

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, FEBRUARY 10, 1998

COMMISSIONERS PRESENT

Michael Smith, Chair
Bryan Cosgrove
Tim Havel
Terry LaRocque

COMMISSIONERS ABSENT

Pat Lent
Charles Stoudt

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir.
Susan Heiser,
Senior Planner
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:39 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, January 6, 1998

4.0 PLANNING COMMISSION MINUTES -- January 27, 1998

Tim Havel moved to approve the minutes of January 27, 1998, as amended.
Terry LaRocque seconded. MOTION CARRIED 4-0.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Clackamas Federal Credit Union
Property Owner: Clackamas Federal Credit Union
Location: 4400 SE International Way
Proposal: To modify an approved conditional use decision dated
9/12/97, permit #CU-97-01 to allow an additional drive-
through teller lane.
File Number: CU-97-03

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Chair Smith opened the public hearing on File Number CU-97-03, an action to amend Conditional Use, CU-97-01, by adding a drive-through ATM machine to the Clackamas Federal Credit Union site. The criteria to be addressed are found in Section 324, 400, 500, 600, and 1400 of the Milwaukie Zoning Ordinance

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. He asked if any member of the Planning Commission visited the site; four hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Susan Heiser reviewed the Staff Report with the Commission. The Applicant proposes to add a drive-through ATM machine to the Clackamas Federal Credit Union site. Parking lot and landscaping revisions are also requested in order to accommodate the ATM machine. The subject site fronts on International Way within the Business Industrial Zoning District. She then showed overheads of the previously approved orientation and the proposed configuration of the subject site and surrounding area.

The Clackamas Federal Credit Union obtained Conditional Use approval in 1990 for a 3,536 sq.ft. financial institution "limited use" facility in the BI (Business Industrial) Zoning District. This approval included 32 parking spaces and one drive-through teller lane. On September 9, 1997, the Planning Commission approved a 460 sq.ft. building addition with 13 additional on-site parking spaces and a second drive-up teller window. This approval brought the building area just under the maximum 4,000 sq.ft. area allowed under the BI Zoning District.

This proposal complies with the relevant land use element objectives of the Comprehensive Plan, the Business Industrial Zone development standards, specific Conditional Use standards for limited uses contained in Sections 324.4B and 324.5A of the Business Industrial Zone, and minor amendments to the previously approved Transportation Planning Review.

TPR-97-08 allowed the Applicant to expand the parking area for a total of 45 spaces, add a second drive-through teller booth, reduce the drive-through teller lanes to 10-ft. wide and 8.5 ft. wide, and reduce the bypass lane to 8.5 ft. This approval also allowed for the elimination of the existing 5-foot landscape strip on the east side of the property, and provided for a 20-foot setback from the north

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side of the drainage swale, the removal of blackberries at the south rear side, and replanting of native shrubs in this area.

The Civil Engineer has provided comments (Exhibit 7) and the Building Official has noted that building permits for the proposed ATM structure and building expansion are required.

Staff concludes that the Staff Report analysis demonstrates that the proposed drive-through ATM machine, together with the previously approved 460 sq.ft. building expansion as proposed and conditioned, complies with the City Comprehensive Plan and Zoning Ordinance requirements for Conditional Use and Transportation Planning Review approval. Staff recommends approval of CU-97-03.

QUESTIONS FROM THE COMMISSIONERS

Terry LaRocque asked for clarification on the number of spaces that will be lost as a result of this proposal. **Susan Heiser** stated that there will be one parking space lost in the front and one lost in the back.

Bryan Cosgrove asked if there was any modification to lighting in the parking areas? **Susan Heiser** stated that a lighting plan has not yet been submitted. There are four new light standards indicated on the site drawing.

Tim Havel asked if there were any regulations for lighting of a natural area? **Susan Heiser** stated that the lights are required to be shielded so they stay on the property. The natural area is on the property. It can be conditioned that the lighting not be directed on the natural area.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: Tom Johnson, Financial Facilities Design, 12606 SE Stark Street, Portland, OR

Mr. Johnson stated that his company did the design work for this project. He is the Applicant's agent, designed the building originally, and has followed through with the project from the very beginning.

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Mr. Johnson stated that the project has been explained by Staff very thoroughly. There has been consideration for additional lighting on the side of the building. If this doesn't work, light standards will be put along the west side.

It is hoped that the proposed drive-through ATM unit will relieve the pressure on the internal area and the addition to the rear of the building may not be necessary. The new addition will not be built if not necessary. The alternative will be to find a site in the Milwaukie area for another credit union branch with a legal drive-through and with administrative offices on the second floor to compensate for denial of a 12,000 sq.ft. addition originally requested for this building.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Smith closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Terry LaRocque moved to approve CU-97-03, to add a drive-through teller machine based on the findings and subject to the conditions as outlined in the staff report. **Tim Havel** seconded. MOTION CARRIED 4-0.

7.0 OTHER

7.1 Extension request for VR-97-04 and S-97-02, a variance from Subdivision Ordinance Section 17.32.040C to have a 20-ft. wide joint access strip where 30 feet is the minimum required. This variance request was approved on August 12, 1997.

Chair Smith opened discussion on the extension of VR-97-04 and S-97-02.

Susan Heiser reported that a letter had been received requesting an extension of the Variance Approval granted on August 12, 1997. The request is that the approval be extended one year to February 10, 1999.

Zoning Code Section 1013, stated that variances approval is void after six months unless substantial construction has taken place. This extension request is within the required time limits, but there is some question about whether or not the six-month limitation contained in the Zoning Code applies to variances granted through Subdivision Ordinance regulations. If approved, the Applicant would have until February 10, 1999, to meet the substantial construction requirement.

Staff is asking for the extension. Mr. Harvey, the Applicant, will not be able to be here tonight. The Applicant has been required by the County to process a Lot Line Adjustment with the property to the west so that the property line will coincide with the fence between these properties. This additional requirement has contributed to a delay in project completion.

QUESTIONS FROM THE COMMISSIONERS

Tim Havel asked how the lot-line adjustment will impact the Application? **Susan Heiser** stated that the parcel lot line will move over one foot. Both of the lots are well over the 7,000 sq.ft. lot area requirement.

Terry LaRocque moved to approve the applicant request to allow a one-year extension for VR-97-04 and S-97-02 until February 10, 1999. **Bryan Cosgrove** seconded. MOTION CARRIED 4-0.

7.2 Interpretation of Zoning Code Section 1013 as it relates to Subdivision S-96-02 and Variance VR-96-06.

Chair Smith opened discussion on the interpretation of the six-month deadline as outlined in Section 1013 of the Zoning Code. **Susan Heiser** reported that S-96-02, a subdivision request, was approved on June 11, 1996, with a condition that the Applicant apply for a Minor Variance to lot area. The Variance, VR-96-06, was approved on October 12, 1996. The Applicant submitted a public improvement plan and cost estimates in October and November, 1996, and the Final Map was submitted on March 14, 1997. This map showed a ten-foot discrepancy which needed to be resolved. On October 3, 1997, the Community Development Director made a determination that the Applicant's Final Plat was in

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conformance with the Tentative Plat approved by the Planning Commission as Subdivision, S-96-02. The Final Map is awaiting final approval because the Applicant is waiting for a bond to fund the public improvements.

The owner of the property is not here this evening. There has been no development on this site to-date. Zoning Code Section 1013 states that variance approval is void after six months unless substantial construction has taken place. The subdivision Ordinance allows the Applicant 1 year to submit their Final Plat. In this situation, the Applicant submitted the Final Plat within six months from Variance approval. If the variance is the driver for the approval, a second question emerges: *is submittal of the Final Plat sufficient to be deemed "substantial construction" under Section 1013?* As the Staff Reports indicate, staff is asking the Commission for clarification on the discrepancies between time limits.

The City Attorney has made comments and recommendations and those comments have been submitted for Commission review. Three options have been suggested:

1. Allow the project to continue with the remaining ministerial actions including recordation of the Final Map.
2. Retroactively extend the six month deadline by 12 months as permitted by Section 1013.
3. Restate the process and require new variance and subdivision approvals.

Staff recommends the first option as it relies on the interpretation that the six-month time limit of the Zoning Ordinance does not apply to variances granted under the Subdivision Ordinance. **Susan Heiser** displayed overheads of Sections 600 (Conditional Uses), Section 700 (Variances), and Section 800 (Non-Conforming Uses). She read portions of Section 17.4402 as it related to this project.

The Subdivision Ordinance doesn't contain a time limit. It adopts, by reference only, the criteria listed in Zoning Ordinance Section 702. This interpretation is consistent with how Staff has historically interpreted these provisions.

Provided in tonight's memorandum on this issue (Page 2) is suggested language changes that could be incorporated in the staff's Zoning Ordinance clean-up project. The City Attorney is recommending option one as the correct legal interpretation.

QUESTIONS FROM COMMISSIONERS

Chair Smith asked if option one was approved, could the decision be appealed to LUBA? Is it the City's choice whether or not to participate?

Speaking: Gary Firestone, O'Donnell, Ramis, Crew, Corrigan, and Backrach, City Attorney.

Mr. Firestone stated that someone other than the Applicant might decide to appeal, if it is granted. If this is the situation, it is the City's choice to let the Applicant carry the ball with LUBA, or to participate.

Tim Havel moved to allow the project to continue as outlined in the City Attorney's option one, with the remaining ministerial actions including recordation of the Final Map for S-96-02 and VR-96-06. **Bryan Cosgrove** seconded. MOTION CARRIED 4-0.

Tim Havel moved to request Staff to make the appropriate changes to Section 1013, which are included on Page 2 of the Staff Report. **Tim Havel** seconded. MOTION CARRIED 4-0.

8.0 WORKSESSION -- None.

9.0 DISCUSSION ITEMS

Terry LaRocque asked for an update on the site-distance situation at the Public Safety Building and the proposed solution that he submitted? **Susan Heiser** stated that the draft has been submitted to the Public Works Department and to-date no response has been received. She has discussed the situation with Rob Shelton and he has looked at it and is going to come up with a list of options and get it back to the Commission for review.

Chair Smith asked for an update on the Tree Ordinance project. **Maggie Collins** reported that a program for completing the Tree Ordinance project was approved by the Council in November, 1997. With the changes in the Council leadership, this program is on hold until the March Council is selected and can review the proposal.

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10.0 OLD BUSINESS

10.1 Light Rail Study Update

Maggie Collins reported that the DEIS may be out on February 26th for a 45-day comment period.

11.0 OTHER BUSINESS/UPDATES

11.1 **Historic Resources Commission Report.** **Maggie Collins** reported that the new Assistant Planner, Janet Wright, has been assigned to be the new staff liaison with Historic Resources Commission.

11.2 **Historic Resources Commission Report.** -- No Report

11.3 **Clackamas Regional Center Area Plan Report.** **Chair Smith** reported that there have been continuing sub-committee meetings. Most of the discussion is on proposed new roads and alternatives. Options discussed are widening 82nd Avenue to 7 lanes; putting a new road (85th) partly through a neighborhood and partly in front of Home Depot, and a parallel road on 79th. No decisions or recommendations were made. The next meeting is scheduled to be held at Oregon Institute of Technology, on February 19th, 1998, at 7:30 a.m.

11.4 **Community Development Department Report**

Maggie Collins reported that this will be her last meeting. The Planning Commission commended her on the hard work and dedicated service she has given the City and wished her well. She will be missed.

Staff was requested to send a letter from the Planning Commission, thanking the Land Use Committee for their comments on the issues brought up at tonight's meeting (7.1 and 7.2).

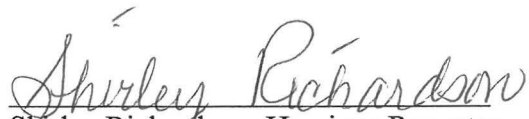
Maggie Collins reported that a letter has been drafted for the Commission Chair signature indicating that the Planning Commission had completed their work on CPA/ZA/ZC-97-03 and these items are appropriate for consideration by City Council as soon as possible. A tentative worksession has been scheduled with the City Council at their first meeting in April to discuss this issue.

There will be a NDA/Town Hall event on March 7th to which Boards and Commissioners will be invited. This will be an open forum meeting for citizens of Milwaukie to discuss their issues and concerns.

12.0 Next Meeting -- February 24, 1998

Chair Smith moved to adjourn the meeting of February 10, 1998. **Bryan Cosgrove** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 7:33 p.m.


Michael Smith, Chair


Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie City Hall, 10722 SE Main
Tuesday, February 10, 1998
6:30 pm

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Information Items City Council Minutes: January 6, 1998 (upon approval by Council)	Information Only
4.0	Planning Commission Minutes: January 27, 1998	Motion Needed
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings	
6.1	Applicant: Clackamas Federal Credit Union Owner: Clackamas Federal Credit Union Location: 4400 SE International Way Proposal: To modify an approved conditional use decision dated 9/12/97, permit # CU-97-01 to allow installation of a free standing drive-through ATM unit. File Numbers: CU-97-03	Discussion and Motion Needed
7.0	Other	
7.1	Review of application VR-97-04 and S-97-02, a 4-lot subdivision approved on 8/12/98. A request to extend the 6 month deadline pursuant to Section 1013, is being requested. (Harvey)	Review and Decision
7.2	Review of applications VR-96-06 and S-96-02. The request is for interpretation of Section 1013 as it applies to these projects. (Garkusha)	Review and Decision
8.0	Worksession	
9.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
10.0	Old Business	
10.1	Light Rail Study Update	Information Only
11.0	Other Business/Updates	
11.1	Historic Resources Commission Report	Information Only
11.2	Clackamas Regional Center Area Plan Report	Information Only
11.3	Community Development Report	Review and Comment

12.0	Next Meeting - February 24, 1998	
12.1	Housing Inventory report	

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

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. **STAFF REPORT.** EACH HEARING STARTS WITH A BRIEF REVIEW OF THE STAFF REPORT BY STAFF. THE REPORT LISTS THE CRITERIA FOR THE LAND USE ACTION BEING CONSIDERED, AS WELL AS A RECOMMENDED DECISION WITH REASONS FOR THAT RECOMMENDATION.
2. **CORRESPONDENCE.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE WHICH HAS BEEN RECEIVED SINCE THE COMMISSION WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION, FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.

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

Milwaukie Planning Commission:

Michael Smith, Chair
Bryan Cosgrove
Tim Havel
Terry LaRocque
Pat Lent, Vice-Chair
Charles Stoudt

Community Development Department Staff:

Maggie Collins, Community Development Director
Dan Pava, Senior Planner
Susan Heiser, Senior Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

Hearing Date: February 10, 1998
120 Day Date: April 29, 1998

Date: February 3, 1998
File Nos.: CU-97-03
TPR 97-08

Application: Conditional Use Permit - Clackamas Credit Union

Applicant/Owner: Tom Johnson/ Clackamas Federal Credit Union

Location: 4400 SE International Way, Milwaukie
Tax Lot: R12E31C 725 (Exhibit 2)

PROPOSAL

The applicant proposes to amend Conditional Use, CU 97-01 (Exhibits 3 & 4), by adding a drive-through ATM machine to the Clackamas Federal Credit Union site. Financial institutions are allowed in the Business Industrial (BI) District as a "Limited Use" with Conditional Use approval. Parking lot and landscaping revisions are also requested in order accommodate the ATM machine at this site (Exhibit 5). Review of this proposal also includes minor changes to TPR 97-08.

RECOMMENDATION

That the Planning Commission approve CU 97-03 and reconfirm approval of TPR 97-08 to add a drive-through ATM machine, a 460 sq. ft. building addition, with additional parking and a second drive-through teller at the Clackamas Federal Credit Union.

BACKGROUND

The Clackamas Federal Credit Union obtained Conditional Use approval in 1990 for a 3,536 square foot financial institution "limited use" facility in the BI (Business Industrial) Zoning District. This approval included 32 parking spaces and one drive-through teller lane. On September 9, 1997, the Planning Commission approved a 460 square foot building addition, with 13 additional (45) on-site parking spaces and a second drive-up teller window. This approval (CU 97-01 & TPR 97-08) brought the building area just under the maximum 4,000 sq. ft. area allowed for a "limited use" under the BI (Business Industrial) Zoning District.

SITE INFORMATION

The subject site fronts on International Way and is located within the BI (Business Industrial) Zoning District. The J.C. Penny building is adjacent to the site to the east and the Pear Bureau building is to the west. Highway 224 runs along the south of the site. The property is relatively flat and there is an existing drainage swale on the south side which contains natural riparian vegetation.

DISCUSSION

The Conditional Use regulations provide specific criteria to guide the review and approval of particular land uses (Zoning Section 601). The Planning Commission has final decision-making authority after a public hearing per the minor quasi-judicial public review procedures, (Zoning Sub-section 1011.3). A Conditional Use may be approved if the Commission finds:

Section 601.2

- A. The use meets the requirements of a conditional use in the zone currently applied to the site. (BI, Sections 324.4B & 324.5A)
- B. The use meets the standards for the underlying zone. (BI, Section 324.6)
- C. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use. (Chapter 4 - Land Use)
- D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvement and natural features.
- E. The proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

The burden of proof that this criteria is met is the responsibility of the applicant. The applicant has submitted materials to support this application (Exhibit 6).

Staff's review for compliance with the necessary findings and standards is provided below:

Compliance with the Comprehensive Plan

The site is designated Industrial on the Comprehensive Plan Map. The following Comprehensive Plan polices apply to this proposal:

1. **Land Use Element - Economic Development, Objective 1: To encourage an increase in the overall economic development activity in the City (including the retention of existing businesses).**

The applicant states that the addition of the drive-through ATM will increase their service to their customers by reducing the long teller lines and wait times. The addition of this space to the existing operation will allow the applicant to provide a wider variety of services and better accommodate existing services. The proposal is consistent with this objective.

2. Land Use Element - Economic Opportunity, Objective 2: To continue to support a wide range of employment opportunities for Milwaukie citizens.

The drive-through ATM will not add employees at this site, however, the previously approved 460 sq. ft. addition, which is part of this request, will result in approximately three new employees.

The proposed Conditional Use is consistent with the Milwaukie Comprehensive Plan.

Compliance with the Zoning Criteria

The proposed use, a financial institution, is a "limited use" under the requirements of the BI Zone (Section 324.4A). The proposal complies with the BI development standards (Section 324.6) as described below:

	BI Requirement	Existing	Proposed
Lot size	none	1 acre	No change
Setbacks -			
front yard	20 ft.	68.5 ft	No change
Rear yard	0 ft.	129 ft.	76 ft.*
Side yard	0 ft.	31 ft.	No change
Side yard	0 ft.	68 ft.	No change
Curb Cut	1 per 150 ft.	2 provided	No change
Height	45 ft.	15 ft.	No change
Min. Vegetation	20 % min.	49 %	31%
Vehicle Stacking	4 cars/ 80 ft.		4.5 cars/ 91 ft.
Parking	18	45	43**

* Setback for ATM structure. No change proposed for the main building beyond CU 97-01 approval.

** Two spaces removed to allow for pedestrian access in the front and ATM merge lane in the rear.

The above table demonstrates that the existing and proposed site development meets all relevant BI Zone requirements.

The proposal also complies with the specific standards for limited uses in the BI Zone (Sections 324.4B & 324.5A):

Section 324.4B:

- 1. All limited uses shall be located, arranged, and integrated within the district to serve primarily the shopping and service needs of clients, businesses, and employees of the district.**

The credit union has a number of clients located within the BI District. The addition of the ATM facility as well as the previously approved building expansion, which includes a breakroom and more office space, will assist the Credit Union in better serving these clients.

- 2. Limited uses may occupy up to a maximum of 25% of the square footage of a building. A limited use that is to be located in a building and exceeds 25% of the building's square footage shall be reviewed as a conditional use.**

The Credit Union use is the only use located within this building and therefore occupies 100% of the building square footage. This use is being reviewed as a conditional use.

- 3. Maximum floor area for a limited use shall be 4,000 sq. ft.**

The existing building is 3,536 sq. ft. and the office and break room addition is proposed to be 460 sq. ft. for a total of 3,996 sq. ft. of building floor area. The ATM machine canopy would have a 36 sq. ft. footprint. This is not interior space and is not included in the maximum floor area calculation.

- 4. All limited uses shall comply with the standards under subsection 324.6.**

The proposal complies with all relevant provisions of Section 324.6 as described in the table above.

Section 324.5A:

- 1. Will have a minimal adverse impact on the appropriate development of outright permitted uses on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use.**

The surrounding properties have already developed. There should be no direct impact to the development of outright permitted uses as a result of the proposed drive-through ATM or the previously approved 460 foot building expansion with a second teller lane on the subject site.

2. **Is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use.**

The proposed drive-through ATM machine and previously approved Credit Union expansion is compatible with the existing character and scale of uses in the BI district and will maximize the use of the site, while retaining the natural area to the rear of the property.

3. **Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with uses on the same site or adjacent sites.**

The proposed drive-through ATM machine and previously approved 460 sq. ft. building expansion will not change the existing vehicular access and will not have an impact on adjacent properties. Pedestrian access from the street, required as a condition of approval for CU 97-01, has been shown on the new proposed site plan (Exhibit 5) and will improve the existing situation, providing better protection for pedestrians.

4. **Is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high quality development in a highly visible area.**

The proposed drive-through ATM machine, and the previously approved expansion, enhances the applicant's services which are used on a regular basis by its clients. It can be utilized by employees and clients of businesses in the BI Zone, whether or not they are members. The proposal, as conditioned, would maintain high quality development in this highly visible area because of the overall percentage of landscaping, the provision for bike parking and pedestrian access.

Compliance with Transportation Planning Review Requirements

The proposed conditional use is a minor amendment to the conditional use approved for this site last September. As part of that previous approval a full Transportation Planning Review was conducted. The currently proposed modifications to that plan do not effect the original findings or conditions of approval placed on TPR 97-08.

TPR 97-08 allowed the applicant to: 1) expand the parking area to allow for 13 additional parking spaces for a total of 45 spaces; and, 2) add a second drive-through teller booth. The approval also allowed the applicant to reduce the drive-through teller lanes to 10-foot

wide and 8.5-foot wide, and to reduce the bypass lane to 8.5-foot wide where 12 foot wide is the minimum required one-way aisle width.

Additionally, this approval allowed the elimination of the existing 5 foot landscape strip on the east side of the property for a distance of 140 feet and required mitigation for this landscape elimination by providing a 20 foot setback from the north side of the drainage swale, the removal of blackberries at the rear (south) side of the property and replanting of native shrubs in this area. Other issues of compliance with TPR standards were addressed through conditions of approval. These conditions required the provision of a walkway between the building entrance and International Way, screen landscaping along the perimeter of the parcel, the provision of a 6 foot divider median on the south side of the drive-through line, and wheelstops in parking spaces. The majority of these conditions have been addressed on the applicant's revised plan (Exhibit 5).

In addition to the ATM machine and associated 10 foot wide drive-through lane, the applicant's revised plan shows a reduction in parking from 45 to 43 spaces and a reduction in landscaping from 49% to 31%. However, the plan provides more than the minimum standard for each of these requirements, therefore, the plan substantially complies with the original TPR approval.

Natural Resource Evaluation

The subject property is not identified as having a Natural Resource Overlay. The rear portion of the site has a drainage running through it which is vegetated with native species and blackberries. As part of CU 97-01, the applicant conducted an evaluation of the wetland potential to determine if the drainage and any surrounding habitat would be affected by the proposed expansion of the parking area. The study determined that there would be little direct impact on the habitat of the area and suggested that with lighting directed away from the drainage and removal of blackberries and replanting with native shrubs, the natural area would be screened and the habitat improved.

Condition of approval No. 2 of CU 97-01 required that new parking surfaces maintain at least a 20 foot setback from the crest of the drainage swale. The proposed site plan shows compliance with this requirement.

COMMENTS

Neighborhood Association

The Hector Campbell Neighborhood District Association Land Use Committee reviewed this proposal and recommended approval with the condition that the drainage swale and

native vegetation located in and around it, be undisturbed, specifically including, but not limited to, all cottonwood and cedar trees.

City Departments

The City Civil Engineer has provided comments which are included as Exhibit 7 of this report. The Building Official has noted that building permits for the proposed ATM structure and building expansion will be required. Any additional concerns will be addressed through the building permit process.

CONCLUSION

Staff suggests that the above analysis demonstrates that the proposed drive-through ATM machine, together with the previously approved 460 sq. ft. building expansion, as proposed and conditioned, complies with the City Comprehensive Plan and Zoning Ordinance requirements for Conditional Use and Transportation Planning Review approval. Staff recommends that the Commission adopt the following findings and approve the proposal, subject to the conditions attached as Exhibit 1.

FINDINGS FOR CONDITIONAL USE PERMIT CU-97-03

1. That the Clackamas Federal Credit Union is a financial institution which is permitted as a limited use in the City's in the Business Industrial (BI) zone which is applied to the site (Section 324.4A). Limited uses in the BI zone which exceed 25% of the building must be reviewed as a conditional use permit (Section 324.4B). The proposal will not exceed the 4,000 sq. ft. floor area requirement for limited uses, will provide improved vehicular and pedestrian access, and will be compatible with the character and of the surrounding uses. Therefore, the proposed expansion complies with the specific conditional use standards for limited uses in the BI zone (Section 324.5A).
2. The proposed building and ATM additions meet all the setback, height, and bulk standards specific to the BI District. The plan also provides adequate landscaping, parking, and vehicle stacking for the drive-through facilities. The access isle widths have been reduced to allow efficient use of the site while protecting the natural area along the south property line. Therefore, the proposed expansion meets the standards for the BI zone (Section 324.6).
3. The proposed expansion encourages new professional and service-oriented employment opportunities and allows for the retention of an existing business. Therefore, the proposal satisfies the goals and policies of the applicable Land Use Element Objectives and Policies of the City's Comprehensive Plan.

4. The proposed expansion will be located on already developed property. The natural swale at the rear of the property will continue to be protected by an adequate setback and will be revegetated with natural species. Therefore, the characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvement and natural features.
5. Public transit is available along portions of International Way and Highway 224. The Public Works Department has reviewed this proposal and found that all public services needed to serve this expansion are available to the site. Therefore, the proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing for the site.

FINDINGS FOR TRANSPORTATION PLANNING REVIEW TPR-97-08

1. Be in compliance with the standards and procedures of Section 1400;

The proposed expansion, as conditioned, is in compliance with the provisions of Section 1400 of the Zoning Ordinance because a pedestrian walkway will be provided from the street to the front of the building and bicycle parking will be added.

2. Be in compliance with standards of the BI Zone;

The proposed development is in compliance with the requirements of the BI zoning district, as a conditional use under that district, as evidenced by the Conditional Use Permit findings above.

3. Be in compliance with Supplementary Regulations and parking standards, Sections 400 and 500.

The proposed drive-through ATM and 460 sq. ft. building expansion, as conditioned, will be in compliance with the supplementary regulations and parking standards in the Zoning Ordinance. Provisions have been made to include the natural area at the rear of the property in calculation of the required 20% landscaping and trees to be located every 40 feet. Consideration has also been given so as not to require existing portions of the parking area to be upgraded to meet all of the standards of Section 500.

4. Compliance with standards and policies of any applicable corridor plan.

There are no applicable corridor plans which affect this site.

5. A Transportation Planning Rule Application (TPR-97-08) requires approval by the Planning Commission, per Section 1403.1 of the City's Zoning Ordinance. Public Notice has been issued in accordance with the provisions of Section 1011.3(B) of the Zoning Ordinance.

Exhibits:

1. CU 97-03 Recommended Conditions of Approval
2. Location Map
3. Notice of Decision for CU 97-01 & TPR 97-08
4. CU 97-01 Approved Site Plan
5. Proposed Site Plan & ATM Elevations
6. Applicant's Supporting Statements for CU Approval
7. Comment from the Civil Engineer
8. Hector Campbell NDA Land Use Review

EXHIBIT 1

CONDITIONS OF APPROVAL

1. This CU approval is for the 460 sq. ft. expansion of the Clackamas Federal Credit Union building and the drive-through ATM machine with a 10 foot wide lane. This approval includes the addition of 11 parking spaces, an 8.5 foot wide second teller lane, an 8.5 foot wide bypass lane and the reduction of the current teller lane to 10 feet wide as shown on the plans submitted for review dated 12/18/97. Minor changes to the approved plan may be permitted by the Community Development Director. This plan has been amended by the following conditions. This approval does not allow for the relocation of the Clackamas Federal Credit Union main office operations to this site.
2. Pursuant to Section 1013, this approval shall be valid for six months to August 10, 1998 by which time substantial construction shall have taken place or the conditional use approval shall expire. The applicant may request a one year extension to this approval prior to the August 10, 1998 expiration date.
3. The applicant shall submit a detailed landscaping plan which meets the requirements of Section 503.15H of Milwaukie's Zoning Ordinance. This plan shall show how the requirement for one tree to be planted every 40 feet will be met and shall show screen landscaping along the perimeter of the property. Each landscaping island or terminal island shall have a tree planted in it. Landscaping shall be designed with ease of security surveillance in mind. The natural area at the rear of the property will be calculated into the 20% landscaping requirement.

The landscaping plan shall show the blackberries located at the rear of the property to be removed and replaced with native shrubs. The swale and native landscaping located at the rear of the property shall be preserved. A minimum setback of 20 feet from the north edge of the drainage swale shall be maintained. The location of the drainage swale and the 20 foot setback from the swale must be identified on the landscape plan.
4. A lighting plan shall be submitted to the Community Development Department for review, showing the location and type of lighting proposed for the parking area and the bicycle parking area.
5. Installation of parking area landscaping shall be required before the building permit is finalized, unless a performance bond is posted with the City. Then,

- landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed upon and plant materials installed by the City.
6. Parking area landscaping shall be maintained in good and healthy condition by the property owner, owner's agent, or the holder of the certificate of occupancy, as determined by the City.
 7. The applicant shall install wheelstops on all parking spaces, as required by Section 503.15C of the Zoning Ordinance.
 8. The applicant shall provide a 5 foot wide pedestrian walkway and striping between International Way and the front entrance to the Credit Union, pursuant to Section 1406.1 of the Zoning Ordinance.
 9. The number of bike parking spaces installed shall be no more than 2, unless a suitable location for the additional spaces can be located on-site. All bike parking spaces shall be designed to comply with the requirements of Section 505.3 and 505.4 of the Zoning Ordinance.
 10. There shall be no outside storage on-site.
 11. An erosion control plan and application shall be submitted to the Engineering Division of the Public Works Department with the building permit application.
 12. A full set of construction plans for all on-site utilities, if any, must be submitted along with the building permit application.
 13. The applicant shall pay additional System Development Charges as determined at the time of building permit application review.
 14. The applicant must obtain a building permit from the Building Department to construct the addition and to locate the ATM facility on the site.

September 12, 1997



CU-97-01 & TPR-97-08

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission at a public hearing on September 9, 1997 with regard to a request by Clackamas Federal Credit Union for approval of a 460 square foot addition to the Clackamas Federal Credit Union Building to obtain the maximum area allowed for a "limited use" under the BI (Business Industrial) Zoning District. The applicant is also proposing to expand the parking area and add a drive-through teller lane. The subject property is located at 4400 SE International Way, Milwaukie, (Tax Lot 725 of Tax Map R12E31 C).

At the public hearing, the Planning Commission formally approved Conditional Use Permit 97-01 and TPR-97-08, based on the following findings and subject to the following conditions:

FINDINGS FOR CONDITIONAL USE PERMIT CU-97-01

- 1. The proposed expansion of the Credit Union will primarily serve the needs of the BI zone clients, employees and businesses, as opposed to the general public. The expansion is located, arranged, and integrated within the district to serve primarily the shopping and service needs of the client, businesses, and employees of the district.**

The credit union has a number of current BI zone clients which it serves. The expansion of this facility to include a breakroom and make more office space available will assist the Credit Union in serving these clients.

- 2. The proposed expansion of 460 square feet of building space and the addition of 13 parking spaces and a second drive-through teller line will have a minimal adverse effect on the appropriate development of outright permitted uses on abutting properties and the surrounding area considering the location, size, design, and operating characteristics of the use, because the adjacent sites and most of the BI zone have been developed.**

The surrounding properties have already developed. There should be no direct impact to the appropriate development of outright permitted uses as a result of the 460 foot building expansion and the location of a second teller lane on the subject site.

- 3. The proposed Credit Union expansion is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use.**

City of Milwaukie Community Development Department

Title: Notice of Decision Submitted by: Staff Date: 2-3-98 # Pages: 7
File Numbers: CU97-03/TPR97-08 Applicant: Clackamas Credit Union Exhibit #: 3



The proposed Credit Union expansion is compatible with the existing character and scale of uses in the BI district and will maximize the use of the site, while retaining the natural area to the rear of the property.

4. **The proposed expansion will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with uses on the same site or adjacent sites.**

The proposed expansion will not change the existing vehicular access and will not have an impact on adjacent properties. The pedestrian access from the street is a required condition and will improve the existing situation, providing better protection for pedestrians.

5. **The proposed expansion is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high quality development in a highly visible area.**

The proposed expansion enhances the service which is used on a regular basis by its clients. It can be utilized by employees and clients of businesses in the BI Zone, if they are members. The proposal, as conditioned, would maintain high quality development in this highly visible area because of the overall percentage of landscaping and the provision for bike parking and pedestrian access.

6. **The proposed expansion meets the requirements of a conditional use in the zone currently applied to the site.**

The proposed expansion meets the requirements of a conditional use in the BI Zone, because it serves customers from the BI Zone and because it meets the requirements referenced in items 1-5 above.

7. **The expansion meets the standards for the underlying zone.**

The proposal, as conditioned, meets the standards of the BI Zone, providing adequate setbacks, landscaping, parking, access and circulation, as well as pedestrian and bicycle amenities.

8. **The expansion satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.**

The proposed expansion is consistent with Chapter 4 (Land Use), Objective 2, of the City's Comprehensive Plan because new professional and service-oriented employment opportunities are to be encouraged.

9. **The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.**

The site characteristics are suitable for the proposed use, because the expansion will be located on property already developed, and the natural swale at the rear of the property will continue to be protected by an adequate setback.

10. **The expansion is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.**

The expansion of the Credit Union facility is timely in that it will not require additional infrastructure, is already served by utilities, has adequate access and is served by the Tri-Met bus system.

11. **Be developed so that the buildings have solar access and utilize other natural features in their design, assuring that building placement and orientation and landscaping allow ease of security surveillance.**

The subject site is oriented north/south so that it will have solar access. In addition, the existing and proposed structures are set back an adequate distance from property lines to allow for solar access. The building placement and orientation will allow ease of security surveillance and the required landscaping plan is conditioned to consider landscaping in light of the need for ease of security surveillance.

12. **Be designed with shapes colors, materials, textures, lines and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, use of color, materials, and architectural design to visually reduce the scale and impact of large buildings and use of building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view and exposure to natural elements.**

The proposed expansion of the existing structure is to be consistent in color and material with the existing structure. The expansion is designed to be integrated into the existing structure.

13. **Have roof mounted equipment which is screened from view, delivery and garbage areas that are located away from major streets, and structures located to maximize opportunities for shared access, circulation, parking,**

loading, pedestrian walkways and plazas, recreation areas and transit related facilities.

Because the majority of the structure is already in place, the equipment and the garbage area are already in place. Provisions for shared access, circulation, parking, loading, pedestrian walkways and plazas, recreation areas and transit related facilities have been made to the extent that they were available in 1990. The proposed expansion is conditioned to add to the existing pedestrian system by providing a walkway from International Way to the entrance of the facility.

14. **Have considered provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities.**

These amenities have been considered, but because of the fact that the main portion of the structure is existing, only bike racks and walkway improvements have been required.

15. **Not produce dust, odor, smoke, fumes, noise, glare, heat, or vibrations which are incompatible with other uses allowed in this zone; and will not produce off-site impacts that create nuisance as defined by the Oregon D.E.Q. and the City Noise Ordinance.**

The proposed expansion is not expected to create nuisances such as odor, fumes or noise because it will involve traffic circulation changes, parking reconfigurations and an office addition to the existing structure only.

16. **The use meets the requirements of a conditional use in the BI zone.**

The credit union meets the requirements of a conditional use in the BI Zone because it serves customers in the BI Zone and meets the area requirements for a "limited use", as well being consistent with findings 2 through 5 above.

17. **The use meets the requirements of the BI Zone.**

The proposed addition meets the setback, landscaping, access and height requirements of the BI Zone. The reduction in required landscaping can be addressed through the submittal of an alternative landscaping plan which is required to show blackberry removal and replanting of native shrubs.

FINDINGS FOR TRANSPORTATION PLANNING REVIEW TPR-97-08

1. Be in compliance with the standards and procedures of Section 1400;

The proposed expansion, as conditioned, is in compliance with the provisions of Section 1400 of the Zoning Ordinance because a pedestrian walkway will be provided from the street to the front of the building and bicycle parking will be added.

2. Be in compliance with standards of the BI Zone;

The proposed development is in compliance with the requirements of the BI zoning district, as a conditional use under that district, as evidenced by the Conditional Use Permit findings above.

3. Be in compliance with Supplementary Regulations and parking standards, Sections 400 and 500.

The proposed expansion, as conditioned, will be in compliance with the supplementary regulations and parking standards in the Zoning Ordinance. Provisions have been made to include the natural area at the rear of the property in calculation of the required 20% landscaping and trees to be located every 40 feet. Consideration has also been given so as not to require existing portions of the parking area to be upgraded to meet all of the standards of Section 500.

4. Compliance with standards and policies of any applicable corridor plan.

There are no applicable corridor plans which affect this site.

5. A Transportation Planning Rule Application (TPR-97-08) requires approval by the Planning Commission, per Section 1403.1 of the City's Zoning Ordinance. Public Notice has been issued in accordance with the provisions of Section 1011.3(B) of the Zoning Ordinance.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT CU-97-01 AND TPR-97-08

1. The proposed expansion of the Credit Union building and addition of 13 parking spaces, an 8.5 foot wide second teller lane, a 8.5 foot wide bypass lane and the reduction of the current teller lane to 10 feet wide, shall be determined to be in substantial conformance with the plans dated 7/9/97 and entitled, "Proposed Modification to Building and Parking for Clackamas Federal Credit Union".

These plans have been amended by the following conditions and the amendments shall govern. This approval does not allow for the relocation of the Clackamas Federal Credit Union main office operations to this site.

2. The applicant shall submit a detailed landscaping plan which meets the requirements of Section 503.15H of Milwaukie's Zoning Ordinance. This plan shall show how the requirement for one tree to be planted every 40 feet will be met and shall show screen landscaping along the perimeter of the property. Each landscaping island or terminal island shall have a tree planted in it. Landscaping shall be designed with ease of security surveillance in mind. The natural area at the rear of the property will be calculated into the 20% landscaping requirement.

The landscaping plan shall show the blackberries located at the rear of the property to be removed and replaced with native shrubs.

The swale and native landscaping located at the rear of the property shall be preserved. A minimum setback of 20 feet from the north edge of the drainage swale shall be maintained. The area shown on the site plan dated 7/9/97 shall be amended on the landscape plan to replace the note at the south end of the property which states "landscaped and irrigated" with the identification of the location of the drainage swale and the 20 foot setback from the swale.

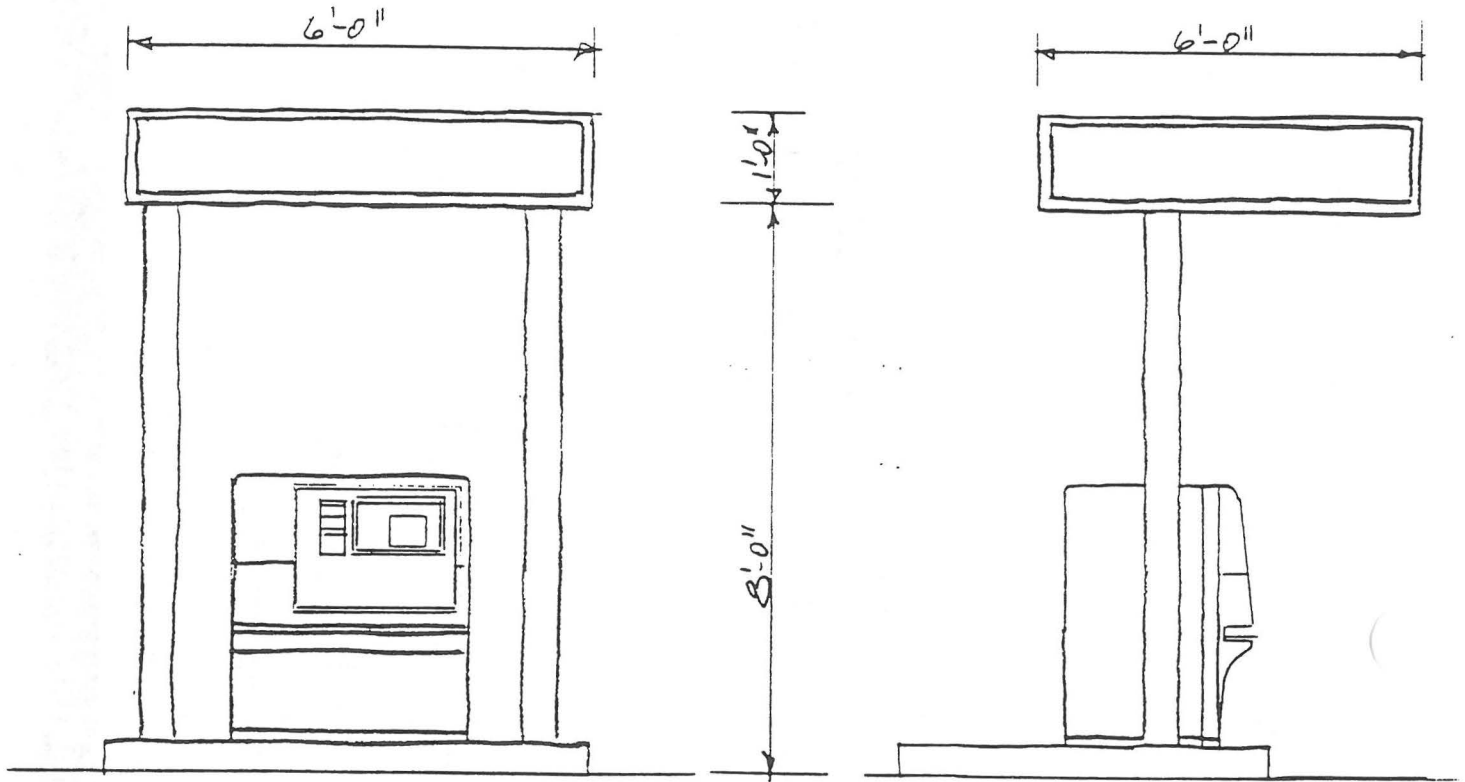
3. A lighting plan shall be submitted to the Community Development Department for review, showing the location and type of lighting proposed for the parking area and the bicycle parking area.
4. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then, landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed upon and plant materials installed by the City.
5. Parking area landscaping shall be maintained in good and healthy condition by the property owner, owner's agent, or the holder of the certificate of occupancy, as determined by the City.
6. The applicant shall install wheelstops on all parking spaces, as required by Section 503.15C of the Zoning Ordinance.
7. The applicant shall provide a 5 foot wide pedestrian walkway and striping between International Way and the front entrance to the Credit Union, pursuant to Section 1406.1 of the Zoning Ordinance.

8. The number of bike parking spaces installed shall be no more than 2, unless a suitable location for the additional spaces can be located on-site. This is because the location shown on the site plan dated 7/9/97 will only accommodate the dimensions of two bike parking spaces. All bike parking spaces shall be designed to comply with the requirements of Section 505.3 and 505.4 of the Zoning Ordinance.
9. The proposed divider median between the proposed new drive-through teller lane and the parking area and bypass lane shall be increased to measure a minimum of 6 feet inside curb to inside curb, per Section 501.15(B)(2) of the Zoning Ordinance.
10. There shall be no outside storage on-site.
11. An erosion control plan and application shall be submitted to the Engineering Division of the Public Works Department with the building permit application.
12. A full set of construction plans for all on-site utilities, if any, must be submitted along with the building permit application.
13. The applicant shall pay additional System Development Charges as determined at the time of building permit application review.

This action of the Planning Commission is subject to appeal. An appeal of the approval of Conditional Use Permit CU-97-01 or TPR-97-08 must be filed within 15 days of the date of this notice. Milwaukie Community Development Staff (786-7630) can provide information regarding forms, fees and the appeal process. If no appeal is filed by September 27, 1997 at 5:00 p.m., these approvals shall be final.


Maggie Collins
Community Development Director

cc: Interested Persons
Planning Commission Members
Dan Bartlett, City Manager
Hector Campbell NDA Land Use Committee
Files: CU-97-01 or TPR-97-08



ROUGH SKETCH OF ATM (NO SCALE)

City of Milwaukie Community Development Department

Title: ATM Elevations Submitted by: Applicant Date: 12.30.97 # Pages: 2
File Numbers: CW97-03 Applicant: Clackamas Credit Union Exhibit #: 5





Clackamas Federal Credit Union

A Member-Owned Financial Cooperative Where Ownership Has Its Advantages



Page 2

December 26, 1997

Cover Letter
Catalog of Documents

Clackamas FCU would like to add a second ATM to better serve existing members who currently use the Milwaukie facility. Many members just need cash or to make a deposit, and the lines at the drive-up or existing ATM on busy days cause delays. We are a growing business, and any reasonable means to provide faster and more convenient access to our products will maximize use of our limited facility in Milwaukie. Since we already have an ATM at this location, no one, member or not, will come here because we have a 2nd ATM. We do not surcharge, though, as do most bank ATMs, so our traffic has increased. A second ATM behind the building, where mostly members will use it, will free up the front ATM for non-member and member use and reduce the lines.

The queuing code asks for 100', or 5-20' autos. We have 91' available, which we feel should be quite adequate, as it would allow 2 full size and 3 compact cars to queue. We ask that you allow the same consideration that was given to vehicle parking, which mixes full (20') and compact vehicles (16.5').

Exhibits included:

- A. Vicinity map - Tax lot 707 and the easterly 25' of TL 708
- B. Approval criteria text No. 6012
- C. Site Plan dated 7/9/97 of original application for conditional use, dated 9/12/97
- C-1. New Site Plan dated 12/18/97 showing corrections required in this notice of Decision for Conditional Use Permit - CU-97-01 and also showing the proposed location of subject ATM unit, and of the 10' - wide queuing lane for the ATM unit
- D. N.A. Conditions have not changed from our application CU-97-01
- E. Current applicable property ownership labels and site maps
- F. A rough sketch of approximately what this ATM unit will look like

City of Milwaukie Community Development Department

Title: Supporting Info Submitted by: Applicant Date: 12.30.97 # Pages: 4
File Numbers: CU 97-03 Applicant: Clackamas Credit Union Exhibit #: 6





Clackamas Federal Credit Union

A Member-Owned Financial Cooperative Where Ownership Has Its Advantages



December 26, 1997

Text of Criteria No. 601.2

This request for amendment to our previously approved conditional use permit CU-97-01 has come about because, without more employee service space, the alternative is electronic servicing, i.e. computers/ATMs. The Credit Union hopes that during the next year it has to excise its permit to build the addition, the members will accept the automated service and the addition will not be necessary.

- A. We don't believe there are any direct codes applicable.
- B. We believe there are no zoning problems.
- C. We believe that the more fluid flow of traffic, the less congestion of parking, the better.
- D. This wider (6') island (it was 3') will provide a better, more attractive landscape plan.
- E. This area is not currently serviced by Public Transportation; our member traffic is by car only and as mentioned in our previous application increasing multi-fold.

Exhibit - B -





Clackamas Federal Credit Union

Member-Owned Financial Cooperative Where Ownership Has Its Advantages



- D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

Answer: Conditions have not changed from our application CU -97-01

Exhibit - D -

4400 SE International Way
Milwaukie, OR 97222
503-653-7788 • Fax 653-9771



1-800-878-0671

270 Warner Milne Road
PO Box 5060
Oregon City, OR 97045
503-656-0671 • Fax 655-7658



Clackamas Federal Credit Union

A Member-Owned Financial Cooperative Where Ownership Has Its Advantages



12/30/97

Application For Land Use Action

Text Of Criteria 601.2

- A. The original conditional use requirements were met on our application dated 1990 and we believe these conditions have not changed. *ALSO SEE 324.5 BELOW*
- B. Same answer as above. *SEE 326.4 BELOW*
- C. Our request appears to be compatible with the industrial zone.
- D. The proposed request is compatible with the existing facility and zone.
- E. There is no public transportation so everyone is traveling by car.

Text Of Criteria Continued

- 602.1 yards N.A.
- 602.2 heights N.A.
- 602.3 access N.A.

Text Of Conditional Use 324.5

- A. We have already established our illegibility for the credit union to be in this zone. We are now asking to have a drive up ATM unit.
 - 1. This unit will have no adverse impact.
 - 2. This unit will be behind the existing structure and almost invisible.
 - 3. The design of Quelling Lane for the ATM unit will not impact other vehicle or pedestrian traffic.
 - 4. The ATM unit is a positive to the membership and will not impact the industrial park concept.

Text of Conditional Use Continued 324.6 Standards

- A. Lot size is 50810.9 sq. ft. this industrial site is of mixed property sizes.
- B. Front yard-complies with zoning
- C. Side yard-complies with zoning
- D. Rear yard-in compliance
- E. N.A.
- F. Off street parking-in compliance
- G. Street access (driveway's) in compliance
- H. Height-N.A.
- I. Landscaping is 16767 SF OR 49%
- J. N.A.
- K. Siting and design-provided
 - 1. N.A.
 - 2. Well lighted and with surveillance cameras,
 - 3. Final color scheme will be submitted for approval
 - A. As defined in #3 above
 - B. As defined in #3 above
 - 4. N.A.
 - 5. N.A.
 - 6. Done, see plot plan
 - 7. Done, see plot plan
- L. N.A.



MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger, Civil Engineer *PR*

RE: CU-97-03
Clackamas Federal Credit Union
4400 SE International Way

DATE: January 20, 1998

This proposed modification to CU-97-01 will not have any additional impact to City facilities. Therefore, the same conditions as stated in CU-97-01 apply. For simplicity, they are stated again as follows:

International Way is a 40 foot wide curbed street with sidewalk on both sides within a 60 foot right-of-way. There is one lane of travel in each direction with a two-way left turn lane in the center. No parking is permitted on either side of the street. International Way is capable of carrying any additional load of traffic this proposed remodel will generate.

The current building and parking area is served by City sanitary sewer, water, and storm drainage. Additional System Development Charges will be determined at the time of building permit application review.

An erosion control plan and application must be submitted with the building permit application.

A full set of construction plans for all on-site utilities, if any, must be submitted along with the building permit application, also.

City of Milwaukie Community Development Department

Title: Comments Submitted by: Civil Engineer Date: 1-20-98 # Pages: 1
File Numbers: CU 97-03 Applicant: Clackamas Credit Union Exhibit #: 7



Neighborhood Land Use Referral

Date routed: 8/7/97	Tentative Planning Commission hearing date: 9/9/97	Comments due by: 8/27/97
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Application type: Conditional Use and Transportation Planning Review	File #(s): CU-97-01 & TPR-97-08
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Procedure type: Minor Quasi-Judicial


Applicable City policies and criteria:

Comprehensive Plan:	Chapter 4--Land Use, Economic Base, and Industrial/Commercial Land Use Element
Zoning Ordinance:	Sections 324, 400, 500, 600, and 1400
Sign Ordinance:	N/A
Subdivision Ordinance:	N/A

Applicant: Clack. Federal Credit Union Address: 4400 SE International Way Milwaukie OR 97222 Phone: 653-7788	Proposal location: 4400 SE International Way Reference parcel #: 1 2E 31C 707 Zoning: BI Proposal: To bring existing facility size up to maximum square footage allowed in this zone (4,000 s/f); to add another drive-through teller lane; to increase parking; to streamline queuing.
--	--

Comments: (attach separate sheet if necessary)

The Hector Campbell Neighborhood District Association Land Use Committee met on Aug 17, 1997 and determined that the proposal to up-size the Clackamas Federal Credit Union is approved with the recommendation that the native vegetation including, but not limited to, cottonwood and cedar trees and swale remain unharmed.


David C Murray Chairperson HCNDA-LUC

Neighborhood Land Use Referral

Date routed:
1/14/98

Tentative Planning Commission hearing date: 3/10/98

Comments due by:
1/28/98

Application type: Conditional Use Permit

File #(s): CU-97-03

Procedure type: Administrative Type II

Applicable City policies and criteria:

Comprehensive Plan: Chapter 4 - Land Use
Zoning Ordinance: Sections 324, 500, 600, & 1400
Sign Ordinance: N/A
Subdivision Ordinance: N/A

Applicant: Clackamas Federal Credit Union
Address: 4400 SE International Way
Milwaukie OR 97222
Phone: 653-7788

Proposal location: 4400 SE International Way
Reference parcel #: 1 2E 31C 707
Zoning: BI (Business Industrial)
Proposal: To modify a conditional use decision dated 9/12/97, permit CU-97-01 to allow the installation of a free standing drive-through ATM unit.

Comments: (attach separate sheet if necessary)

1-30-98

To Sue Heiser , Senior Planner
Community Development Dept.

Regarding Clackamas Fed. Credit Union -Land Use Application.
See no objection to proposed instalation.

How ever the proposed installation will not be visable to the front road. So would propose extensive lighting of the area.

F.F.

FORRIS FRICK
LAND USE COMMITTEE LAKE ROAD ASSN.

*Sorry to file late, been out of town till 1/30 Elderhasel's
around for a while now FF.*



MEMORANDUM

**COMMUNITY DEVELOPMENT DEPARTMENT
February 3, 1998**

To: Planning Commission

From: Susan Heiser, Senior Planner

**Subject: Request for Variance Extension - Harvey Subdivision
File Nos. S 97-02, VR 97-04**

Action Requested

Consideration of a one year extension to VR 97-04, a variance from Subdivision Ordinance Section 17.32.040C to have a 20 foot wide joint access strip where 30 foot is the minimum required.

Background

The Planning Commission held a public hearing on this matter on August 12, 1997 and unanimously voted to approved this request. Since approval, the applicant has been required by the County to process a Lot Line Adjustment with the property to the west so that the property line will coincide with the fence between these properties. Attached is the Subdivision Plan and the Notice of Decision which includes the findings upon which the Planning Commission based their decision.

Discussion

Zoning Code Section 1013, states that variance approval is void after six months unless substantial construction has taken place. This provision also allows the Planning Commission to grant an extention for one year. If approved, the applicant would have till February 10, 1999 to meet the substantial construction requirement.

Recommendation

Staff recommends that the Planning Commission approve the applicant's request and authorize VR 97-04 for an additional year, till February 10, 1999.

January 30, 1998

To: Milwaukie Planning Commission

From: Phil Harvey
13245 SE Maple Lane
Milwaukie OR 97222

Subject: Request extension of variance
approved Aug. 12, 1997 for 1 year
or
to Feb 10 1999

File nos. VR97-04

S97-02

Property
location

3635 + 3707 SE Fulbert

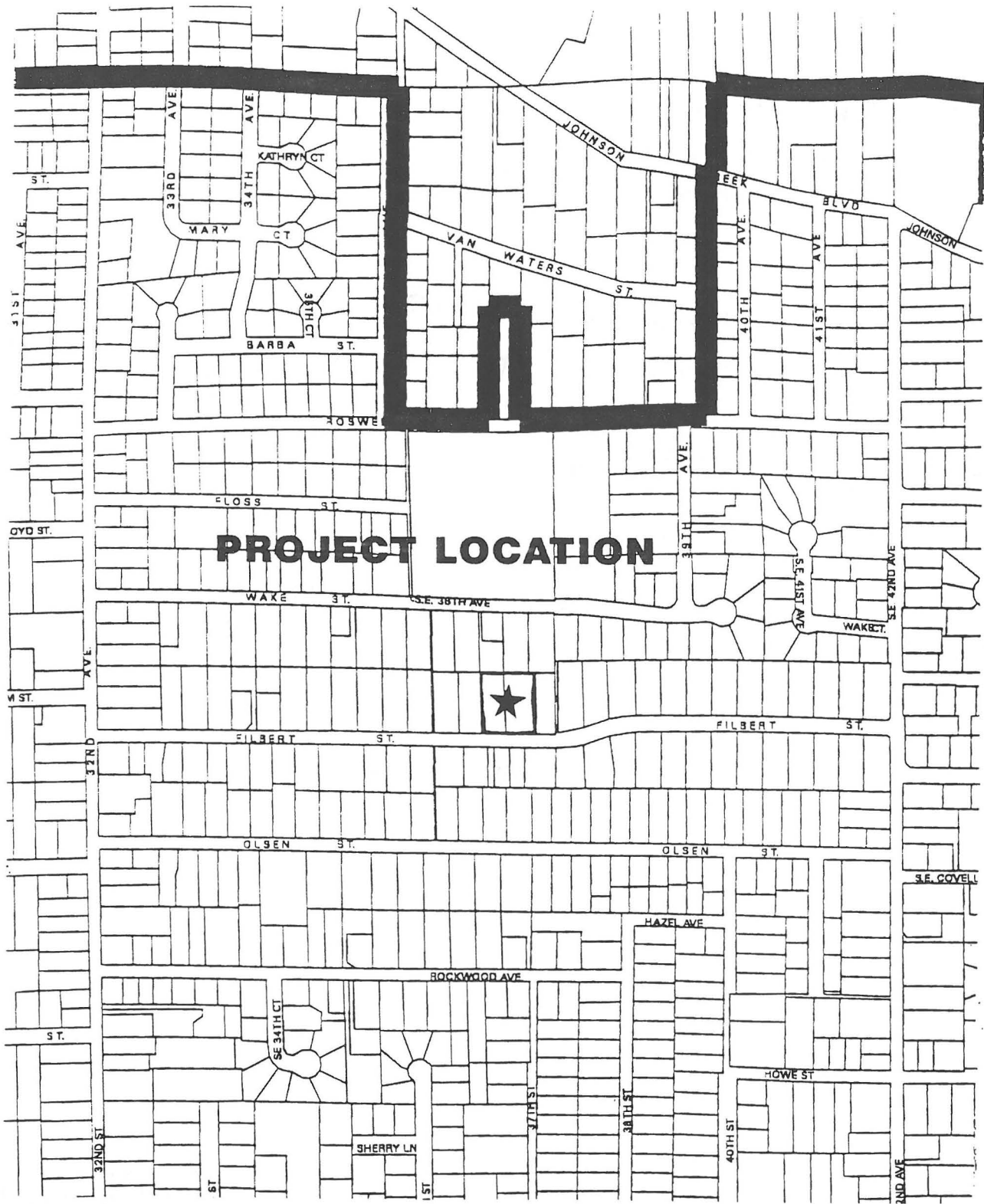
Thank you

Phil Harvey

RECEIVED

JAN 28 1998

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT



City of Milwaukie Community Development Department

Title: Location Map Submitted by: Staff Date: 7.24.97 # Pages: 1
 File Numbers: S97-02 VR97-04 Applicant: Harvey Exhibit #: 2





August 13, 1997

File No.: S9-02
TPR 97-04

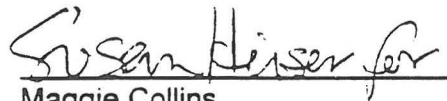
NOTICE OF APPROVAL

This is official notice of action taken by the Milwaukie Planning Commission at a public hearing on August 12, 1997 with regard to an application by Phil Harvey for a four lot Subdivision and a Variance from the Subdivision Ordinance to have a 20 foot wide joint access strip where 30 feet is the minimum required (S 97-02/ VR 97-04).

At the public hearing the Planning Commission approved the applicant's request based on the findings and conditions of approval included in the staff report and amended based on public testimony. The adopted findings and conditions of approval are included in this notice.

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

This action of the Milwaukie Planning Commission is subject to appeal. An appeal of this decision, to the City Council, must be filed within 15 days of the date of this notice. City Community Development staff (786-7654) can provide information regarding forms, fees, and the appeal process. If no appeal is filed by 5:00 p.m. on August 27, 1997, this approval will be final.


Maggie Collins
Community Development Director

cc Jim Brink, Public Works Director
John Bennett, Building Official
Paul Roeger, Office Engineer
Phil Harvey
Virginia Matich
Andy D'Amico
Dennis Rainville
Tim Good
Lynne Pagan
Joe Loomis
Mel & Goldie Sass
File S 97-02, TPR 97-04

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

FINDINGS FOR VR 97-04

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

The subject parcels are developed with two single family residences. There is approximately 33 feet between the homes. A 40 foot distance would be needed to provide the 30 foot access width and the required 5 foot side yard setbacks for the homes on either side. This is a historic condition which pre-exists the present ownership.

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

Alternatives, including providing individual access drives, have been considered. City staff has concluded that the applicant's proposal is preferred in order to limit the impacts of multiple driveways on Filbert Street and to neighboring properties. The Fire Marshal has reviewed the proposal and finds that a 10 foot reduction to the access width would still guarantee the 20 foot wide access required by Fire Department regulations. Therefore, the granting of a variance to allow a 20 foot wide access drive where 30 feet is required would be the minimum variance necessary to allow full use of the applicant's property.

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

A 20 foot wide access strip is the minimum necessary to meet the Fire Departments requirement for provision of fire safety access to the two flag lots. A fire hydrant exists in front of Lot 3 within the Filbert Street right-of-way. All development standards of the R-7 district will be maintained including the required side yard setbacks and lot coverage.

FINDINGS FOR SUBDIVISION S- 97-02

4. The Applicant is proposing a 4 lot subdivision on property zoned R-7 (Exhibit 3). This subdivision will include lots ranging in size from 7, 054 to 9,308 square feet in area. The surrounding area is residential in character and is zoned R-7.
5. The proposed Subdivision is consistent with Land Use Objective 4, Policies 4 and 5, of Milwaukie's Comprehensive Plan, in that it preserves existing housing stock and maintains the single family scale of surrounding development.

6. The proposed lots will meet all the requirements of the R-7 (Single Family Residential, 7,000 Square Foot Minimum) Zoning District.
7. The preliminary plat (Exhibit 3) meets all of the submission requirements of Section 17.16 of the Subdivision Ordinance.
8. All lots have been reviewed and found to comply with R-7 Zoning District standards for lot size, configuration and area.
9. Section 1303.3 (Solar Design Standards) of the City Zoning Ordinance requires that 80% of the lots in a new development be solar oriented (north/south orientation of lots). Of the 4 lots proposed, all are in a north-south orientation and building construction on each of the new lots can take advantage of solar access.
10. Subdivision S 97-02 requires review through a Minor Quasi-Judicial process as per Section 17.16.090 of the City's Subdivision Ordinance. This section refers to the process described in Section 1011.3 of the City's Zoning Ordinance. Public Notice has been issued in accordance with the provisions of Section 1011.3.
11. Deed restrictions have not been proposed. If any are intended they must be submitted for staff review prior to final plat approval. An easement for common access use will be required for Lots 1 and 2.

CONDITIONS OF APPROVAL FOR VR 97-04 & S 97-02:

COMMUNITY DEVELOPMENT

1. This variance is granted to create a 4 lot subdivision with two flag lots having a fully paved 20 foot wide joint access, from the street to the deepest parcel, where 30 feet is the minimum required.
2. Lot configuration shall be as indicated on Exhibit 3, except that it shall show the required 5 foot public right-of-way dedication on Filbert Street and the reconfiguration of Lot 3 to comply with the 7,000 sq. ft. minimum lot size. Reciprocal easements for common access use will be required for Lots 1 and 2.
3. Submittal of the final plat shall follow all requirements of Section 17.20 of the City Subdivision Ordinance. The final plat submittal shall include timelines and plans for construction and completion of required improvements. This submittal must occur within one year of this preliminary plat approval.

4. The applicant shall be required to provide an obscuring screen along the west property line of Lot 1 and the east property line of Lot 2 as well as the north property lines of Lots 1 and 2. The obscuring screen may consist of a 6 foot tall solid fence or a vegetative hedge. This requirement shall be met prior to the issuance of a certificate of occupancy for residences on these sites.
5. If deed restrictions are proposed, they must be provided to City staff for review, prior to final plat approval.

PUBLIC WORKS

6. A 5 foot dedication along the Filbert Street frontage must be made and included on the Final Map. A 5 foot long sidewalk should be installed along the entire frontage of the property.
7. Access to Lots 1 and 2 shall be by the shared access drive. This driveway shall be 20 feet wide and all maneuvering areas must be paved with asphalt or concrete. The new driveway approach onto Filbert Street must meet ADA access requirements.
8. Sanitary sewer and water facilities shall be provided by the City of Milwaukie from mains in Filbert Street. Individual sewer laterals will be required to serve the new flag lots. The City will install separate meters on each side of the driveway for the two new lots when fee are paid.
9. Storm drainage in the area is handled by drywell or by the existing 21 inch storm line on the south side of Filbert Street. The roof drains for both the existing and new homes must be connected to a drywell or piped to the storm system.

SOUTH METRO FIRE

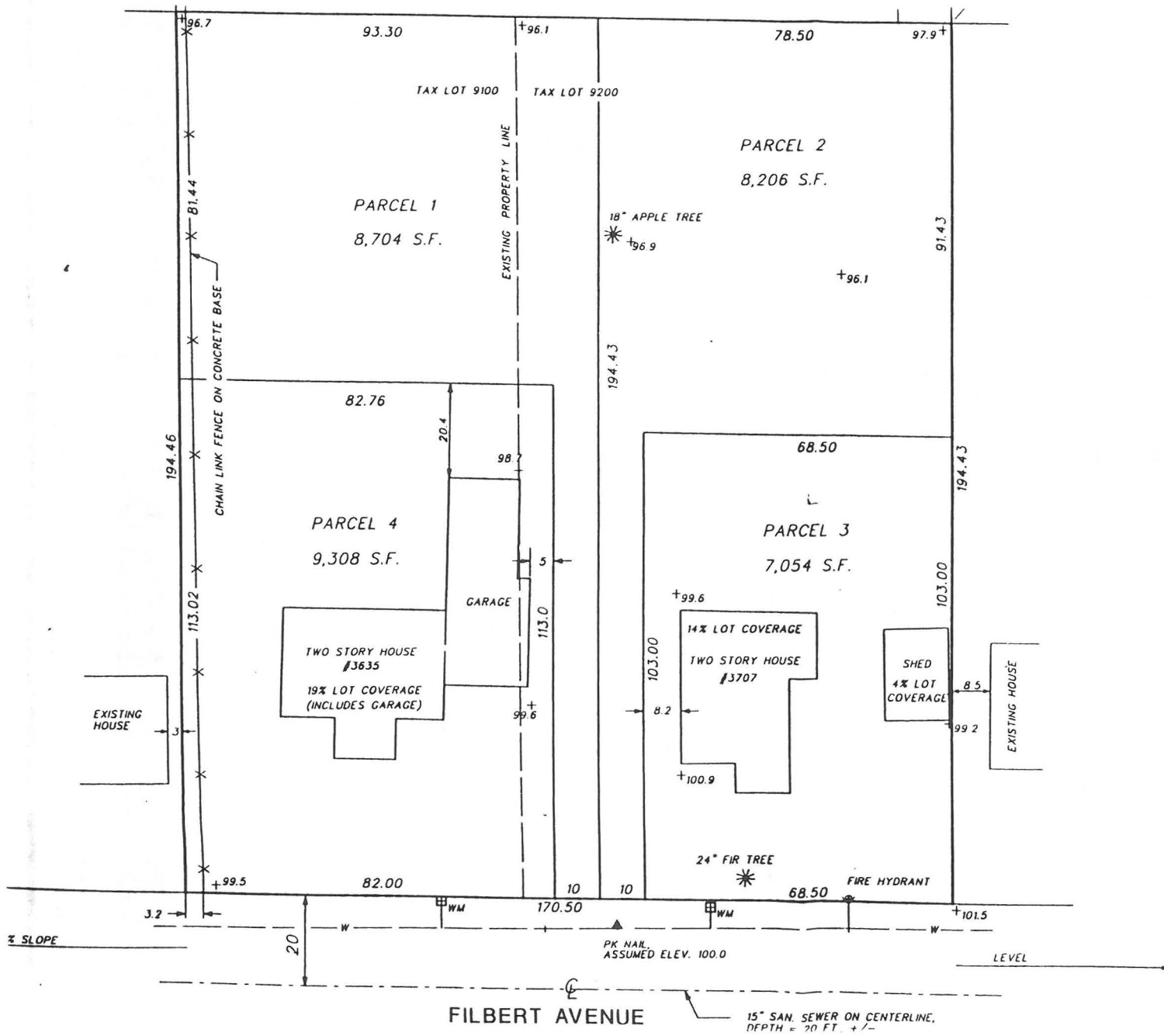
10. Fire Department access shall be provided and maintained in the subdivision so there is a minimum unobstructed width of 20 feet.
11. The applicant shall provide approved address numbering which is fully visible from the street and clearly identifies the site locations of all residences.
12. The applicant shall provide a paved driveway to the existing garage on Lot 3.
13. Lot 1 shall be oriented in a north-south direction to have a front yard parallel to Filbert Avenue.

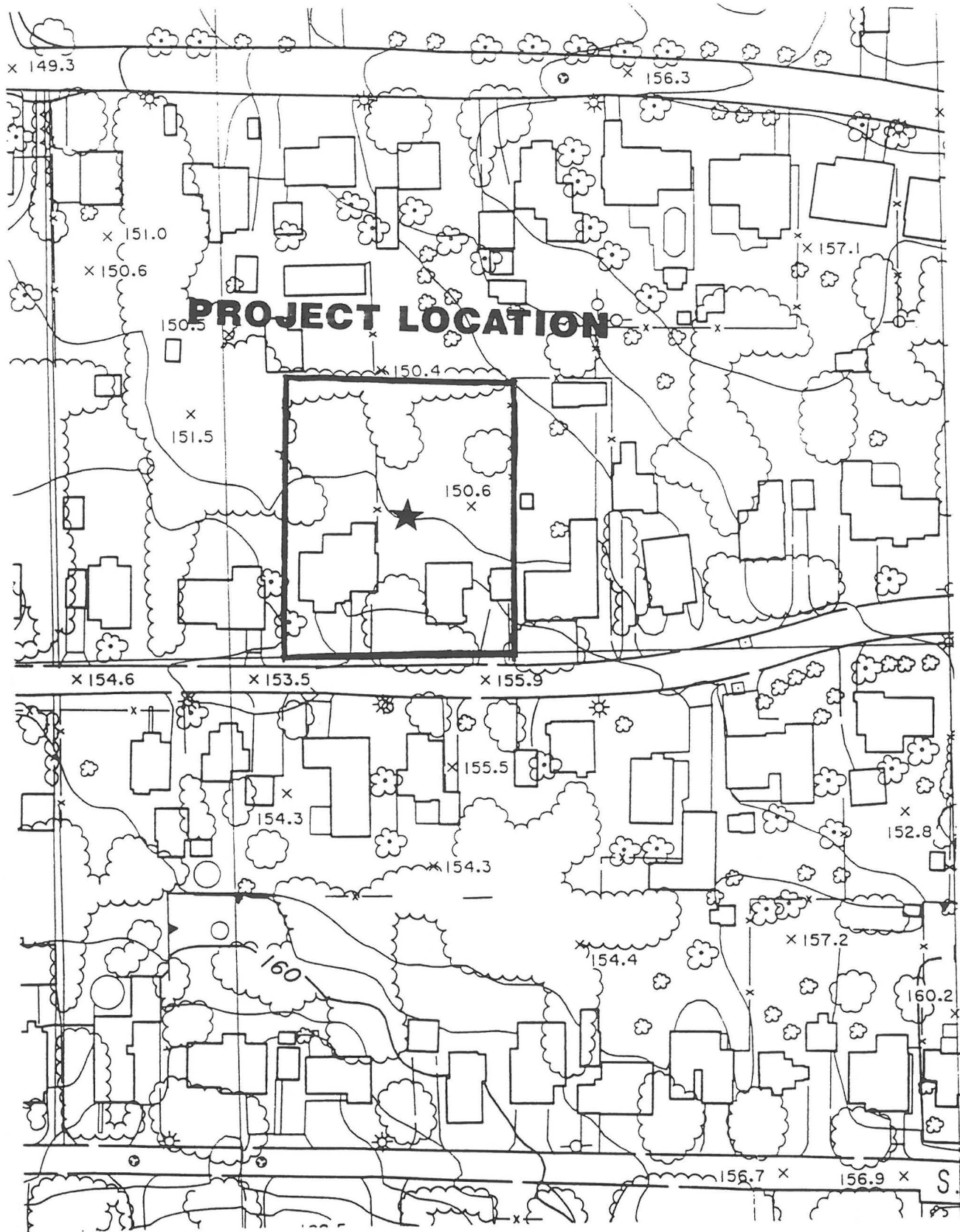


SCALE: 1" = 20'

TENTATIVE PLAN MAP
PROPOSED PARTITION
TAX LOTS 9100 & 9200
MAP NO. 1-1E-25AC,

CITY OF MILWAUKIE, CLACKA
FOR: PHIL HARVEY





City of Milwaukie Community Development Department

Title: Vicinity Map Submitted by: Staff Date: 7.24.97 # Pages: 1 **4**
 File Numbers: S97-02 VR97-04 Applicant: Harvey Exhibit #: 4





MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

February 3, 1998

To: Planning Commission

From: Susan Heiser, Senior Planner

**Subject: Request for Planning Commission Interpretation - Garkusha
Subdivision File Nos. S 96-02, VR 96-06**

Action Requested

Request for Planning Commission interpretation of Zoning Code Section 1013 as it relates to Subdivision S 96-02 and Variance VR 96-06. Zoning Code Section 1013 sets a six month time limit on Variances unless "substantial construction" has taken place (Exhibit 1).

Background

The Planning Commission held a public hearing and approved the Subdivision request on June 11, 1996 (Exhibit 2). Condition No. 1 of this approval required that the applicant apply for a Minor Variance to lot area. The application for Minor Variance was approved on October 12, 1996 (Exhibit 3). The applicant submitted their public improvement plan and cost estimates to the City Public Works Department in October and November of 1996 (Exhibit 4) and the Final Map was submitted on March 14, 1997 (Exhibit 5). This map showed a ten foot discrepancy which needed to be resolved. City staff officially informed the applicant of this discrepancy on April 24, 1997 (Exhibit 6) and on October 3, 1997, the Community Development Director made a determination that the applicant's Final Plat was in substantial conformance with the Tentative Plat approved by the Planning Commission as Subdivision S 96-02 (Exhibit 7).

The Director's Determination was prompted by requests from the Lewelling NDA Land Use Committee (Exhibit 8). The Lewelling NDA Land Use Committee is concerned that the six month time limit for the Variance has expired and no construction has begun on the site.

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

Discussion

Zoning Code Section 1013, states that variance approval is void after six months unless substantial construction has taken place. The Subdivision Ordinance allows the applicant 1 year to submit their Final Plat. In this particular case, the applicant submitted the Final Plat within six months from Variance approval. The issue is, is submittal of a Final Plat sufficient to be deemed "substantial construction" under Section 1013. This question has been forwarded to the City attorney for comment and recommendation. Their report should be available at or before the February 10th meeting.

Exhibits

1. Zoning Code Section 1013
2. Notice of Decision for S 96-02
3. Notice of Intent to Approve for VR 96-06
4. Cost Estimates for Maranatha Estates Public Utilities
5. Final Plat Transmittal Letter
6. City Comments on Final Plat S 96-02
7. Director Determination on Final Map S 96-02
8. Letters from the Lewelling NDA Land Use Committee

- B. Decision. The Planning Commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the Comprehensive Plan. The Planning Commission shall prepare a recommendation to the City Council. If the Commission denies the proposal, and it was the initiator of the proposal, the matter shall be terminated. If the proposal was initiated by the City Council and the Commission denies it, the proposal shall be forwarded to City Council with a report and recommendation of denial. If the proposal is approved by the Commission, a report and recommendation, including findings and conclusions, shall be forwarded to Council. The City Council shall conduct a public hearing. Public notification of this hearing shall be given as per subsection 1011.5.A above.

1012 RECESS OF HEARING

The Planning Commission or City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced.

1013 TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE OR VARIANCE

Authorization of actions covered by Sections 600, 700, and 800 shall be void after six months unless substantial construction pursuant thereto has taken place. However, the Planning Commission may at its discretion extend authorization for an additional one year upon request.



June 18, 1996

S-96-02

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission at a public hearing on June 11, 1996 with regard to an application by Aleksandr Garkusha for a 4-lot subdivision (S-96-02) within the R-7 zone. The subject property is located just west of the intersection of SE Logus Road and Stanley Avenue. The properties' addresses are 10049 and 10115 SE Stanley Avenue.

At the public hearing, the Planning Commission formally approved this application, based upon findings included within the staff report. Conditions of approval were also adopted and are included with this notice.

Copies of the Staff Report and findings for approval are available upon request.

This action of the Planning Commission is subject to appeal. An appeal of the approval of S-96-02 must be filed within 15 days of the date of this notice. Milwaukie Community Development Staff (786-7650) can provide information regarding forms, fees and the appeal process. If no appeal is filed by July 3, 1996, at 5:00 p.m., this approval shall be final.

Maggie Collins

Community Development Director

cc: Interested Persons
Planning Commission Members
Dave Wheaton, Director of Public Works
Ernie Badeau, Deputy Fire Marshal
File S 96-02
Tickler File

COMMUNITY DEVELOPMENT • PUBLIC WORKS
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206
PHONE: (503) 786-7600 • FAX: (503) 774-82.

EXHIBIT 2

OWNER of the proper
 IMMovable Foundation
 Church.
 Address: 10115 SE STANLEY Ave.
 MILWAUKEE OR 97222

MAP WAS PREPARED BY
 ALEX GARFUSHA:
 7416 TENNESSEE LANE
 VANCOUVER WA 98664
 PH. # (360) 694-7081

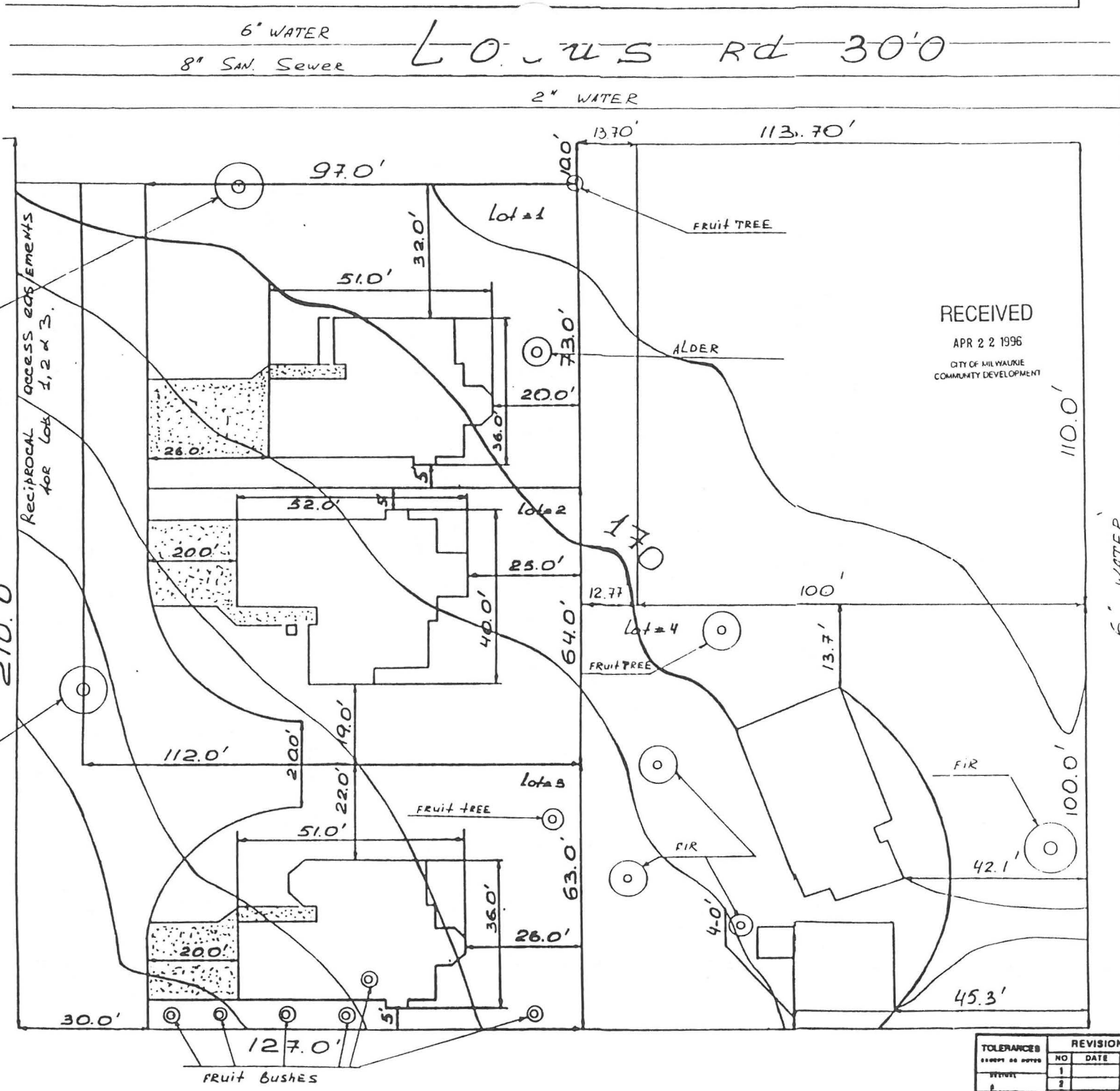
Lot # 1
 Lot cover - 7081
 Build. cover - 26 %
 Landscap. cover - 5245
 Scale 1'-1/16"

Lot # 2
 Lot cover - 8113
 Build. cover - 26 %
 Landscap. cover - 6033
 Scale 1'-1/16"

Lot # 3
 Lot cover - 10056
 Build. cover - 19 %
 Landscape cover - 8220
 Scale 1'-1/16"
 FIR

Lot # 4 (existing)
 Lot cover - 11200
 Build. cover - 15 %
 Landscape cover - 9544
 Scale - 1'-1/16"

EXHIBIT #	3
DATE	4/11/96
SUBMITTED BY:	Heppelcove
# OF PAGES	1
FILE #	S 46-02



RECEIVED
 APR 22 1996
 CITY OF MILWAUKEE
 COMMUNITY DEVELOPMENT

8" San Sewer
 6" WATER
 404 E 37 N E + S

TOLERANCES except as noted	REVISIONS			DATE
	NO	DATE	BY	
1				
2				
3				
4				

MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger *P. Roeger*
Civil Engineer

RE: S-96-02
10049 and 10115 SE Stanley Avenue

DATE: June 4, 1996

Logus Road is an existing 30-foot dedicated right-of-way with about 16-feet of paving. Dedication of an additional 10-feet of right-of-way is required as shown on the preliminary plat. A Developers Agreement must be signed for future street improvements to Logus Road, including curb and gutter, sidewalk, storm drainage and appurtenances.

Stanley Avenue is an existing 40-foot dedicated right-of-way with about 20-feet of paving. Dedication of an additional 10-feet of right-of-way is required to have an eventual 50-foot dedicated right-of-way. The Developers Agreement must also include future improvements to Stanley Avenue for the existing house.

Storm drainage in the area is provided by drywell. The driveway and turnaround must be paved with asphalt or concrete and have an inverted crown with a catchbasin at the low point connected to a drywell. Each new house and the existing house must have a drywell installed to connect the roof drains.

Sanitary sewer is available in Logus Road and in Stanley Avenue. The existing house must be connected to the line in Stanley Avenue. The three new lots must be connected with separate laterals to the main in Logus Road.

The existing house is connected to the City 6-inch water main in Stanley Avenue. The three new lots will be served by meters installed in the Logus Road right-of-way tapped into the City 6-inch main. An additional fire hydrant along Logus Road may be required by the Fire Marshall.

From a traffic engineering point of view, it is best to have the north lot abutting Logus Road to access the flag strip so there is only one access point on to Logus Road from this new development.

Should the proposed shared access be dedicated and developed as a public street, curb and gutter will be required on the east side of the street with 23-feet of asphalt paving and a standard 6 foot sidewalk. This would require a 30-foot dedication with a 5-foot utility easement along the frontage of each lot and a 1.0-foot reserve strip at the end deeded to the City. Two catch basins will be required at the intersection of the new street with Logus Road connected to a drywell. A public sanitary sewer will be required in the new street to serve the new lots and a public water main, minimum 6-inch with meters in front of each lot, will be required. Street lights will also be required per PGE design standards.

EXHIBIT #	<u>4</u>
DATE	<u>6/11/96</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>S-96-02</u>

Fax: 503-888-8888 May 20 2016 11:01:02

SOUTH METRO FIRE PREVENTION OFFICE

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

15711 S.E. 90th

Clackamas, Oregon 97015

Business - 655-8537

FAX - 655-8880

Voice Mail - 655-8537

TO: Stacy Lawson, Assistant Planner (Milwaukie Community Development)

FROM: Deputy Fire Marshal Ernie Badeau

SUBJECT: S-96-02

DATE: May 23, 1996

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

The first requirement is that Fire Department access be provided and maintained in the subdivision so there is a minimum, unobstructed width of 20 feet. Second, a turnaround is required when the length of the access roadway exceeds 150 feet in length from the street and shall be subject to joint approval by both the Planning Department and the Fire Department. And third, the fire flow requirement for this subdivision shall be met. Any additional development of structures on this subdivision site requires the placement of a fire hydrant, which shall provide a minimum flow of 1,000 GPM for firefighting water supply.

Yours in Fire and Life Safety,



Ernie Badeau,
Deputy Fire Marshal

EXHIBIT #	5
DATE	6/11/96
SUBMITTED BY:	Staff
# OF PAGES:	1
FILE #	S-96-02

SOUTH METRO FIRE PREVENTION OFFICE

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

3200 S.E. Harrison
Milwaukie, Oregon 97222

Business - 655-8537

FAX - 655-8880

Voice Mail - 655-8537

TO: Stacy Lawson, Assistant Planner (Milwaukie Community Development)

FROM: Deputy Fire Marshal Ernie Badeau

SUBJECT: **PROPOSED SUBDIVISION AT S.E. LOGUS AND S.E. STANLEY -
IMMOVABLE FOUNDATION CHURCH.**

DATE: June 11, 1996

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

The first is the requirement that Fire Department access be provided and maintained to the residences served by the access road shown. The minimum width required for fire department access is 20 feet, with this roadway shown at 24 feet in width. The width shown would require the access roadway to be posted on one side with "NO PARKING - FIRE LANE - TOW AWAY ZONE". It is our understanding that the goal of this access roadway is to allow future access to be continued to the South, which is supported by the fire department. Since the length of the access roadway is less than 150 feet, it does not appear that a turnaround is required. Additionally, provide approved address numbering against a contrasting background, fully visible from the street, which clearly identifies the site locations of all residences.

Yours in Fire and Life Safety,



Ernie Badeau,
Deputy Fire Marshal



September 12, 1996

File No.: VR 96-06

NOTICE OF INTENT TO APPROVE

This is official notice of action to be taken by the Milwaukie Community Development Director with regard to an application by Aleksandr Garkusha for Administrative Review of a Minor Variance (VR 96-06) to create two parcels of 6,208 square feet and one parcel of 6,984 square feet within the R-7 zone. The property is located at 10115 SE Stanley Avenue.

Following the provisions of Section 1011.2 of the City Zoning Ordinance, this proposal will be approved on September 27, 1996, unless concerns are received prior to that date which would warrant scheduling this matter before the City Planning Commission in a public hearing. After the approval date, a 15 day appeal period will be in effect, expiring on October 12, 1996 at 5:00 p.m.

Additional copies of this Staff Report, findings and conditions for VR 96-06 are available upon request. City Community Development Department staff (phone 786-7653) can provide additional information regarding this process.

A handwritten signature in cursive script that reads "Maggie Collins".

Maggie Collins

Community Development Director

cc Dave Wheaton, Director, Public Works Department
Jim Kenworthy, Building Official
Paul Roeger, Office Engineer
Interested Persons
File VR 96-06

CITY OF MILWAUKIE

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

Date: September 11, 1996

File No.: VR 96-06

Application: Variance to allow the creation of three substandard lots measuring 6, 984, 6,208 and 6, 208 square feet in the R-7 (Residential, 7,000 square foot minimum lot size) Zoning District.

Applicant: Alexandr Garkusha

Property Owners: Immovable Foundation Church

Location: 10115 SE Stanley Avenue, Milwaukie, OR 97222
Tax Lots 100 and 200 of Tax Map 1 2E 30 DC
(See Exhibit 1)

RECOMMENDATION:

That the Community Development Director approve VR 96-06, based on the findings and conditions contained in this report.

PROPOSAL:

The applicant proposes to create 3 lots measuring less than 7,000 square feet in lot size. The subject property is located within the R-7 zoning district, which requires a minimum lot size of 7,000 square feet (Exhibit 2). The surrounding properties are also zoned R-7 and are in residential use, with the exception of the church to the south, which is for sale. The property is located within the Lewelling Neighborhood District Association's area.

The property is not developed at this time. It slopes gently from the south to the north. The property has a large Fir tree on the west side of the property which will be removed as a part of the related subdivision application (S 96-02, Exhibit 3).

The property has available sewer and water facilities. A Developer's Agreement for future improvements to SE Logus Road, including curb, gutter and sidewalk, storm

drainage and appurtenances, is required by the Department of Public Works as a condition of Subdivision 96-02 (Exhibit 3).

DISCUSSION:

Compliance With The Comprehensive Plan

The subject property has a Comprehensive Plan Designation of Low Density Residential. The proposed lot size reduction would result in an approximate net density of 4 dwelling units per acre, versus the Comprehensive Plan guideline maximum of 6.7 dwelling units per acre. The applicant has the ability to apply for a variance to the controlling standards of the R-7 zoning district. This proposal is consistent with Objective #5, Policy 1 of the Comprehensive Plan, in that it encourages the development of infill housing using innovative development techniques such as reduced lot sizes in established neighborhoods.

Compliance With Development Standards of the R-7 Zoning District

The R-7 zoning district requires that lots are a minimum of 7,000 square feet in size. This Minor Variance has been submitted because the applicant has been granted a 4 lot subdivision under the condition that he apply for a Minor Variance. This variance would allow reduced lot sizes to accommodate the road dedication required by the Planning Commission. The application is a Minor Variance because the reduction in lot size is less than 25% of the 7,000 square foot requirement. The R-7 zoning district requires a minimum lot width of 60 feet and lot depth of 80 feet. Each of the proposed lots meet these requirements. There are no existing structures on the portion of the property the variance addresses. Under the requirements of Subdivision 96-02 and the R-7 zoning district, the development of these lots will be required to meet all other requirements of the zone.

VARIANCE CRITERIA:

The applicant's application for a Minor Variance has been undertaken at the direction of the Planning Commission. The Commission approved a related 4 lot Subdivision on June 11, 1996, conditioned upon the application for a Minor Variance to allow for reduced lot size. The variance from the standards of the R-7 Zoning District was supported by the Planning Commission because the applicant would be able to subdivide his property in compliance with all applicable regulations, except lot size, with development of a public street. The applicant is required to install the public road and associated improvements which is a substantial benefit to the City of Milwaukie. This public road extension may allow future access to larger parcels adjacent to the subject parcel.

Each of the following criteria must be met before a variance application can be approved. Staff is recommending approval of this variance based on these findings.

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

The subject property is deep and narrow (Exhibit 2). Subdivision of these parcels to create three lots off of Logus Road would require the location of one lot on Logus and two flag lots behind it. The lot boundaries were established long before the applicant purchased the property. The Planning Commission approved Subdivision 96-02 on this property creating three lots which access Logus Road, but conditioned approval on development of a public street rather than a dual flag lot. This requirement necessitates the proposed reduction in lot size to accommodate the required public road.

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

The applicant considered alternatives in the design process and determined that a dual flag lot configuration would create 3 lots of over 7,000 square feet in lot size which met all requirements. With the additional requirement for construction of a public street and street improvements, the lot size must be reduced, although the total size of the parent parcel to be divided has not changed. If this requirement for a road had not been imposed on the applicant, he would have been able to subdivide his property in the same manner as any other property owner, with approval of a flag lot configuration.

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

Single family dwellings located on these properties will be able to meet the applicable development standards of the R-7 zoning district. The setbacks will remain the same and no adverse impacts on adjacent properties are anticipated as a result of the approval of this variance as conditioned.

Vegetation

The proposed reduction in lot size will not impact any of the trees located on the property. The conditions of approval of Subdivision 96-02 do not need to be amended.

Neighborhood Association Comments

The Lewelling Neighborhood District Association Land Use Committee has not submitted written comments regarding this application.

Public Comments

No public comments have been received to date regarding this proposal.

Department of Public Works

The Department of Public Works is requiring 10 feet of additional dedication on Logus Road and Stanley Avenue, and a Developer's Agreement for future improvements to Logus Road and Stanley Avenue, including curb, gutter and sidewalk, storm drainage and appurtenances (Exhibit 4). A sanitary sewer extension is required in the new street with laterals to serve the new lots. A public water main, minimum 6 inch, will be required to serve the three new lots, with meters in front of each lot. The new public street will be required to have curb and gutter on the east side of the street. Street lights will also need to be provided.

South Metro Fire District

The Fire Marshal has submitted requirements for this proposal (Exhibit 5). A 20 foot unobstructed access is to be maintained and fire hydrants need to be provided at a maximum spacing of 500 feet, so that all lots are within 250 feet of a fire hydrant.

RECOMMENDATIONS:

- 1) **Staff recommends approval of Minor Variance 96-06, based on the following conclusion and findings, and subject to the following conditions:**

CONCLUSION:

The proposed Variance is consistent with the City's Comprehensive Plan and the criteria for the granting of a variance has been evidenced to be met in this case. Staff is recommending approval of Variance 96-06, based on the following findings and conditions of approval.

FINDINGS FOR REVISED MINOR VARIANCE - VR 96-06

1. The Applicant is proposing a Minor Variance to allow three single family lots to be created that will measure between 6, 208 and 6,984 square feet within the R-7 (Single Family Residential, 7,000 square foot minimum) zoning district (Exhibit 2). The surrounding area is residential in character and is also zoned R-7.
2. The proposed Minor Variance is consistent with Land Use Objective 5 of Milwaukie's Comprehensive Plan, in that it encourages infill development through the use of reduced lot sizes in established neighborhoods, and providing future public access to encourage future infill development.
3. The proposed single family dwellings will be able to meet all other development standards of the R-7 (Single Family Residential, 7,000 Square Foot Minimum) Zoning District.
4. The subject property is deep and narrow (Exhibit 2). Subdivision of these parcels to create three lots off of Logus Road would require the location of one lot on Logus and two flag lots behind it. The lot boundaries were established long before the applicant purchased the property. The Planning Commission approved Subdivision 96-02 on this property creating three lots which access Logus Road, but conditioned approval on development of a public street rather than a dual flag lot. This requirement necessitates the proposed reduction in lot size to accommodate the required public road.
5. The applicant considered alternatives in the design process and determined that a dual flag lot configuration would create 3 properties of over 7,000 square feet in lot size which met all requirements. However, with the Planning Commission requirement for construction of a public street and street improvements, the lot sizes must be reduced, although the size of the parent parcel to be divided has not changed. If this requirement for a road had not been imposed on the applicant, he would have been able to request subdivision of his property with lots that exceed the R-7 zone minimum, exercising use of his property in a manner substantially the same as others in the surrounding area.
6. Single family dwellings located on the three lots will be able to meet the applicable development standards of the R-7 zoning district. The setbacks will remain the same and no adverse impacts on adjacent properties are anticipated as a result of the approval of this variance as conditioned.
7. The Department of Public Works has provided comments regarding required street and utility improvements (Exhibit 3). The Department of Public Works is

requiring the owner to sign a Developer's Agreement for future improvements to SE Logus Road and Stanley Avenue, including curb, gutter and sidewalk, storm drainage and appurtenances. Sewer and Water is required to be provided in the new public street.

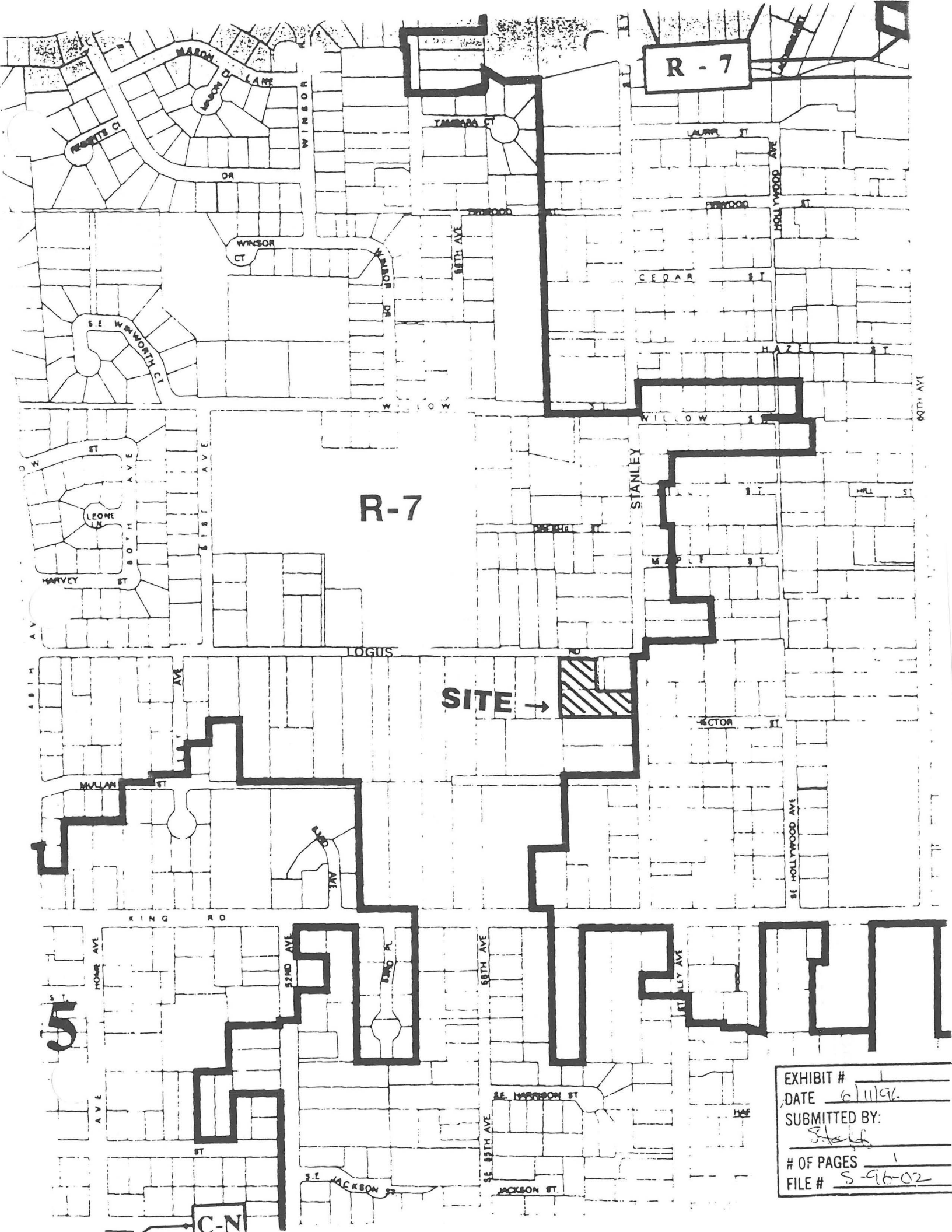
8. The Fire Marshal has submitted requirements for this proposal (Exhibit 5). A 20 foot unobstructed access is to be maintained and fire hydrants need to be provided at a maximum spacing of 500 feet, so that all lots are within 250 feet of a fire hydrant.
9. Minor Variance (VR 96-06) requires review through an Administrative Type II process, per Section 703 of the City's Zoning Ordinance. This section refers to the process described in Section 1011.2 of the City's Zoning Ordinance. Public Notice has been issued in accordance with the provisions of Section 1011.2.

CONDITIONS OF APPROVAL -VR 96-06:

1. A Minor Variance is granted to allow the creation of three lots measuring 6,208, 6,208 and 6984 square feet on property identified as Tax Lots 100 and 200 of Tax Map 1 2E 30 DB (See Exhibit 1).
2. The proposed lots and single family dwellings shall meet all of the applicable development standards of the R-7 zoning district, Section 400 (supplemental requirements), 500 (parking) and 1300 (Solar Access) of the Zoning Ordinance.
3. Erosion control and grading permits shall be obtained, as required, from the Department of Public Works, prior to construction.
4. No trees shall be cut prior to issuance of a building permit and grading permit on the site.
5. The requirements identified in the Department of Public Works Memo dated 7-24-96 shall be complied with, prior to issuance of a building permit or occupancy permit, as applicable (Exhibit 3).
6. The requirements identified in the South Metro Fire Marshal's Memo dated 8-1-96 shall be complied with, prior to issuance of a building permit or occupancy permit, as applicable (Exhibit 4).
7. All conditions of Subdivision 96-02 shall be complied with, except where superseded by the conditions of this approval.

EXHIBITS:

1. Vicinity map
2. Proposed Preliminary Map
3. Subdivision 96-02 Notice of Decision
4. Department of Public Works Memo dated 7-10-96
5. South Metro Fire Division's Memo dated 8-1-96



R-7

R-7

SITE →

EXHIBIT #	1
DATE	6/11/96
SUBMITTED BY:	<i>Stark</i>
# OF PAGES	1
FILE #	S-96-02

MARANATHA ESTATES.

Owner of the property:
 Jim Foundation
 CHS
 Address: 10115 SE STANLEY AVE.
 MILWAUKIE OR 97222

6" WATER
 8" SAN. Sewer

O C U S Rd 30'0"

2" WATER

Map was prepared by
 ALEX D. GARKUSHIN
 7416 TENNESSEE LINE
 VANCOUVER WA 98664
 P# (360) 694-7081

APPLE TREE

Lot # 1
 lot cover - 6208
 Build. cover - 29%
 landscape cover - 4372
 Scale 1" = 1/16"

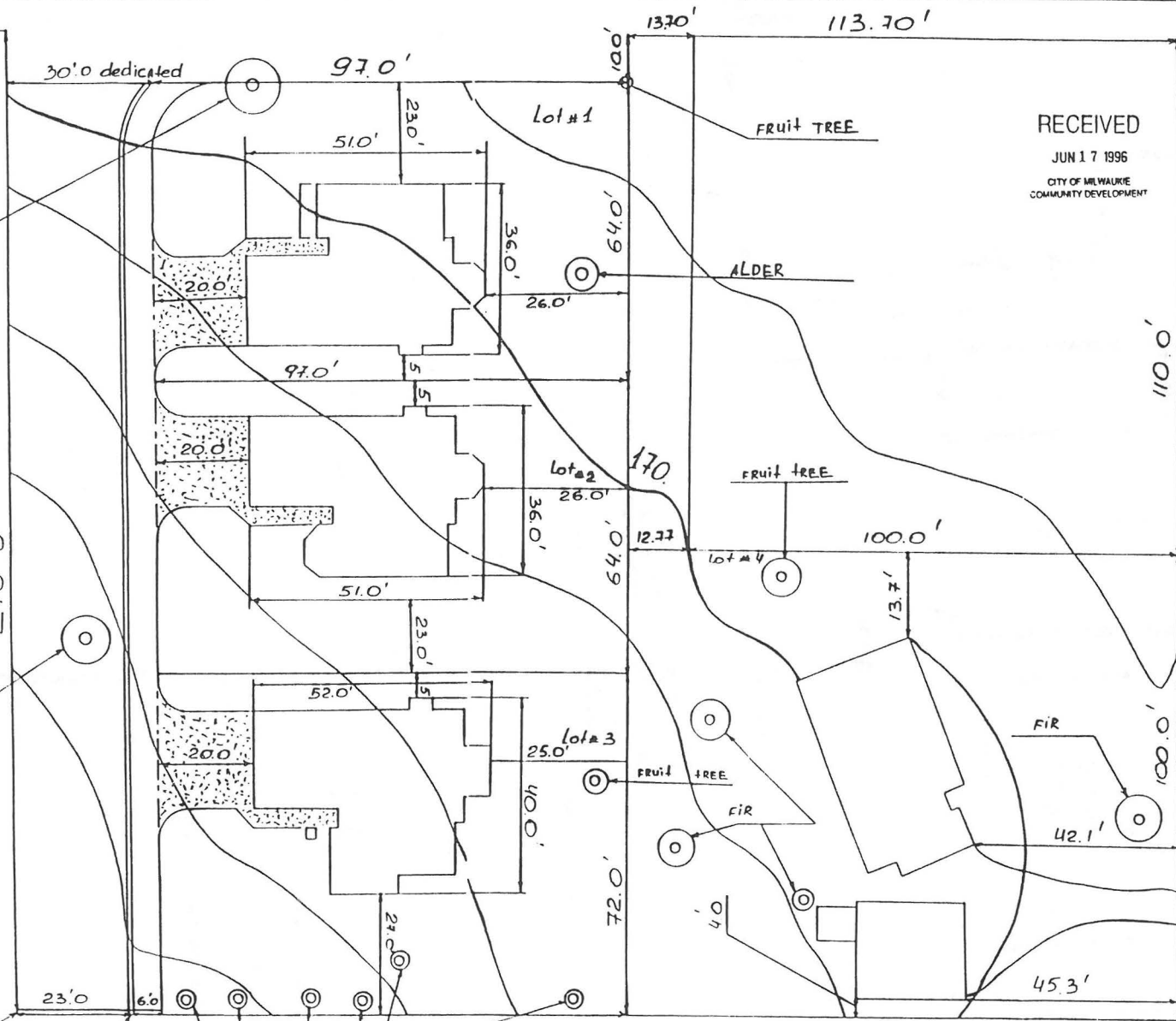
Lot # 2
 lot cover - 6208
 Build. cover - 29%
 landscape cover - 4372
 Scale 1" = 1/16"

Lot # 3
 lot cover - 6984
 Build. cover - 29%
 landscape cover - 4704
 Scale 1" = 1/16"

FIR tree removed

Lot # 4 (existing)
 lot cover - 11200
 Build. cover - 15%
 landscape cover - 9544
 Scale 1" = 1/16"

1' RESERV access strip



RECEIVED
 JUN 17 1996
 CITY OF MILWAUKIE
 COMMUNITY DEVELOPMENT

8" SAN Sewer

6" WATER

0.04 507 N E + S

TOLERANCES	AS SHOWN
STREET	1/8"
PROPERTY	1/16"
UTILITY	1/8"

EXHIBIT # 2
 DATE 9/12/96
 SUBMITTED BY: Applicant
 # OF PAGES 1
 FILE # 172-91-02

MARANATHA ESTATES

COMPASS CORPORATION



ENGINEER'S OPINION
NOVEMBER 1996

ITEM	UNITS	UNIT QTY.	UNIT COST	TOTAL COST
<u>STREET</u>				
1. Mobilization/Erosion Control	L.S.	1 job	\$ 1,500.00	\$ 1,500.00
2. Street Subgrade Prep.	C.Y.	250	\$ 10.00	\$ 2,500.00
3. 8-Inches Base Rock	S.Y.	520	\$ 8.00	\$ 4,160.00
4. Standard Gutter Curb	L.F.	198	\$ 7.00	\$ 1,386.00
5. 1½-Inch Class "C"	S.Y.	520	\$ 4.00	\$ 2,080.00
6. 1½-Inch Class "B"	S.Y.	520	\$ 4.00	\$ 2,080.00
			Sub-Total	\$ 13,706.00
				\$ 1,792.17
<u>STORM</u>				
1. Catch Basin	EA.	2	\$ 900.00	\$ 1,800.00
2. Manhole Drywell	EA.	1	\$ 2,200.00	\$ 2,200.00
3. 12-Inch w/Select	L.F.	36	\$ 26.00	\$ 936.00
			Sub-Total	\$ 4,936.00
<u>SEWER</u>				
1. Construct Manhole Over Exist.	EA.	1	\$ 2,100.00	\$ 2,100.00
2. Standard Cleanout	EA.	1	\$ 700.00	\$ 700.00
3. 6-Inch PVC w/Select	L.F.	152	\$ 26.00	\$ 3,952.00
4. 4-Inch PVC Service Laterals	L.F.	84	\$ 24.00	\$ 2,016.00
			Sub-Total	\$ 8,768.00
<u>WATER</u>				
1. Cut-in 6 x 6 Tee	EA.	1	\$ 1,000.00	\$ 1,000.00
2. 6-Inch Gate Valves	EA.	3	\$ 450.00	\$ 1,350.00
3. 2-Inch Blow-off Assembly	EA.	1	\$ 600.00	\$ 600.00
4. 1-Inch Copper Service Connection	EA.	3	\$ 400.00	\$ 1,200.00
			Sub-Total	\$ 4,150.00
			Sub-Total	\$ 2,000.00
			Sub-Total	\$ 4,150.00
			Grand Total	\$ 31,560.00

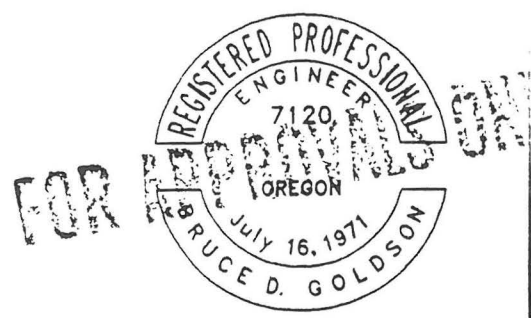
Insp Fee 55% of \$30,500.00 = \$1,675.00

Escrow Amt. \$42,400.00

This Engineer's Opinion of construction cost is based upon the unapproved construction plans as submitted to the City. It is only a professional opinion and should not be used as a construction cost estimate. Actual quantities could vary depending upon the final approval from governing agencies. Unit prices used are typical for the current construction industry but will vary seasonally with the bidding climate. Not included are facilities which will be constructed with the individual house construction to include sidewalk, driveways and drywells.

Prepared by: Bruce D. Goldson, P.E.
Compass Engineering

Public Utilities Improvement Plan
Street, Sanitary, Sewer & Water



6/30/97

MARANATHA ESTATES
CITY OF MILWAUKIE - FILE NO. S-96-02

COVER SHEET

OCT 03 1996 1

5



COMPASS CORPORATION

ENGINEERING - SURVEYING - PLANNING

6564 S.E. Lake Road
 Milwaukie, Oregon 97222

(503)653-9093
 FAX (503)653-9095

TO: Mr. Paul H. Roeger, P.E.
 City of Milwaukie
 6101 S.E. Johnson Creek Blvd.
 Milwaukie, OR 97206

DATE: March 14, 1997

JOB NO./PROJECT NAME:
 # 3802 - Maranatha Estates

ENCLOSED ARE:

<u>COPIES</u>	<u>DESCRIPTION</u>
1 -	Mylar copy of plat

THESE ARE TRANSMITTED:

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> FOR YOUR APPROVAL | <input type="checkbox"/> AS REQUESTED |
| <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> OTHER |

REMARKS:

COPIES TO:

COMPASS CORPORATION

BY: Michael A. Rademacher, PLS



April 24, 1997

Alexandr Garkusha
7416 Tennessee Line
Vancouver, WA 98664

RE: Final Map Submittal S-96-02

Dear Mr. Garkusha:

We have received and reviewed your Final Map submittal. Unfortunately, it appears that your surveyor has shown a lot width which is reduced by 10 feet to 117 +/- from 127 +/- feet. This results in a substantial reduction in lot size from what was approved, 6,208, 6,208 and 6,984 square feet to 5,559, 5,743, and 6,411 square feet. Before we can check your final map further, we need to verify the origin of this discrepancy. Please submit information regarding the actual measurements of this lot and the basis for that determination. If there is this significant a discrepancy in the sizes of the lots resulting from the subdivision, an amendment to the variance and/or subdivision will need to be processed. Please contact me when you have this information to discuss the matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy L. Lawson", written over a white background.

Stacy L. Lawson
Assistant Planner

cc File S-96-02
Maggie Collins, Community Development Director

DIRECTOR DETERMINATION

DETERMINATION OF CONSISTENCY BETWEEN TENTATIVE AND FINAL MAP FOR S-96-02

The Final Map submitted by Compass Engineering and dated 9-19-97 and corrected as required by the Department of Public Works is hereby determined to be substantially consistent with the Tentative Map for Subdivision S-96-02, approved on June 11, 1997, as subsequently amended by Variance VR-96-06.

The Final Map is different from the Tentative Map in that the subject property is shown as being 117.02 feet wide, based on an official survey, versus 127 feet shown on the Tentative Map.

The surveyor expressed the opinion that this discrepancy is due to historic inconsistencies in past surveys that are found in the areas around Logus Road, and Stanley Avenue. There is no direct loss of 10 feet from any surrounding property. This situation is not the result of any action on the part of the applicant.

The result of the loss of this 10 foot in width is that the lot configuration had to change in order to maintain the approved level of public improvements and the lot sizes approved under Variance VR-96-06. The differences in the proposed lot sizes are as follows:

	Lot 1	Lot 2	Lot 3	Lot 4
Tentative Map	6,208 square ft.	6,208 square ft.	6,984 square ft.	8,293 square ft.
Final Map	6,208 square ft.	6,208 square ft.	7,015 square ft.	8,263 square ft.

The Final Map shows only two substandard lots versus three on the Tentative Map.

It has been determined that the reconfiguration of the proposed lots is consistent with the requirements of the Zoning Ordinance. The

required 20 foot setback from the existing home on Lot 4 will be provided.

The public improvements required under the Subdivision approval will all be provided as required.

The proposed Final Map has not expired as the Final Map was submitted to the City of Milwaukie within 1 year of the date of approval. The Tentative Map was approved on 6-11-96 and the Final Map was submitted on 3-14-97. In addition, the Final Map was submitted prior to the expiration date of the associated variance application VR-96-06. The six month variance time limit would have run on 3-22-1997, but the Final Map was submitted on 3-14-97.



Maggie Collins, Community Development Director

10/3/97
Date

September 29, 1997

Maggie Collins
Community Development Director
6101 S.E. Johnson Creek Blvd.
Milwaukie, Oregon 97206

Re: Subdivision File #S-96-02

Dear Ms. Collins:

Subdivision Application #S-96-02 was presented at a regular Neighborhood Association meeting for comments and direction. The Association response is a matter of record.

The Lewelling Land Use Committee (LUC) has discussed the status of this application and has noted that your Notice of Decision was distributed to all parties concerned, in June of 1996. We have also noted that the City of Milwaukie Zoning Ordinance: Section 1000, Administrative Provisions; Paragraph 1013, Time Limit on a Permit for Variance, states that authorization shall be void after six months unless "Substantial Construction" pursuant thereto has taken place. By Ordinance it would appear that Application #S-96-02 and the Notice of Decision, Dated June 18, 1996, are now null and void.

Please reply in writing, so that we may accurately report the present status of #S-96-02 at the next regular meeting of the Lewelling Neighborhood Association.

Sincerely

Jean Michel, Lewelling LUC Chairman

JM/ce

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NOV 20 1997

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

EXHIBIT 8

October 10, 1997

Maggie Collins, Director
Milwaukie Community Development Dept.
6101 S.E. Johnson Creek Blvd.
Milwaukie, Oregon 97206

RE: Your letter of October 3, 1997 regarding S-96-02

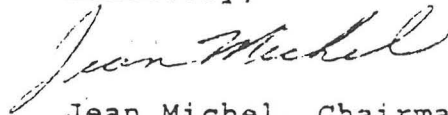
Dear Maggie:

Thank you for your prompt answer to my letter dated September 29, 1997. My intent was to determine the status of an application by Aleksandr Garkusha for a 4-lot subdivision just west of the intersection of SE Logus Road and Stanley Avenue. The properties' addresses have been listed as 10049 and 10115 SE Stanley Avenue. If S-96-02 is not a correct file number for the above, please let me know so that I can correct my files.

Your Notice of Decision for this proposal, was published and distributed in June of 1996. There has been no on-site construction since that time. Milwaukie Zoning Ordinance Section 1000, Paragraph 1013 states that authorization of actions shall be void after six months unless substantial construction has taken place.

It appears to me, and other members of Lewelling LUC, that paragraph 1013 should apply to the Garkusha proposal. Please let us know the present status of this proposed project.

Sincerely,



Jean Michel, Chairman
Lewelling Land Use Committee

JM/ce

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NOV 20 1997
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COMMUNITY DEVELOPMENT