton.)

The effect of construction cost inflation over the nine years of design and construction brings the total cost to \$944 million in 1999 dollars. (Assuming a construction cost inflation rate of 6.9% annually, which was the actual average rate 1971-1988)

Q. What if MAX isn't built to all the way to Hillsboro?

A. Political will is unified that the project must go to Hillsboro: JPACT, Tri-Met Board, AuCoin, Hatfield and the Governor are all clearly on record that project will go to Hillsboro. If it did not, despite this resolve, remaining bond funds would be transferred to the East Portland line to Clackamas County.

Q. What happens when the westside project is finalized, and you find out you don't need all that money? Then what?

A. Unused funds would be transferred to development of the East Portland-Clackamas County line.

Q. Is 75% federal funding assured?

A. Without the local match, it isn't. Hatfield and AuCoin have been working very hard in Washington to ensure that UMTA lives up to Congressional intent—which is that the feds pay 75% of westside MAX construction. Our congressional delegation is powerful, but they can't do much if we don't have the local funding together.

Competition for federal funding is fierce among cities around the country: Many are paying 50-80% of the cost of rail systems from local sales tax monies. For example, Honolulu has a plan to put up \$1 billion in local funds.

Q. With a major defense effort underway, Savings & Loan bail-out, federal deficit, how can the federal government afford to invest in MAX?

A. Fact is, the money is already dedicated to transit investments. If Portland doesn't get it, some other city (St. Louis, Houston, Honolulu or Los Angeles) will.

Q. Why should the State of Oregon put up part of the local match?

A. 1. Precedent: The state put up almost the entire match for construction of the eastside MAX line.

2. Need: Westside light rail is the state's #1 transportation priority for the metropolitan region. That's because the highway builders know that highway improvements will be inadequate to accommodate travel demand without it.

3. A matter of statewide interest: The metropolitan area accounts for 40% of the state's population, and 50% of the state's economy.

Q. Why are we paying for this with property taxes instead of gas taxes?

A. Presently, the Oregon Constitution says gas taxes can only be used for roads. An auto-related approach was pursued last spring. It required a statewide vote to change the constitution so vehicle registration fees could be used for transit, as well as roads.

Metropolitan area voters passed the measure, but it was defeated statewide.

Q. Why is this going to show up on my property taxes? Seems like we use the property tax to fund everything.

A. Metro voters have chosen to use general obligation bonds for investments like the Oregon Convention Center, when voters can see what they are getting, and when bond proceeds are dedicated to a specific project, over a limited period of time.

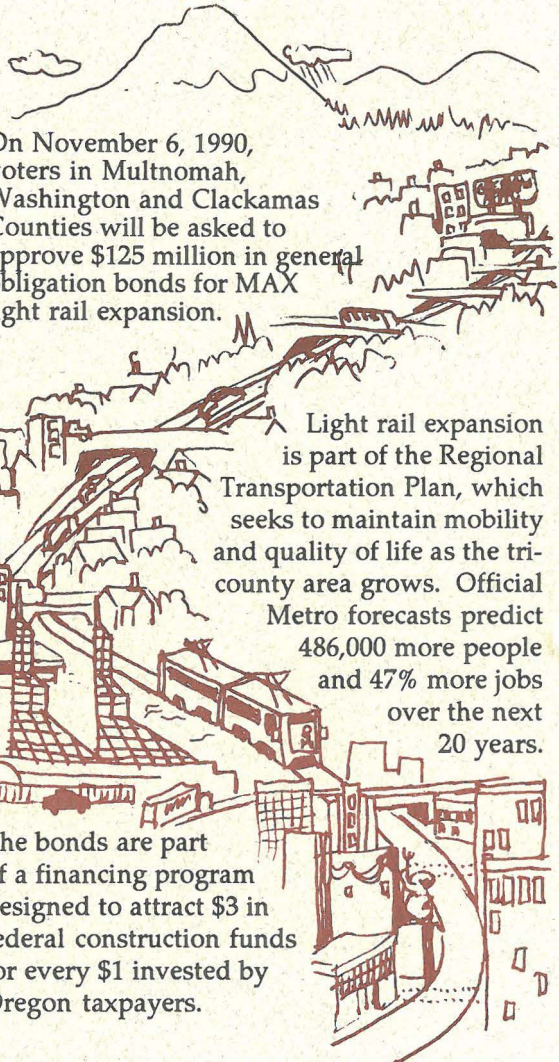
Q. What happens to the bonds if Metro takes over Tri-Met? Will the money get mixed up with all of Metro's other projects?

A. The ballot measure specifies that the bonds are to be dedicated to construction of light rail. They must be spent on rail development, regardless of who is in charge of the transit agency.



A proposal to expand MAX light rail

Facts on Ballot Measure 26-1



On November 6, 1990, voters in Multnomah, Washington and Clackamas Counties will be asked to approve \$125 million in general obligation bonds for MAX light rail expansion.

Light rail expansion is part of the Regional Transportation Plan, which seeks to maintain mobility and quality of life as the tri-county area grows. Official Metro forecasts predict 486,000 more people and 47% more jobs over the next 20 years.

The bonds are part of a financing program designed to attract \$3 in federal construction funds for every \$1 invested by Oregon taxpayers.

How would the bonds be used?

The bonds would be used to fund the next two priorities in the light rail system:

- Construction of any of the alternatives currently being considered for the Westside MAX line, from downtown Portland to Beaverton, Aloha and Hillsboro.
- Preliminary development of an East Portland MAX line to Clackamas County, including project design and purchase of key rights of way.

\$110 million of the bonds would be used for Westside MAX construction; \$15 million for Clackamas County MAX development.

What is the cost?

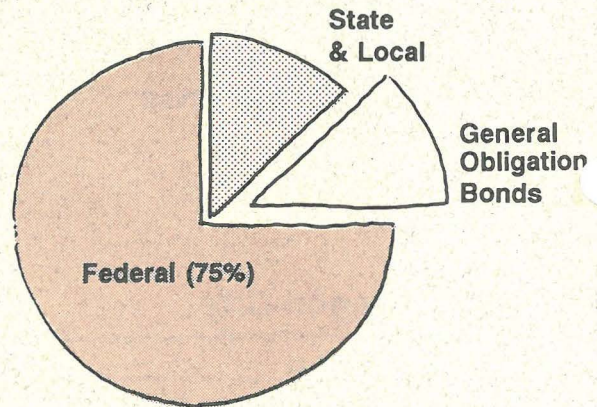
The MAX light rail bonds are estimated to cost taxpayers an average of 13 cents per \$1000 of assessed property value per year over the 20-year life of the bonds. Since the bonds will be issued in sequence only as needed, rates will vary from year to year, from an estimated high of 22 cents per \$1000 to a low of 3 cents per \$1000.

Why now?

Under current law, the federal government would pay up to 75% of Westside MAX construction costs. But the current law expires in September, 1991.

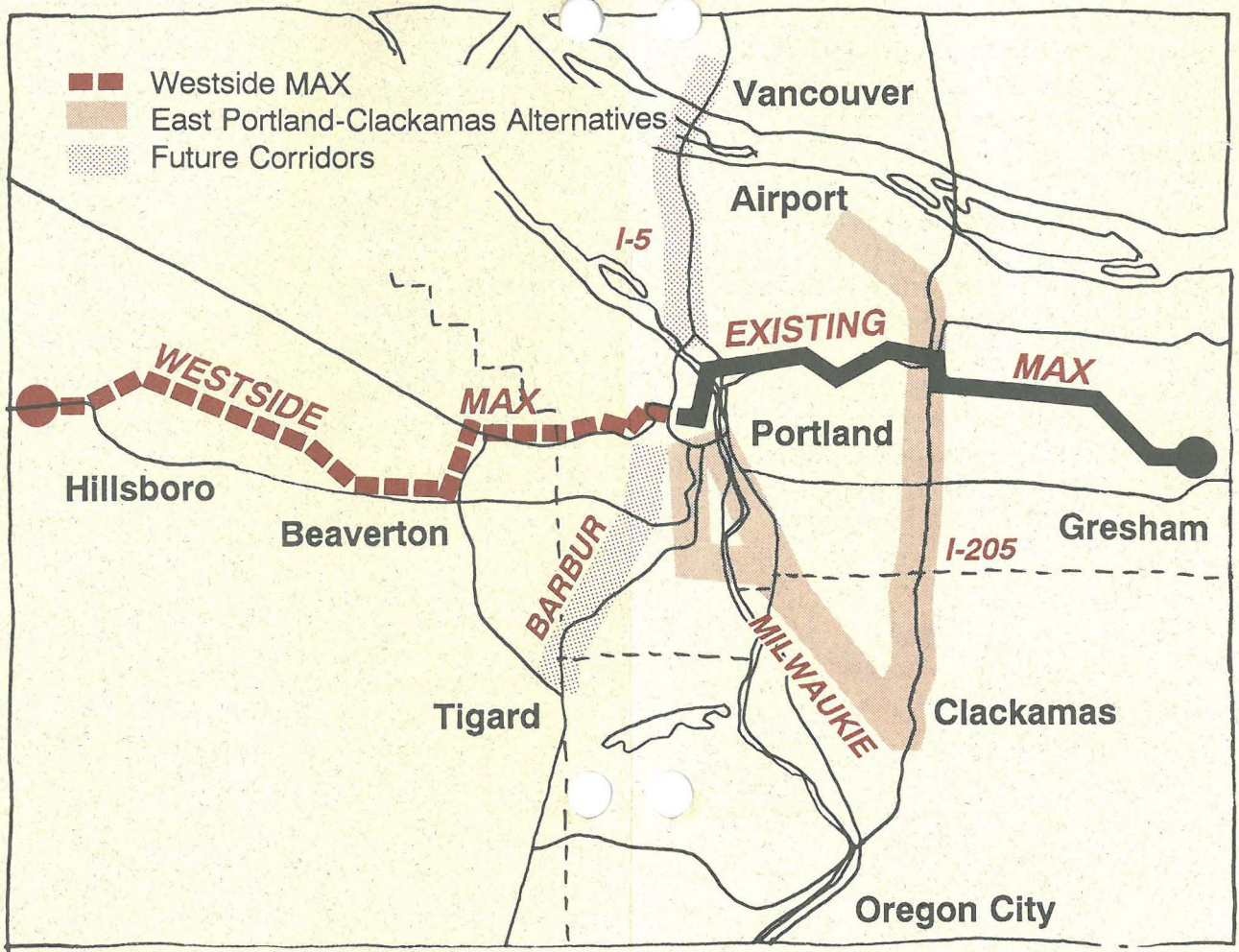
Local funding must be approved before the deadline in 1991, or Tri-Met could lose some \$200 million in federal money for the Westside MAX project.

If the general obligation bonds are approved, the 1991 Oregon Legislature will be asked to appropriate funds that will combine with other local funds to complete construction financing.



**Westside MAX
Financing**

Part of a larger plan.



To keep traffic flowing, the Regional Transportation Plan calls for a light rail system in six congested corridors. Since light rail lines cannot be built in all corridors at once, a step-by-step

approach sets out priorities for light rail development. Westside MAX is the top priority, followed by an East Portland line to Clackamas County.



TRI-MET

4012 S.E. 17th Avenue
Portland, Oregon 97202



This information is provided to answer
public inquiries. Questions may be referred
to Tri-Met at 238-4960.

Printed on recycled paper.

AMENDED CONDITIONS PROPOSED FOR APPROVAL

VR-90-03
October 23, 1990

1. The Applicant shall implement the site plan approved on October 23, 1990. Minor modifications to said plan may be allowed by Staff.
2. The Applicant shall comply with applicable access and public facility provisions of the City Public Facilities Improvements Ordinance, including signing a developer's agreement to participate in future Harrison Street improvements.
3. The Applicant shall follow proper building permit procedures.
4. All proposed parking area improvements and Phase 1 landscaping improvements shall be completed prior to new addition occupancy.
5. Phases 2 and 3 landscaping activities as noted on the approved site plan shall be completed within two years of the date of approval of said plan; and proper bonding procedures shall be required of the Applicant to assure the improvements are completed.
6. Landscaping Phase 4 shall be undertaken within three years of the date of the approval of said site plan. Timing discrepancies between Phase 4 requirements and developer agreement conditions shall be resolved by the City Public Works Department.

MC:mc
10/23/90



KITTELSON & ASSOCIATES, INC.
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

512 S.W. BROADWAY • PORTLAND, OREGON 97205 • (503) 228-5230 • FAX (503) 273-8189

October 18, 1990

Project No.:

Jerry Foy
Westwood Corporation

SUBJECT: Trip generation for single family housing.

Dear Jerry:

As you requested, I have listed below the average trip generation rates for single family detached housing. These rates have been taken from the standard reference manual titled Trip Generation 4th Edition.

Average Trip Rate per House

Weekday	10 Trips
Weekday P.M. Peak	1 Trip
Weekday A.M. Peak	1 Trip
Saturday	10 Trips

I hope this information helps you. If you have any questions, do not hesitate to call.

Sincerely,


John Ringert