

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, May 9, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Adam Argo, Vice Chair
Sherry Grau
Scott Jones
Kim Travis
Shannah Anderson
John Burns

STAFF PRESENT

David Levitan, Senior Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Tim Ramis, City Attorney

1.0 Call to Order – Procedural Matters*

Chair Hemer called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

***Note:** The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

2.0 Planning Commission Minutes – There were none

3.0 Information Items – There were none.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

- 5.1 Summary: Harrison St Dance/Theater Studio
Applicant/Owner: Corinn deWaard/deTorres Holland LLC
Address: 4107 SE Harrison St
File: CSU-2017-002
Staff: Mary Heberling

Chair Hemer opened the public hearing and read the conduct of quasi-judicial hearing format into the record.

Mary Heberling, Assistant Planner, cited the applicable Code criteria and presented the staff report. She noted the revised findings and conditions and described the key issues regarding the hours of operation and off-street parking. She noted the application was being processed under Milwaukie Municipal Code (MMC) Section 19.904 Community Service Use (CSU) as a private recreation facility because no explicit category for a community theater or art center existed.

- She distributed the additional comments received within the last 48 hours from the owner of the Sweet Pea Preschool. The comments regarded concerns about potential parking conflicts during the daytime hours if the dance/theater studio held daytime activities, and the Preschool wanted to ensure the community theater and art center were a good fit within the

surrounding community.

- Staff recommended approval of the application subject to the recommended findings and conditions of approval.

Ms. Heberling addressed clarifying questions from the Commission. Key responses related to the application were as follows:

- The City had a signed copy of the shared parking agreement with the GracePointe Church. It was unknown whether the church leased parking spaces to the community center next to its facility.
- As proposed, the facility would provide different art options, including a theatre, poetry slam nights, and other events to benefit the arts community. The CSU provided an opportunity to provide a venue to offer a variety of art and theater-related events and learning opportunities.

Chair Hemer stated the packet was unclear about the applicant's business model. He wanted to be clear about the CSU purpose and that staff had advised the applicant that a CSU was the best option rather than a Use Exception.

Chair Hemer called for the applicant's testimony.

Corinn deWaard and Illya Torres-Garner, 4314 SE Harrison St, Milwaukie, OR, addressed the issues raised by the Commission. During their careers as artists, they found that creative space was very difficult to find, and they wanted to provide space to benefit not only Milwaukie residents but also people from the Portland area. The City's draft Vision Statement expressed Milwaukie's interest in providing arts in neighborhoods, developing more businesses, and attracting new people to Milwaukie. They noted that neighbors and the neighborhood district association had all expressed interest in having this type of space available. The applicants added that a for-profit business model that brought in enough money to pay for expenditures was more sustainable than a nonprofit business model, which involved work with boards and volunteers, writing grants, and seeking funding.

- Parking was a big concern and the applicant understood the parking agreement. While most of the dance/theater studio's programming would take place in the evenings, the applicant hoped the hours would not be limited to a 6:00-10:00 pm timeframe. The applicant hoped to have some daytime programming and accommodate rehearsal schedules, but understood the parking lot could not be used on Sunday morning and none of the preschool's parking could be used during the preschool's operating hours.
- The applicant agreed with the need for a sign for the preschool's parking and was willing to share the cost. Calling a tow truck was suggested for violators.

The applicant addressed questions from the Commission with these comments:

- The applicant was open to assessing the community's needs by engaging with the Milwaukie arts community.
- Space would be rented to others to put on shows, hold classes, etc. The applicant's theatre troupe is intending to only put on one show a year.
- The nine onsite parking spaces were part of a shared parking agreement between the preschool and the studio. The issue was one of access during specific business hours.
- As far as whether the facility was a CSU versus a for-profit business, the studio would serve the community by offering a venue for art-related activities where people could participate as a performer, viewer, student, or teacher. Another difference was the broader impact art had

in creating an art community in Milwaukie.

- The applicants noted an extensive remodeling plan that included ADA entrances that would provide access to the main floor and the basement where the restrooms were located. The applicants said they would address any noise issues.

Chair Hemer called for public testimony.

Elizabeth Weston, 4005 SE Harrison St, spoke in favor of the application. She recently moved to Milwaukie near the subject. She was delighted when she heard about the community theater and art center and believed it would help neighbors get to know each other.

Mark Dane, 12725 SW Glenhaven St, Portland, OR, spoke in favor of the application. He said the intent was clearly for public good.

Chair Hemer closed the public hearing and called for deliberation.

After discussion, the Commission agreed the hours of operation and use of shared parking should be worked out between GracePointe Church, the dance/theater studio, and Sweet Pea Preschool instead of being prescribed by the conditions of approval. However, the shared parking agreement with the church should show the availability of a minimum 25 parking spaces for the hours of operation desired by the applicant. Signage should be installed to identify the preschool's parking spaces and direct the studio's patrons to the off-street parking spaces. The Commission affirmed the proposed facility fell under a CSU because it was similar to a public/private recreation facility and a venue that provided benefits to the community by supporting art and cultural opportunities in the city, which was congruent with the City's draft Vision Statement.

- A new condition was added stating that hours of operation for the facility shall be limited to the hours for which the property owner will have access to a minimum of 25 parking spaces.

It was moved by Vice Chair Argo seconded by Commissioner Grau to approve land use application CSU-2017-002 for 4107 SE Harrison St with the recommended findings and conditions as amended. The motion passed unanimously.

5.2 Summary: WG-2017-001 Riverway Ln Addition
Applicant: Carter Case
Address: 10663 SE Riverway Ln
File: WG-2017-001
Staff: Vera Kolias

Chair Hemer opened the public hearing and read the conduct of quasi-judicial hearing format into the record.

Vera Kolias, Associate Planner, cited the applicable Code criteria and presented the staff report, noting key issues for consideration regarding the expansion of a single-family home within the Willamette Greenway Overlay. No comments had been received regarding the application and staff recommended approval subject to the recommended findings and conditions of approval. She addressed clarifying questions from the Commission and confirmed the property to the south was owned by the same owner as well, but on a separate tax lot.

Chair Hemer called for the applicant's testimony.

Carter Case, 232 SE Oak St., Portland, OR, stated he agreed with the staff report and would be able to meet all the conditions of approval. He said he was the designer of the addition, which was for personal use by the owners.

Chair Hemer called for public testimony.

Gary Klein, 107 SE Riverway Ln, Milwaukie, OR, spoke in support of the application. He stated he lived just to the east of the subject property. He confirmed that the building additions would not be visible from the river, so the Willamette Greenway was a nonissue. He noted the family was the third generation to live in the house.

Tony Forni, 1577 SE Riverway Ln, Milwaukie, OR, spoke in support of the application. He stated he lived two houses away and that the application was regarding his father's house. He explained he had spent a lot of time on the river and noted there was a 30-35 ft cliff that dropped down to the river, so from the river the house was not visible.

Chair Hemer closed the public hearing and called for deliberation.

The Commission agreed the application met all the criteria.

It was moved by Vice Chair Argo and seconded by Commissioner Grau to approve land use application WG-2017-001 for 10663 SE Riverway Ln with the recommended findings and conditions as presented. The motion passed unanimously.

- 5.3 Summary: Railroad Ave Demolition
 Applicant/Owner: Simon Lofts/Mark Dane
 Address: 4217 SE Railroad Ave
 File: HR-2017-001
 Staff: Vera Kolias

Chair Hemer recused himself from the public hearing.

Vice Chair Argo opened the public hearing and read the conduct of quasi-judicial hearing format into the record.

Vera Kolias, Associate Planner, cited the applicable Code criteria and presented the staff report. The application to demolish the historic structure known as the Keil-Hoesly Farm House was the first part of a larger application for a 19-lot subdivision that would be presented to the Planning Commission on June 13, 2017.

- The Design and Landmarks Committee (DLC) recommended approval of the demolition and added an additional condition of approval for the Commission's consideration that was included in the supplemental staff report. The applicant had agreed to the condition, which required that a marker or identifier be placed to identify the site as the former site of the Keil-Hoesly Farm House. Staff believed the loss of the historic resource had been adequately mitigated through the conditions of approval.
- Ms. Kolias distributed a letter from the State Historical Preservation Office (SHPO) which asked to be notified if archeological artifacts, such as human remains or other cultural resources, were discovered during excavation or construction and that the project be stopped immediately to allow SHPO to perform an archeological survey as required by State

law.

- Staff recommended approval of the application subject to the findings and conditions of approval submitted.
- Ms. Kolias addressed clarifying questions from the Commission about her discussions and correspondence with SHPO. No prior archeological survey or assessment of the site had been performed, so it was unknown whether the property was considered an archeological site; however, there was nothing of record.

Vice Chair Argo called for the applicant's testimony.

Mark Dane, Sustainable Infill Development, LLC, 12725 SW Glenhaven Ave, Portland, OR, 97225, stated he received a similar letter from SHPO for a project in Tigard, and believed this was SHPO's standard practice for structures 50 years of age or older. He highlighted the house's condition and acknowledged the emotion involved with the proposal. He noted the extended family agreed that the demolition needed to happen, as did the neighborhood district association (NDA), Milwaukie Historical Society, and the DLC. Efforts were made to have the structure moved, but no viable options had been presented yet.

- The applicant intended to construct the historical marker using materials from the house and install it near the 12-ft walking and bicycle trail that would be constructed along Railroad Ave as part of the subdivision.
- He wanted to ensure the family members got whatever they wanted, and they had been contacted about saving and removing items from the property. The applicant was willing to accommodate the historical society's request for artifacts. The structure would not be removed within the next 30 days.

Vice Chair Argo called for public testimony.

Dave Aschenbrenner, Chairman, Hector Campbell NDA and President, Milwaukie Historical Society, 11505 SE Home Ave, spoke in support of the application. The NDA recognized the need for the demolition and deferred to the Historical Society regarding any preservation matters. One goal of the Historical Society was to preserve Milwaukie's history for the future and with permission of the family, respectfully asked to have something from the house to be able to display in the Milwaukie Museum's exhibitions pertaining to historic houses, historic properties, and their locations within the city. The Historical Society was comfortable with the direction of the application.

Greg Hemer, Vice Chair, Milwaukie Historical Society, 3737 SE Adam St, read a statement from the Historical Society supporting the application and further defining the request to enter the house and remove artifacts for preservation. He commended Mr. Dane's due diligence, his respectful demeanor with regard to the family and the history of the house, and his willingness to incorporate materials from the house as well as the family names in the future development. He confirmed this was the first time in recent history that the Historical Society had been able to acquire artifacts from a historic home and described items they might consider, such furniture made by the Hoesly family furniture business and other small items.

Vice Chair Argo called for the applicant's rebuttal.

Mr. Dane clarified the pronunciation of the Keil family name, and noted he and the family would be working together on further details moving forward.

Vice Chair Argo closed the public hearing and called for deliberation.

The Commission appreciated the respect being shown to the family and property and the sensitivity to the matter.

Mr. Dane described the deconstruction process as requested by Commissioner and noted issues that might occur.

It was moved by Commissioner Grau seconded by Commissioner Travis to approve land use application HR-2017-001 for 4217 SE Railroad Ave with the recommended findings and conditions as amended. The motion passed unanimously.

Chair Hemer returned to the dais.

6.0 Worksession Items – There were none.

7.0 Planning Department Other Business/Updates – There were none.

8.0 Planning Commission Discussion Items

Mr. Argo invited the Commissioners to attend the North Milwaukie Industrial Area presentation that was rescheduled for May 25, 2017.

Chair Hemer noted the May 16, 2017 special election and announced the plant sale events being held by the Friends of the Library, Annie Ross House, and Milwaukie Garden Club on May 13th.

9.0 Forecast for Future Meetings:

- | | |
|---------------|---|
| May 23, 2017 | 1. Public Hearing: PD-2017-001 13333 SE Rusk Rd |
| May 25, 2017 | 1. Worksession: NMIA Framework Plan and Implementation Strategy |
| June 13, 2017 | 1. Public Hearing: PD-2017-002 13333 SE Rusk Rd continued tentative |
| | 2. Public Hearing: DEV-2017-006/VR-2017-002 29th Ave Triplex |
| | 3. Public Hearing: S-2017-002 4217 SE Railroad Ave tentative |
| | 4. Worksession: Visioning/Comp Plan Update |

Commissioner Burns announced he would not be available to stay if the May 23rd meeting was extended passed 10 pm.

Meeting adjourned at approximately 9:02 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


Greg Hemer, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, May 9, 2017, 7:00 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

3.0 Information Items

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

5.1 Summary: Harrison St Dance/Theater Studio
Applicant/Owner: Corinn deWaard/deTorres Holland LLC
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File: CSU-2017-002
Staff: Mary Heberling

5.2 Summary: WG-2017-001 Riverway Ln Addition
Applicant: Carter Case
Address: 10663 SE Riverway Ln
File: WG-2017-001
Staff: Vera Kolias

5.3 Summary: Railroad Ave Demolition
Applicant/Owner: Simon Lofts/Mark Dane
Address: 4217 SE Railroad Ave
File: HR-2017-001
Staff: Vera Kolias

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

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May 25, 2017	1. Worksession: NMIA Framework Plan and Implementation Strategy
June 13, 2017	1. Public Hearing: PD-2017-002 13333 SE Rusk Rd <i>continued tentative</i> 2. Public Hearing: DEV-2017-006/VR-2017-002 29 th Ave Triplex 3. Public Hearing: S-2017-002 4217 SE Railroad Ave <i>tentative</i> 4. Worksession: Visioning/Comp Plan Update

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

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.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Greg Hemer, Chair
Adam Argo, Vice Chair
Shannah Anderson
John Henry Burns
Sherry Grau
Scott Jones
Kim Travis

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II
Avery Pickard, Administrative Specialist II



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Mary Heberling, Assistant Planner

Date: May 1, 2017, for May 9, 2017, Public Hearing

Subject: **File:** CSU-2017-002
Applicant: DeTorres Holland, LLC
Owner(s): Corinn deWaard
Address: 4107 SE Harrison St.
Legal Description (Map & Tax Lot): 11E36AA01400
NDA: Hector Campbell

ACTION REQUESTED

Approve application CSU-2017-002 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for a new Community Service Use (CSU) for a community theater.

BACKGROUND INFORMATION

The applicant, deTorres Holland LLC, has applied for approval for a Community Service Use (CSU) for a community theater, which includes a practice studio for performers and a kitchen that will serve pizza and refreshments for patrons. The current vacant building was previously a church and the applicant is planning on refurbishing the inside of the structure into a stage and studio space.

A. Site and Vicinity

The site is located at 4107 SE Harrison St. (see Figure 1). It contains one building that has previously been used as a church and currently is vacant. A parking lot and driveway is shared with a daycare center/preschool to the east of the building. The property currently



Figure 1

has a shared parking agreement with the daycare center/preschool. The site is flat with trees in the rear and shrubs along the west side of the property creating a buffer between the building and the residential use next door. A public sidewalk runs along the front of the site and continues both east and west on Harrison St.

The surrounding area consists of both commercial and single family residential uses. The current zone is Medium Density Residential R-3. The daycare center/preschool next door to the east is also zoned R-3. Beyond the daycare center to the east property is zoned Neighborhood Mixed Use (NMU), which includes the Safeway and the commercial businesses along SE 42nd Ave. The properties to the west of the site are primarily single family residences zoned Residential R-5 (See Figure 2).

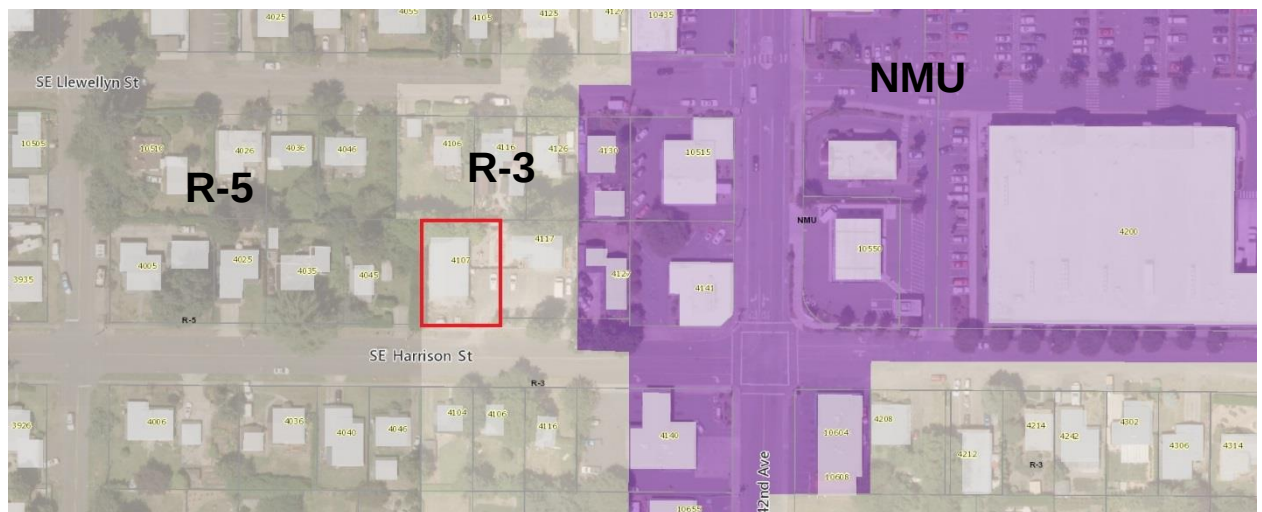


Figure 2

B. Zoning Designation

Residential R-3

C. Comprehensive Plan Designation

Medium Density Residential

D. Land Use History

City records indicate no previous land use actions for this site.

E. Proposal

The applicant is seeking land use approval for a Community Service Use (CSU) for a community theater. The proposal includes the following:

1. Narrative
2. Site Plan
3. Draft Shared Parking Agreement
4. Pre- Application Conference Report

The project requires approval of the following applications:

1. Community Service Use (CSU-2017-002)

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Hours of Operation
- B. Parking

Analysis

A. Hours of Operation

The applicant states that hours of operation open to the public will be dependent on performance schedules. Ideally, they will be open and have shows Thursday-Saturday evenings from 6-10pm. Additional private rehearsals will accompany shows and will be scheduled according to the needs of the performers. Most activities will take place in the evenings and on the weekends. The proposed theater shares a parking lot with a daycare center/preschool, which will operate during the day and on weekdays. Parking conflicts between the day care and theater will be minimized since the theater hours of operation are during hours when the daycare will be closed. The proposed hours are reasonably similar with the operating hours of other commercial uses in the area. This mitigates potential negative impacts of noise and disturbance of the neighborhood at late hours in the evening.

B. Parking

The subject property is occupied by an existing 3,600 sqft building. The proposal for the building includes a theater space and dance studio/green room space for the theater productions, and a kitchen to serve refreshments in the basement for patrons during the show. The theater space will seat 100 people. The minimum number of required off-street parking spaces is 25; the maximum allowed is 34. The site currently provides 7 off-street parking spaces shared with the daycare center/preschool next door. These will be available during off hours of the daycare center/preschool. To meet parking requirements, the applicant has provided a shared parking agreement with Grace Pointe Church (10750 SE 42nd). They will provide 40 parking spaces in their west parking lot when church is not holding services. With this shared parking agreement, the total number of spaces provided is 47.

Per the shared parking agreement standards in MMC Subsection 19.605.4, The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The proposed shared parking lot at Grace Pointe Church is within 1,000 ft from the proposed community theater. There are adequate illuminated sidewalks and legal crosswalks on SE 42nd Ave and SE Harrison St. to safely connect the theater with the parking lot.

Legal documentation between the property owners that guarantees access to the shared parking is required. The agreement shall run with the land and not be tied to property ownership.

The applicant has provided a parking agreement between them and Grace Pointe Church. The document includes a 30-day termination clause. The agreement will need to be modified to require a 60-day termination clause and notice to the City in the event the agreement is terminated. The CSU also needs to be conditioned so that it is terminated in the event that parking becomes unavailable. Following approval of a revised agreement, this includes city notification of termination, the document will need to be recorded with the County and a copy given to the City after recording.

CONCLUSIONS**A. Staff recommendation to the Planning Commission is as follows:**

1. Approve the Community Service Use (CSU) for 4107 SE Harrison St. This will result in the applicant receiving a Community Service Use (CSU) designation for the change of use from a church to a community theater.
2. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- The legal documentation for the shared parking agreement with Grace Pointe Church will need to be recorded with the County and a copy given to the City after the recording. The shared parking agreement shall satisfy the requirements of MMC 19.605 and be approved and signed by the Planning Director.
- If the parking agreement is terminated, the Community Service Use shall be suspended until such time that another satisfactory parking agreement that meets City code requirements can be finalized.

- The shared parking agreement includes a 30-day termination clause. The agreement will need to be modified to require a 60-day termination clause and notice to the City in the event the agreement is terminated.
- The community theater shall close by 10pm to limit negative impacts on nearby residential uses.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.1006 Type III Review
- MMC Section 19.904 Community Service Uses
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Section 19.302 Medium and High Density Residential Zones (incl. R-3)

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- C. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- D. Deny the application upon finding that it does not meet approval criteria.
- E. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by July 19, 2017, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering Department, Building Department, Hector/Campbell Neighborhood District Association (NDA), Clackamas County, Metro, and Trimet. The following is a summary of the comments received by the City. See Attachment 1 for further details.

- **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- **David Aschenbrenner, Chair of Hector Campbell NDA:** The Hector Campbell NDA voted to recommend approval the request by Corrin de Torres for a community Use at 4107 SE Harrison.
- **Alex Roller, Engineering Technician II, Milwaukie Engineering Department:** Prior to final inspection of building permit, the following shall be required:
 - Construct a new driveway approach at the existing driveway onto SE Harrison St in accordance with City of Milwaukie Public Works Standards prior to final

inspection. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.

- A wastewater service “party line” connection exists between this property and the property directly east, the Sweet Pea Preschool. This means that the wastewater service line for this property and the wastewater service line for the preschool connect to each other before connecting to the City of Milwaukie wastewater main. These two service lines shall be disconnected from each other to make two separate connections to the wastewater main.

Public notice was sent to all property owners within 300 ft of the site, as well as, signage at the site. Below are comments received by the public about the application.

- **Jack Kaady, Property Owner of 4141/43 SE Harrison St.:** “I object to the establishment of a community theater and dance studio as it does not provide for parking. I was approached for permission to use our building parking in their application and I declined. Without my permission, they contacted my tenants who do not have the authority to grant it. Please contact me with any further information or comments.”

Staff Response: The applicant has proposed to meet the off-street parking requirements by providing a shared parking agreement with Grace Pointe Church. With this shared parking agreement, the off-street parking requirements are met.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation dated 11/21/16.				
a. Narrative	☒	☐	☒	☒
b. Site Plan	☒	☐	☒	☒
c. Draft Shared Parking Agreement	☒	☐	☒	☒
d. Pre-Application Conference Meeting Notes	☒	☐	☒	☒
4. Applicant's additional info submitted 10 days before the hearing				
a. Signed Shared Parking Agreement	☐	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-169>.

**Recommended Findings in Support of Approval
File #CSU-2017-002, DeTorres Holland LLC Community Theater**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, deTorres Holland LLC, has applied for approval for a Community Service Use (CSU) at 4107 SE Harrison St. This site is in the R-3 Zone. The land use application file number is CSU-2017-002.
2. The applicant is seeking land use approval for a Community Service Use (CSU) for a community theater, which includes a practice studio for performers and a kitchen that will serve pizza and refreshments for patrons. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - a. MMC Section 19.1006 Type III Review
 - b. MMC Section 19.904 Community Service Uses
 - c. MMC Chapter 19.600 Off-Street Parking and Loading
 - d. MMC Section 19.302 Medium and High Density Residential Zones (incl. R-3)
3. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on May 9, 2017, as required by law.
4. MMC Section 19.904 Community Service Use

MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, communication facilities, or private or public recreation facilities.

 - a. MMC 19.904.2 Applicability – lists the various uses that are allowed through the Community Service Use (CSU) process.

The proposed development is for a community theater where the space will be used for the public to rent out for theater productions. The basement will provide a dance studio/green room for practice space for the performers, along with a kitchen to cook pizzas and serve refreshments for the patrons during the shows. The use is meant to provide a benefit of a theater and artistic space for the public where one does not currently exist in the area.

MMC 19.904.2.C lists the Community Service Uses that are categorized as Recreational Facilities – Public or Private. Examples of uses are private clubs, lodges, or granges, as well as, public or private recreational facilities such as pools, gyms, indoor and outdoor sports courts or fields, and associated facilities. The code does not explicitly mention community theaters as a recreational facility for a CSU, but it could be considered similar to other private recreational facility uses.

Per MMC 19.904.2.C.5, the Planning Commission can determine other similar uses. The proposed community theater would be privately owned and is a similar use to a private club, lodge, or grange, but there would not be a membership aspect like these similar uses. The community theater would be available for the general public and

provides recreational opportunities for those who will be participating in the theater productions.

The Planning Commission finds that the proposed community theater is a private recreational facility and the standards of MMC 19.904 are applicable to the proposed development.

- b. MMC 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for CSUs are subject to Type III review (MMC 19.1006).

The proposed development is not a wireless communication facility, nor does it represent a minor modification to the existing CSU.

The Planning Commission finds that the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. MMC 19.904.4 establishes the following approval criteria for CSUs:

- (1) The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone must be met.

The subject property is zoned Residential R-3. The applicant is only proposing upgrades and refurbishing to the inside of the building. No additions or expansions are proposed, therefore, there are no development standards in the base zone that are applicable.

The change of use for the site from the current use to a community theater does trigger off-street parking requirements in MMC Section 19.600.

MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

- (a) MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600.

- 1. MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

The subject property includes existing off-street parking areas. The proposed development is an activity that meets the applicability standards of MMC 19.602.4.A.

- 2. MMC Subsection 19.602.3 Applicability Associated With Development or Change in Use

MMC 19.602.3.B.2 addresses existing off-street parking and loading areas. Such activity shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5 when a change in use occurs.

The proposed new CSU is a change of use from the previous use of a church on the site and will need to meet any requirement improvements to the off-street parking area.

The standard is applied below.

3. MMC Subsection 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

The purpose of MMC 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

a. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use.

As conditioned, that standard is met. The applicant is not required to spend more than 10% of the construction value on site improvements.

b. Areas of Required Improvement

i. Paving and Striping of parking areas, per Subsection 19.606.3.A

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways.

The off-street parking lot on the site of the proposed application is striped and paved. The parking lot on the Grace Pointe Church where a shared parking agreement is proposed is also striped and paved.

The standard is met.

ii. Minimum required vehicle parking spaces, per Section 19.605.

See below for the findings.

As conditioned, the Planning Commission finds the standards of MMC 19.605 are met.

iii. Minimum required bicycle parking spaces, per Section 19.609.

See MMC Section 19.609 below the findings addressing bicycle parking.

As conditioned, the Planning Commission finds the standards of MMC 19.609 are met.

- iv. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site.

On the site there are only 7 parking spaces. This standard does not apply.

- v. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E

Interior landscaping of the parking area on the site is not required. This standard does not apply.

- vi. Other applicable standards within Chapter 19.600, as determined by the Planning Director

The Planning Director does not find any additional applicable standards. This standard does not apply.

(b) MMC Section 19.605 Vehicle Parking Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking based on estimated parking demand. MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. For a theater, a minimum of 1 space per 4 seats is required; a maximum of 1 space per 3 seats is allowed.

The subject property is developed with an existing building. The proposal for the existing building includes a theater space and in the basement, for a dance studio/green room space for the theater productions, and a kitchen to serve refreshments for patrons during the show. The theater space will seat 100 people. The minimum number of required spaces is 25; the maximum allowed is 34. The site currently provides 7 off-street parking spaces shared with the daycare center next door that will be used during off hours of the daycare center/preschool. The applicant has provided a shared parking agreement with Grace Pointe Church (10750 SE 42nd). They will provide 40 parking spaces in their west parking lot when church is not holding services. See the findings for the shared parking agreement below. With this shared parking agreement, the total number of spaces provided is 47, which provides more than the minimum required spaces.

As conditioned, the Planning Commission finds the standards are met.

1. MMC Subsection 19.605.4 Shared Parking

Standards

- a. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area.

The applicant stated that the shared parking agreement with Grace Pointe Church will provide 40 parking spaces in their west

parking lot for the community theater to use during times when the church is not holding services. When services are not held, the parking lot is relatively empty and parking is allowed.

The standard is met.

- b. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.605.4.B.2.

The proposed shared parking lot at Grace Pointe Church is within 1,000 ft from the proposed community theater. There is adequate illuminated sidewalks and legal crosswalks on SE 42nd Ave and SE Harrison St.

The standard is met.

- c. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. Legal documentation between the property owners that guarantees access to the shared parking is required. The agreement shall run with the land and not be tied to property ownership.

The applicant has provided a parking agreement between them and Grace Pointe Church. The document includes a 30-day termination clause. The agreement will need to be modified to require a 60-day termination clause and notice to the City in the event the agreement is terminated. The CSU also needs to be conditioned so that it is terminated in the event that parking becomes unavailable. Following approval of a revised agreement, this includes city notification of termination, the document will need to be recorded with the County and a copy given to the City after recording.

As conditioned, the standard is met.

As conditioned, The Planning Commission finds that the applicable standards of MMC 19.605.4 are met.

As conditioned, the Planning Commission finds the standards of MMC 19.605 are met.

(c) MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. The standards apply only for new development of various uses, including CSUs. The proposed development is to establish a new CSU for a community theater.

- (i) The quantity of required bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.

The required minimum vehicle parking is 25 spaces. The required quantity of bicycle parking for the site is 3. The applicant shall provide 3 bicycle parking spots prior to the issuance of a certificate of occupancy.

As conditioned, the Planning Commission finds that this standard is met.

- (ii) A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

1. When 10% or more of the vehicle parking is covered.
2. If more than 10 bicycle parking spaces are required.
3. Multifamily residential development with 4 or more units.

The CSU proposal does not have any covered vehicle parking, is not requiring more than 10 bicycle parking spaces, and is not a multifamily development.

The Planning Commission find that this standard is not applicable.

- (iii) The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.

The applicant will adhere to the standards for the bicycle parking space and racks for the required 3 bicycle parking spaces.

As conditioned, the Planning Commission finds that this standard is met.

- (iv) Location

1. Bicycle parking facilities shall meet the following requirements:
 - a. Located within 50 ft of the main building entrance.
 - b. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
 - c. Designed to provide direct access to a public right-of-way.
 - d. Dispersed for multiple entrances.
 - e. In a location that is visible to building occupants or from the main parking lot.
 - f. Designed not to impede pedestrians along sidewalks or public rights-of-way.
 - g. Separated from vehicle parking areas by curbing or other similar physical barriers.
2. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. A right-of-way permit is required.

The applicant will adhere to the standards for the bicycle parking spaces location for the required 3 bicycle parking spaces.

As conditioned, the Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

- (2) The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

The applicant proposes that hours of operation open to the public will be dependent on performance schedules. Ideally, they will have shows Thursday-Saturday evenings from around 6-10pm. Additional private rehearsals will accompany shows and scheduled according to the needs of the performers. Most activities will take place in the evenings and on the weekends. The proposed theater shares a parking lot with a daycare center/preschool, which will operate during the day and on weekdays which will avoid conflicts with the theater since their hours of operation are during hours when the daycare will be closed.

The proposed hours of operation are reasonably compatible with the other nearby commercial uses that already impact the area. The use of the property will be finished and closed during the same times as nearby commercial uses. The proposed hours of operation should have minimal additional impact on the nearby residential uses. To ensure compatibility, the CSU approval should include a condition requiring performances to end prior to 10 pm.

As conditioned, the Planning Commission finds that this standard is met.

- (3) The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The applicant states that a community theater enhances the arts community in Milwaukie in the area where it is currently lacking. With the closing of Liz's Creative Café, the applicant states that this theater will fill a hole left for the residents who were engaged in artistic activities at the café and invite even more Milwaukie residents to get involved in the arts. The applicant also stated she had spoken with quite a few neighbors who were thrilled about an artistic space in Milwaukie, especially within walking distance.

Some potential negative impacts have been considered and attempts have been made by the applicant to mitigate them. One potential negative impact to the neighborhood is parking. The current parking lot is not large enough for the off-street parking requirements. The applicant has worked with a nearby church to create a shared parking agreement to use their parking lot and meet the off-street parking requirements. This will leave less impact on the surrounding neighborhood with customers of the community theater having enough parking to avoid parking in the streets. The applicant also stated that hours of operation will be between 6 and 10 pm Thursday-Saturday. This mitigates potential negative impacts of noise and disturbance of the neighborhood at late hours in the evening. The hours of operation reflect similar hours for the nearby commercial uses as well.

With conditions, the Planning Commission finds that this standard is met.

- (4) The location is appropriate for the type of use proposed.

The site is zoned R-3 for residential use, but it is situated adjacent to commercial uses to the east with no residential uses in between. It is on an arterial street (Harrison St) with access to transit.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets the approval criteria of MMC 19.904.4.

- d. MMC 19.904.5 establishes the procedures for reviewing CSUs.

- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of existing CSUs. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed development is to establish a new CSU. The Planning Commission held a public hearing on May 9, 2017, to evaluate the proposed major modification to the CSU in the context of the approval criteria of MMC 19.904.4. This standard is met.

- (2) MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on CSUs to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.

The Planning Commission has evaluated the proposed new CSU and finds that a condition to the application will be that the community theater will need to close by 10pm to limit negative impacts on nearby residential uses.

Between the applicant's proposal and the conditions established by the Planning Commission, the CSU will be compatible with the other uses in the vicinity, which are primarily commercial to the east and residential to the west.

As conditioned, the Planning Commission finds that the existing CSU remains compatible with other uses in the vicinity. This standard is met.

- (3) MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved community service use through the Type I review process, subject to compliance with specific criteria.

The proposed development is to establish a new CSU.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

The Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

- e. MMC 19.904.6 establishes the application requirements for CSUs, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include site plans and a narrative description of the proposed development.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets all applicable standards of MMC 19.904 and is approvable as a new CSU.

5. As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC Subsection 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

6. The application was referred to the following departments and agencies on 3/24/17:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Hector/Campbell Neighborhood District Association Chairperson and Land Use Committee
- Clackamas County
- Metro
- Trimet

The comments received are summarized as follows:

- a. **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- b. **David Aschenbrenner, Chair of Hector Campbell NDA:** The Hector Campbell NDA voted to recommend approval of the request of Corrin de Torres for a community Use at 4107 Se Harrison as it was presented at the Hector Campbell NDA meeting.
- c. **Alex Roller, Engineering Technician II, Milwaukie Engineering Department:** Prior to final inspection of building permit, the following shall be required:
 - (1) Construct a new driveway approach at the existing driveway onto SE Harrison St in accordance with City of Milwaukie Public Works Standards prior to final inspection. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.
 - (2) A wastewater service “party line” connection exists between this property and the property directly east, the Sweet Pea Preschool. This means that the wastewater service line for this property and the wastewater service line for the preschool connect to each other before connecting to the City of Milwaukie wastewater main. These two service lines shall be disconnected from each other to make two separate connections to the wastewater main.

7. Public Comment

Public notice was sent to all property owners within 300 ft of the site, as well as signage at the site. Below are comments received by the public about the application.

- a. **Jack Kaady, Property Owner of 4141/43 SE Harrison St.:** “I object to the establishment of a community theater and dance studio as it does not provide for parking. I was approached for permission to use our building parking in their application and I declined. Without my permission, they contacted my tenants who do not have the authority to grant it. Please contact me with any further information or comments.”

Recommended Conditions of Approval
File # CSU-2017-002
DeTorres Holland LLC Community Theater

Conditions

1. Prior to the issuance of a certificate of occupancy, the following shall be resolved:
 - a. Shared Parking Agreement
 - (1) The legal documentation for the shared parking agreement with Grace Pointe Church will need to be recorded with the County and a copy given to the City after the Planning Director have approved and signed the agreement.
 - (2) The shared parking agreement includes a 30-day termination clause. The agreement will need to be modified to require a 60-day termination clause and notice to the City in the event the agreement is terminated.
 - (3) If the parking agreement is terminated, the Community Service Use shall be suspended until such time that another satisfactory parking agreement that meets City code requirements can be finalized.
 - b. Off-Street Parking Requirements
 - (1) Per MMC 19.609.2.A, the applicant shall provide 3 bicycle parking spaces.
 - (2) Per MMC 19.602.5.B, the cost of materials for any required off-street parking improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use.
 - c. Engineering Requirements
 - (1) Construct a new driveway approach at the existing driveway onto SE Harrison St in accordance with City of Milwaukie Public Works Standards prior to final inspection. The driveway approach aprons shall be between 9 feet and 20 feet in width, at least 7.5 feet from the side property line.
 - (2) A wastewater service "party line" connection exists between this property and the property directly east, the Sweet Pea Preschool. This means that the wastewater service line for this property and the wastewater service line for the preschool connect to each other before connecting to the City of Milwaukie wastewater main. These two service lines shall be disconnected from each other to make two separate connections to the wastewater main.
2. During the operation of the community theater:
 - a. The community theater will need to close by 10pm to limit negative impacts on nearby residential uses.

RECEIVED

MAR 10 2017

Location: 4107 SE Harrison St, Milwaukie, OR 97222**Owners:** deTorres Holland, LLC**Managers:** Corinn deWaard, Illya Torres-Garner, John Roscoe Holland
CITY OF MILWAUKIE
PLANNING DEPARTMENT**3. Detailed and comprehensive description:**

This property is zoned residential, but since it has always been a church, it was grandfathered in for usage as a church. We purchased the property on November 9, 2016 with the intention of turning the property into an artistic hub for Milwaukie. The market in Portland is such right now that artists are getting displaced from their locations, from theater companies to dance companies and others in between. Milwaukie offers an important refuge for artists now, particularly because of the relative affordability of homes, that we hope to offer quality theater and dance opportunities for adults and families.

Theater: The chapel is in perfect condition for a theater: the ambiance, the windows, the shape of the room, etc. We will upgrade the electrical in the building to accommodate stage lighting. The current electrical panels are old and seem precarious. A new electrical system would not only be safer, but is a much-needed upgrade for the building. We will add some canned lights and a sound system. We will use the theater for local theater productions and dance shows. Ideally, the theater space will be rented out for performances most weekends (Thursday-Sunday shows).

Studio: The downstairs space is currently designed as classrooms. We plan to repurpose the rooms downstairs to create a green room for the performers and a practice space for shows. We would build a slightly raised floor in the rehearsal studio. There is a separate entrance/exit in the studio space. This space would be used in conjunction with the shows upstairs.

Kitchen: The other part of the basement would be a kitchen to cook pizzas and serve refreshments for patrons. There would also be a seating area for people to sit and eat and wait for shows to start upstairs. There is another separate entrance for this part of the basement. The kitchen would be open to purchase food and drinks during shows and rehearsals.

Bathrooms: We plan to reconfigure the bathrooms to take up less space.

Licenses: We plan to get an OLCC license to be able to serve alcohol for shows in the theater. Since the OLCC requires food be served with alcohol, the pizza, sandwiches, and salads served out of the kitchen would make up the menu for all performances where alcohol is being served.

Neighborhood: We knocked on every neighbor's door and talked with them about the theater. All were excited to have this type of business in their neighborhood. If we didn't catch someone home, we left a note on their door and the only responses

we heard were concerns about parking, which we will mitigate so we don't end up taking up residents' parking spots. All seemed very favorable to the idea.

Background: JR runs a pizza company out of a commercial kitchen in North Portland and has an understanding of kitchen codes and operates with a food handler's card. Illya runs a General Contracting company out of Milwaukie so is very familiar with code, construction, and general upkeep. He is also an actor and musician and offers an important theatrical eye to the make-up of this venture. Corinn owns a dance company called TriptheDark in Portland. The company creates contemporary dance shows for audiences that don't typically see dance shows. The company will move their performances to this space to offer unique dance shows to Milwaukie residents.

4. Detailed Statement

a. Base zone standards

- 301: Not applicable
- 302: Because we are not modifying the outdoor space, we already meet the standards with existing setbacks.
- 303-312: Not applicable

b. Overlay zone standards Ch. 19.400: Not applicable

c. Supplementary development regulations

- 501: Because we are not making any changes to the outside of the building, we already meet these standards.
- 502: We do not have any Accessory Structures
- 503: We do not have any Accessory Uses
- 504: Because we are not modifying the outdoor space, we already meet these standards with existing landscaping.
- 505-509: Not applicable

d. Off-street parking and loading standards and requirements

- 605: Our theater will seat 100 people, meaning we need 25 parking spots available. The building currently has reciprocal shared agreements with the preschool next door (4117 SE Harrison) for access, parking, and an open-space play area that the theater is allowed to use all parking spaces on weeknights and weekends (when school is not in session) which equals 7 paved parking spots. The subject property also provides egress to Harrison St from both lots. We are working on an agreement with Grace Pointe Church who has preliminarily offered 40 parking spots in their west parking lot when church is not in session. See attached for letter of intent. This equals 47 spots available during show nights when the theater is full. We will put out cones to make sure no one parks in front of neighbors' driveways.

- 606: We are not making any changes to the parking area so therefore already meet the parking design and landscape standards.
- 607: Not Applicable
- 608: Property currently maintains two gravel parking spots adjacent to building for loading when required. Spots do not obstruct travel within paved parking areas or right-of-way.
- 609: Not required since this is not new construction. We may add bike parking later on based on the standards listed in this section.
- 610-611: Not applicable

e. Public facility standards and requirements

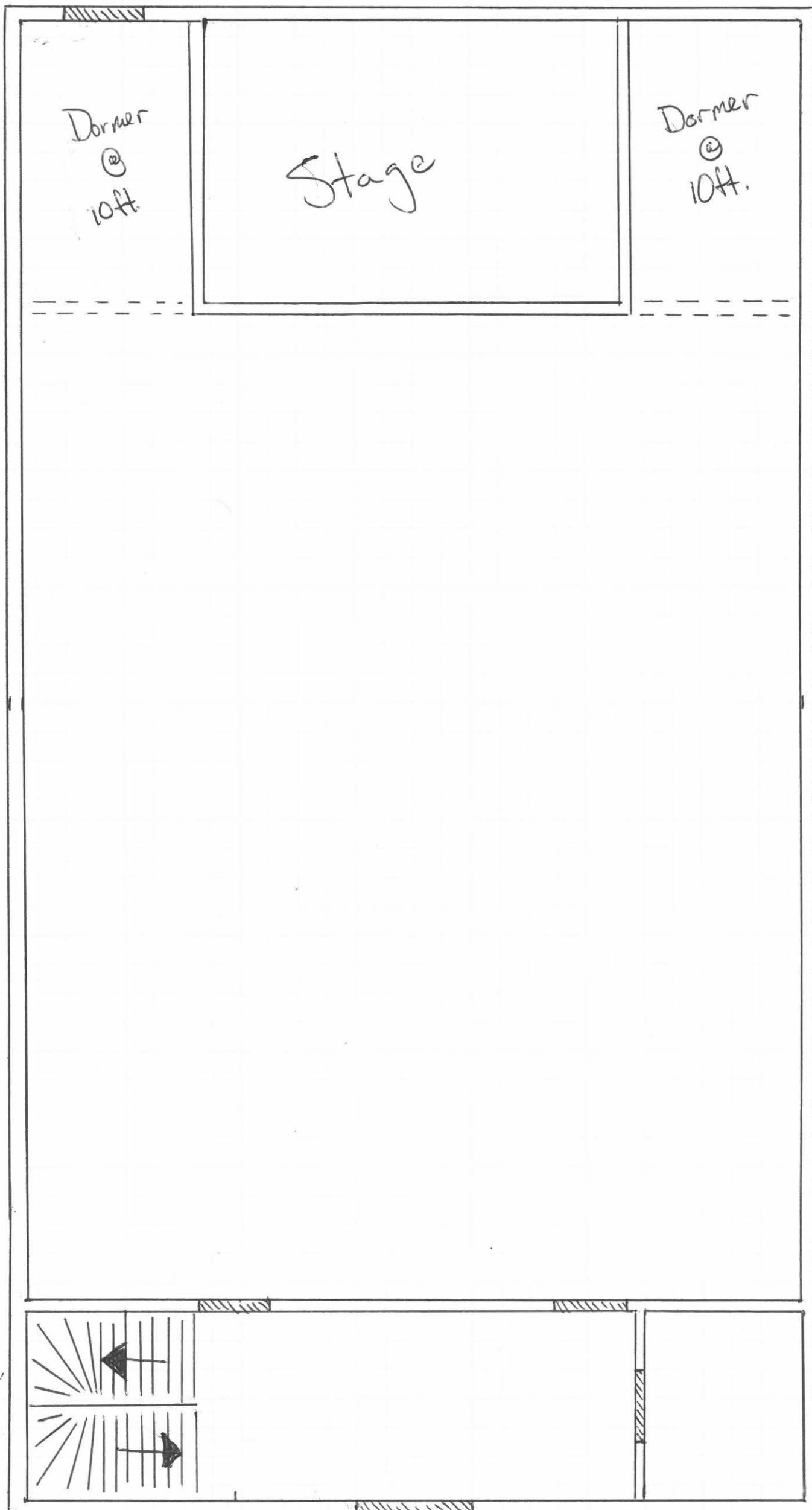
- 704: The City of Milwaukie Engineering Director has determined that this project will not require a traffic impact study.
- 705-707: Not applicable
- 708: The necessary improvements to Harrison St. are already constructed to city standards; the only portion needing improvement is the approach. We will re-pave that portion of the driveway to ensure safe exiting from the parking lot.
- 709: Not applicable

4107 SE Harrison St.
deTorres Holland LLC

Scale 1" = 5'

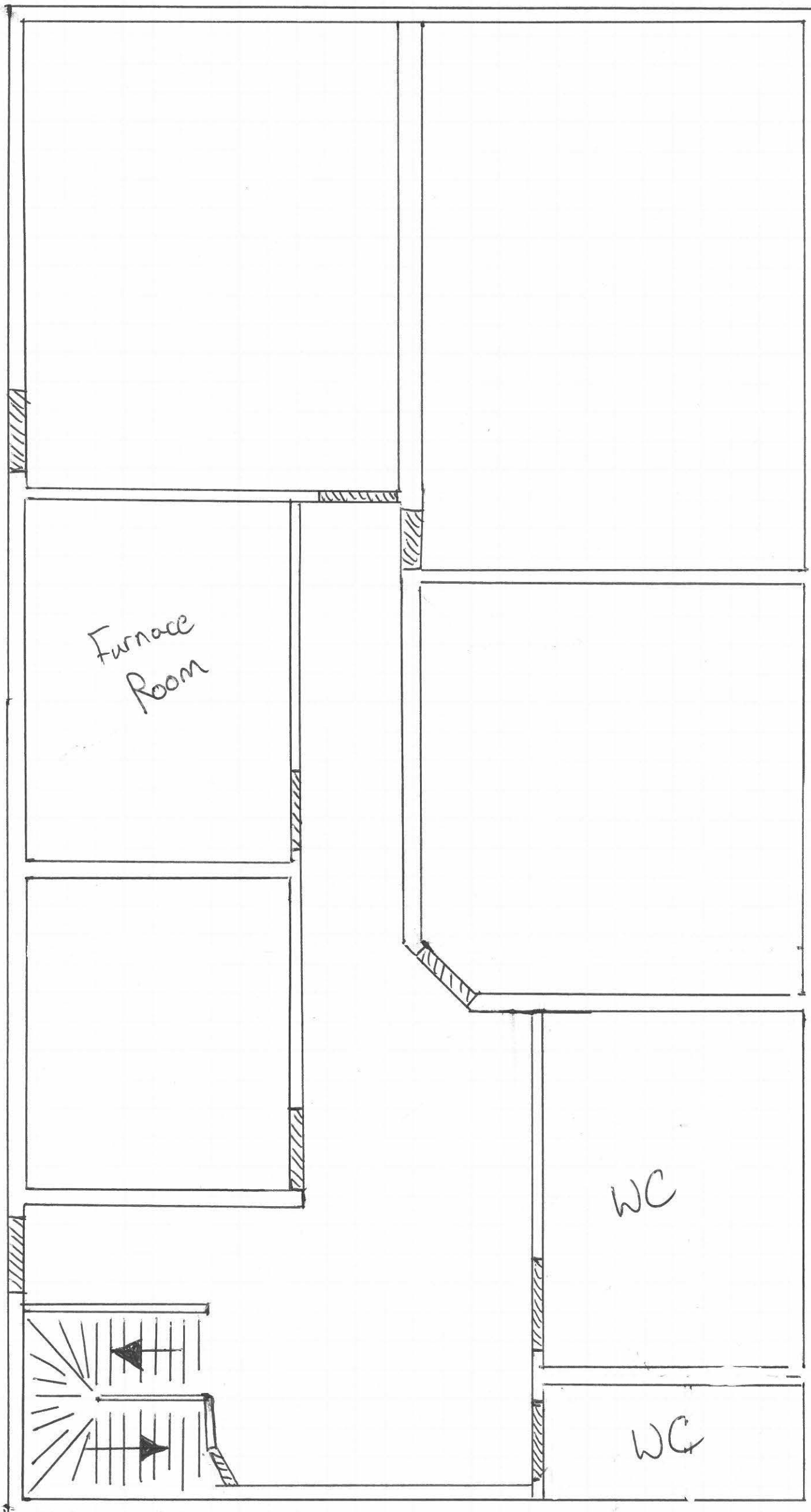


Main Floor



Basement

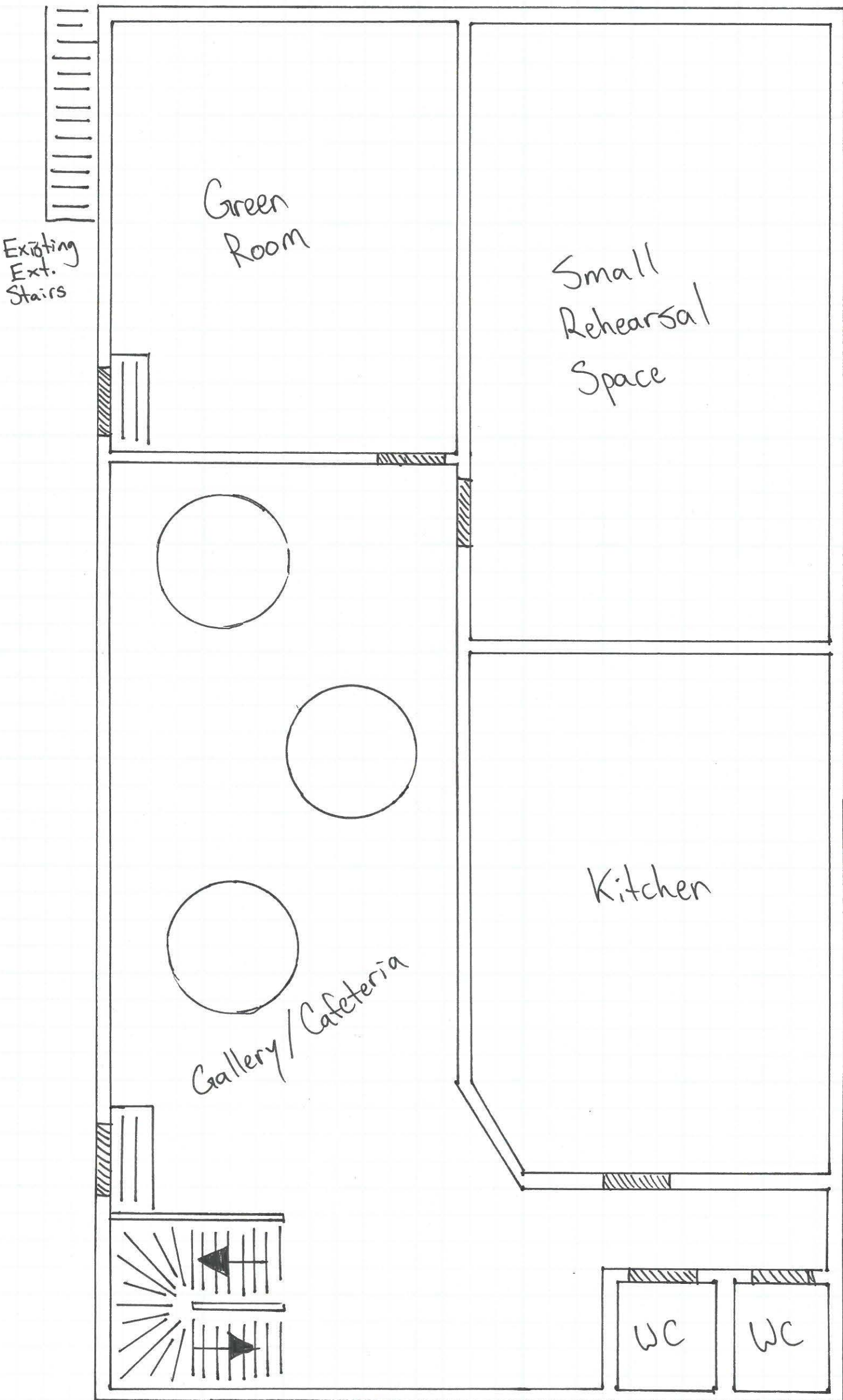
- Demo All Existing Walls



4107 SE Harrison St. Scale 1"=5'



Proposed Basement Layout



Parking Agreement (NOTE: This is the contract we intend to submit once we receive confirmation from Grace Point)

Grace Point Church, as Lessor, does hereby agree to allow deTorres Holland, LLC, as Lessee, to use all parking spaces located at 10750 SE 42nd Ave. Milwaukie, OR when Lessor is not conducting business. The following terms and conditions shall apply to this Parking Space Lease Agreement ("Agreement"):

Terms and Conditions:

1. **Items Left in Vehicle.** Lessor shall not be responsible for damage or loss to possessions or items left in Lessee's vehicle.
2. **Damage to Vehicle.** Lessor shall not be responsible for damage to Lessee's vehicle, whether or not such damage is caused by other vehicle(s) or person(s) in the parking lot and surrounding area.
3. **Parking Lot Attendants.** Lessor shall not provide parking lot attendants. In the event that Lessor provides such attendants, any use of such attendant by Lessee to park or drive Lessee's vehicle shall be at Lessee's request, direction and sole risk of any resulting loss and Lessee shall indemnify Lessor for any loss resulting from such use.
4. **Payments by Lessee.** Lessee agrees to pay \$0 Rent per month for the lease of the aforementioned parking spaces. Lessee will provide a set of season tickets in exchange for the use of the parking spaces.
5. **Termination.** Either party may terminate this Agreement by providing 30 days written notice to the other party. Any such notice shall be directed to a party at the party's address as listed below in this Agreement.
6. **Damages and Loss of Equipment.** Lessee is responsible for any and all damages beyond normal wear and tear to the parking facilities. Lessee is also to be held responsible for replacement of any lost, stolen, damaged, or misplaced remote garage door openers or other parking facility related equipment lent to the Lessee by the Lessor.
7. **Time slots available.** Lessee will only be permitted to use parking spaces during non-business hours. Business hours are based on the Chiropractic and Acupuncture businesses' operating hours.

EXECUTED AND AGREED by the parties hereto, this the Date of Agreement _____.

Lessee:

Grace Point Church
40750 SE 42nd Ave
Milwaukie, OR 97222 _____

Lessor:

deTorres Holland, LLC
4107 SE Harrison St.
Milwaukie, OR 97222 _____

19.904.4 Approval Criteria

- A. The building setback and height are met. We are working on the off-street parking as noted in the parking section of the detailed description. Once the parking contract is secured, we will submit it as an addendum.
- B. No specific standards apply.
- C. The hours of operation open to the public will be dependent on performance schedules. Ideally, we will have shows Thursday – Saturday evenings from around 6-10pm. It is unlikely every Thursday – Saturday will be booked at first, but eventually we hope to have weekly offerings. In addition, private rehearsals will accompany shows; these will be scheduled according to the needs of the performers. We also intend on hosting special events from time to time. Most activities will take place in the evenings and on weekends.
- D. This theater space is entirely in line with Milwaukie’s initiatives to revitalize an arts community and to engage more businesses in Milwaukie. We have spoken with quite a few neighbors who are all thrilled about an artistic space in Milwaukie, especially in walking distance. Since Liz’s Creative Café closed, this space can fill a hole left for the residents who were engaged in artistic activities at the café and invite even more Milwaukie residents to get involved in the arts.
- E. Even though the building is zoned Residential, every building to the east of it is commercial for two blocks. It is on a main road that connects various parts of Milwaukie so not only do many people drive by it daily, but it is in a perfect location for commercial-type traffic. Milwaukie is interested in incorporating more business and arts within neighborhoods, so this opportunity fits in line with the city’s planning.

CITY OF MILWAUKIE

PreApp Project ID #: 16-026PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 12/8/2016 at 10:00am

Applicant Name: Illya Torres-Garner
Company: deTorres Holland LLC
Applicant 'Role': Owner
Address Line 1: 4314 SE Harrison St
Address Line 2:
City, State Zip: Milwaukie OR 97222
Project Name: Usage change of existing structure
Description: Change usage of existing structure from church to community theatre/dance studio. Remodel roughly 1800sq ft basement to reflect space needed for dance studio and theatre kitchen/cafeteria.
ProjectAddress: 4107 SE Harrison St
Zone: Residential R-3
Occupancy Group: To be determined based on the specific use
ConstructionType:
Use: Medium Density (Med. D)
Occupant Load: To be determined based on the specific use
AppsPresent: John Holland, Corinn deWaard, Illya Torres-Garner
Staff Attendance: Brett Kelter, Alex Roller

BUILDING ISSUES

ADA: Change of use by itself does not require the upgrade of accessible features. Any changes or improvements to the space will need to show that 25% of the cost of the project is being used to remove architectural barriers for ADA compliance.

Structural: Exiting will need to be maintained from all areas based on the occupant load of the specific use.

Mechanical: Any kitchens installed for cooking shall be fully compliant to the Oregon Mechanical Specialty Code. Type 1 hoods will be required over cooking services that are capable of producing smoke or grease. Type 2 hoods will be required over dishwashers, and cooking appliances not capable of producing smoke or grease.

Plumbing: Bathrooms shall be provided in the numbers required by chapter 29 in the Oregon Structural

Specialty Code based on the occupant load of the specific use.

Plumb Site Utilities:

Electrical:

Notes:

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

- Fire Sprinklers:** May be required based on the specific use.
- Fire Alarms:** May be required based on the specific use.
- Fire Hydrants:**
- Turn Arounds:**
- Addressing:**
- Fire Protection:**
- Fire Access:**
- Hazardous Mat.:**
- Fire Marshal Notes:** The Fire District has no comments for this proposal.

PUBLIC WORKS ISSUES

- Water:** Water service is provided through a City of Milwaukie 8-inch water main on SE Harrison Street. Water System Development Charges (SDC) will be applied only if: a larger meter is requested, a larger service line is requested, or if the addition of the kitchen fixtures increases the fixture count above 16. One Water SDC's unit is 16 plumbing fixture counts. The water SDC will be assessed and collected at the time the building permits are issued.
- Sewer:** It has come to the City's knowledge that this property does not have its own dedicated sewer lateral. The property will be required to install their own lateral to the City main in Harrison St. If this property is partied with the adjacent property to the east, then no SDC's will be required. If the property is on septic, then all SDC's below will be required. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1,075.00 and the second component is the County's SDC for treatment of \$6,130 that the City collects and forwards to the County. Both SDC charges are per connection unit. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.
- Storm:** All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for

design and construction standards and detailed drawings.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$844 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street: The proposed development fronts the north side of SE Harrison Street, an arterial route. The portion of SE Harrison Street fronting the proposed development has a right-of-way width of 60 feet and a paved width of 36 feet with curb, planter strip and sidewalk on both sides.

Frontage: Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

SE Harrison Street

The necessary improvements to Harrison Street are already constructed to City standards. The applicant will only be responsible for replacing the driveway approach, and any sections of sidewalk that are not ADA compliant.

Right of Way: The existing right-of-way on SE Harrison Street fronting the proposed development is of adequate width and no right-of-way dedication is required.

Driveways: Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards.

Erosion Control: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukie Engineering Director has determined that this project will not require a traffic impact study. will make this determination based on proposed preliminary subdivision design and the number of lots created.

PW Notes: TRANSPORTATION SDC
The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,921 per trip generated. Credits will be given for any demolished structures and for existing uses of the structure.

Current use is church, which is .55 trip count for weekday pm peak hour.

Proposed use is dance studio (specialty retail, 5 trips) pass by of 60% cost. 3 trips

The kitchen space will be categorized as manufacturing which has a trip count of .4. The exact square footage of the kitchen and the rest of the building is unknown, so the exact SDC will be calculated at the time of the building permit issuance.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is \$3,985.00. Commercial uses are applied at a rate of \$60/employee. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

PLANNING ISSUES

Setbacks:

Front and rear yards in the Residential R-3 zone must be at least 15 ft, side yards at least 5 ft (for interior lots), and street-side yards at least 15 ft (for corner lots), as per Milwaukie Municipal Code (MMC) Subsection 19.302.4. As per MMC Subsection 19.501.2.A, there is an additional yard requirement of 40 ft from the centerline of Harrison Street, combined with the specific setback standards of the R-3 zone (where applicable).

For side yards in the R-3 zone, there is a height plane limit of 20 ft at the minimum setback, with a slope of 45 degrees. See the definition of "side yard height plane" in MMC Section 19.201 for an illustration of this principle. MMC Subsection 19.501.3.B establishes some allowable exceptions to the side yard height plane, including limited minor encroachments for roof overhangs or eaves, gable ends of roofs, and dormers.

Landscape:

In the R-3 zone, a minimum of 35% of the site must be landscaped. In addition, at least 40% of the front yard area must be vegetated (measured from the front property line to the front face of a house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). At least half of the minimum required vegetated area must be suitable for outdoor recreation and not have extreme topography or dense vegetation that precludes access. A maximum of 40% of the site may be covered by structures, including decks or patios over 18 in above grade.

Parking:

MMC Chapter 19.600 establishes standards for off-street parking and loading areas. MMC Table 19.605.1 provides off-street parking requirements for various uses, including for theaters and indoor recreation (such as a dance studio). The minimum required parking quantity is determined based on the total square footage of each use within its dedicated space, regardless of the hours of operation of each use and whether or not some uses are in operation at the same time.

For theaters, a minimum of 1 parking space per 4 seats is required; a maximum of 1 space per 3 seats is allowed. Where the number of seats may be unclear because of an open or flexible floor plan, the applicant should describe the proposed seating arrangement for consideration by City staff. For indoor recreation, a minimum of 3 spaces per 1,000 sq ft of floor area are required; a maximum of 5.5 spaces per 1,000 sq ft of floor area are allowed.

If the applicant wishes to challenge or modify the parking ratios established in MMC Table 19.605.1, a parking modification may be requested, subject to the provisions of MMC Subsection 19.605.2.

Parking modifications are subject to Type II review and require the applicant to provide sufficient data and analysis to support the request.

If additional off-street parking spaces are required or desired, the applicant may establish shared parking agreements with other nearby properties, subject to the standards of MMC Subsection 19.605.4. Requirements include a maximum distance of 1,000 ft between the principal structure and the nearest shared parking spaces, demonstration of no conflict in usage hours, and legal documentation of the shared agreements that is recorded with the County. The subject property already has reciprocal shared agreements for access, parking, and an open-space play area with the adjacent property to the east (4117 SE Harrison St), which is developed with a preschool. The subject property provides egress to Harrison Street from both lots, as well as several parking spaces and a portion of the fenced play area currently used by the preschool.

As per MMC Section 19.602.3.B, changes in use trigger the requirement to bring existing off-street parking and loading areas closer into conformance with the standards of MMC 19.600. Required improvements could include paving, striping, bicycle parking, landscaping, and similar items. MMC Subsection 19.602.5 establishes parameters for improving existing off-street parking areas, limiting required improvements to no more than 10% of the associated tenant improvement permit value and providing a prioritized list of improvements. Specific standards for parking area design and landscaping are established in MMC Section 19.606; standards for bicycle parking are provided in MMC Section 19.609.

Transportation Review: The proposed new development triggers the applicable requirements of MMC Chapter 19.700 Public Facility Improvements, including provisions for evaluating transportation impacts. Please see the Public Works notes or contact the City's Engineering Department for information about the requirements of MMC 19.700, including any required street improvements or right-of-way dedications, as well as whether a Transportation Impact Study (TIS) will be necessary and what process and costs would be involved.

Application Procedures: The proposed activity represents a change in use, specifically a discontinuation of the previous church use and establishment of a new community service use (CSU) in the form of a dance studio and theater. CSUs are subject to the provisions of MMC Section 19.904, including the requirement for Type III review by the Planning Commission for establishment of new CSUs, as per MMC Subsection 19.904.5. The approval criteria for new CSUs are provided in MMC Subsection 19.904.4, with specific standards in MMC Subsection 19.904.9 for facilities not covered elsewhere in the code.

Parking modifications are subject to Type II review and the provisions of MMC Subsection 19.605.2.

The current application fee for Type III review is \$2,000; the current fee for Type II review is \$1,000. For multiple applications processed concurrently, the most expensive fee is collected at full price and there is a 25% discount on all other accompanying fees.

Prior to submitting the application, the applicant is encouraged to present the project at a regular meeting of the Hector Campbell NDA, at 6:30 p.m. on the second Monday of every month at the City's Public Safety Building (3200 SE Harrison St).

Natural Resource Review: The site does not include any designated natural resource areas.

Lot Geography: The subject property is rectilinear, with a width of 75 ft and depth of 100 ft. The site is an interior lot bounded by Harrison Street on the south and by other residentially zoned properties to the east, north, and west.

Planning Notes: The applicant's application narrative should clearly describe the details of the proposed activity.

including days and hours of operation, especially in comparison to the operational schedule of the adjacent daycare facility at 4117 SE Harrison St. Since off-street parking, access, and outdoor activity space are shared between the two properties, it is important for the Planning Commission to be able to consider how the two uses will impact one another in the context of the proposed new CSU.

Signage is restricted in residential zones. However, signage for CSUs is allowed, subject to the provisions of MMC Section 14.08.090, which establishes Type I and Type III review processes for different types and sizes of signs. A request for CSU signage may be incorporated into the larger CSU application with no additional fee. The request should include a narrative address of the relevant standards of MMC 14.08.090.

The applicant has indicated interest in providing food service as part of the proposed CSU. Food service provided in conjunction with events and activities at the facility could be reasonably presented as an integrated and appropriate component of the overall CSU. However, more commercial food services that are open to the general public, such as coffee shops, delis, and restaurants, as well as commercial kitchen operations, are not permitted uses in the R-3 zone and are highly unlikely to be approvable components of the overall CSU.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Geoff Nettleton - Civil Engineer - 503-786-760

Chrissy Dawson - Engineering Tech II - 503-786-7610

Alex Roller - Engineering Tech I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652

Shauna Large - Admin Specialist - 503-786-7656

Alicia Martin - Admin Specialist - 503-786-7600

Joyce Stahly - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

Vacant - Senior Planner - 503-786-7627

Brett Kelter - Associate Planner - 503-786-7657

Vera Kolias - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 12/22/2016
Re: Change of Use 4107 SE Harrison St. PA 16-026

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

COMMENTS:

1. The Fire District has no comments for this proposal.

Parking Agreement

GracePointe Church, as Lessor, does hereby agree to allow deTorres Holland, LLC, as Lessee, to use parking spaces owned by GracePointe Church at 10750 SE 42nd Ave. Milwaukie, OR and located on the NW corner of 42nd and Monroe Ave. (referred to as the "West Parking Lot") when Lessor is not conducting business. The following terms and conditions shall apply to this Parking Space Lease Agreement:

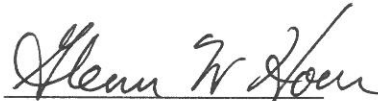
Terms and Conditions:

1. **Items Left in Vehicle.** Lessor shall not be responsible for damage or loss to possessions or items left in Lessee's vehicle, or Lessee's clients vehicles.
2. **Damage to Vehicle.** Lessor shall not be responsible for damage to Lessee's vehicle, or Lessee's clients vehicles, whether or not such damage is caused by other vehicle(s) or person(s) in the parking lot and surrounding area.
3. **Parking Lot Attendants.** Lessor shall not be required, or expected, to provide parking lot attendants. Any use of such attendants by Lessee to park or drive Lessee's vehicle(s) shall be at Lessee's request, direction and sole risk of any resulting damage or loss. Lessee shall indemnify Lessor for any loss resulting from such use.
4. **Payments by Lessee.** Lessee agrees to pay \$0 Rent per month for the lease of the aforementioned parking spaces.
5. **Termination.** Either party may terminate this Agreement by providing 30 days written notice to the other party. Any such notice shall be directed to a party at the party's address as listed below in this Agreement.
6. **Damages and Loss of Equipment.** Lessee is responsible for any and all damages beyond normal wear and tear to the parking facilities and adjacent landscaping.
7. **Time slots available.** Lessee will only be permitted to use parking spaces during non-business hours. Business hours are based on the GracePointe Church business operating hours.
8. **Insurance.** Lessee will provide lessor a dated and printed copy of a **Certificate of Liability** from their insurance company confirming they are insured and listing GracePointe as an additionally insured party.

EXECUTED AND AGREED by the parties hereto, this the Date of Agreement April 11, 2017.

Lessor:

GracePointe Church
10750 SE 42nd Ave
Milwaukie, OR 97222



Glenn W. Hoan

Lessee:

deTorres Holland, LLC
4107 SE Harrison St.
Milwaukie, OR 97222



Corinne de Waard



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kolias, Associate Planner

Date: May 2, 2017 for May 9, 2017, Public Hearing

Subject: File: WG-2017-001
Applicant: Carter Case
Owner(s): Rodger and Melody Forni
Address: 10663 SE Riverway Lane
Legal Description (Map & Taxlot): 11E35AB00400
NDA: Historic Milwaukie

ACTION REQUESTED

Approve application WG-2017-001 and the recommended Findings and Conditions of Approval found in Attachment 1. This action would allow for the expansion of an existing single family home within the Willamette Greenway zone.

BACKGROUND INFORMATION

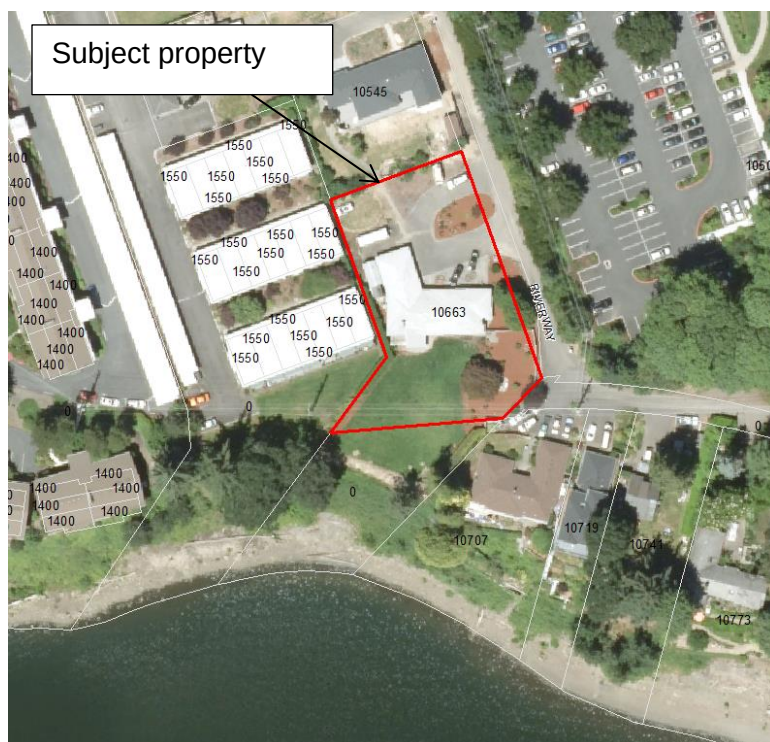
A. Site and Vicinity

The subject property is a residentially-zoned R-2 lot in the Historic Milwaukie neighborhood and is located on SE Riverway Lane. The property is approximately 24,450 sq ft in area and is developed with a single-family detached dwelling and an attached garage built in 1967.

The property is located within the Willamette Greenway and any development is subject to Conditional Use Approval for Development within the Greenway.

The existing dwelling is set back 22 ft from the eastern property line and more than 50 ft from the rear property line. If this application

Figure 1. Site and Vicinity



Willamette Greenway WG overlay zone

Figure 2. Zoning

DMU Zone

Willamette Greenway Overlay

R-2 Zone

Habitat Conservation Area

100-ft buffer

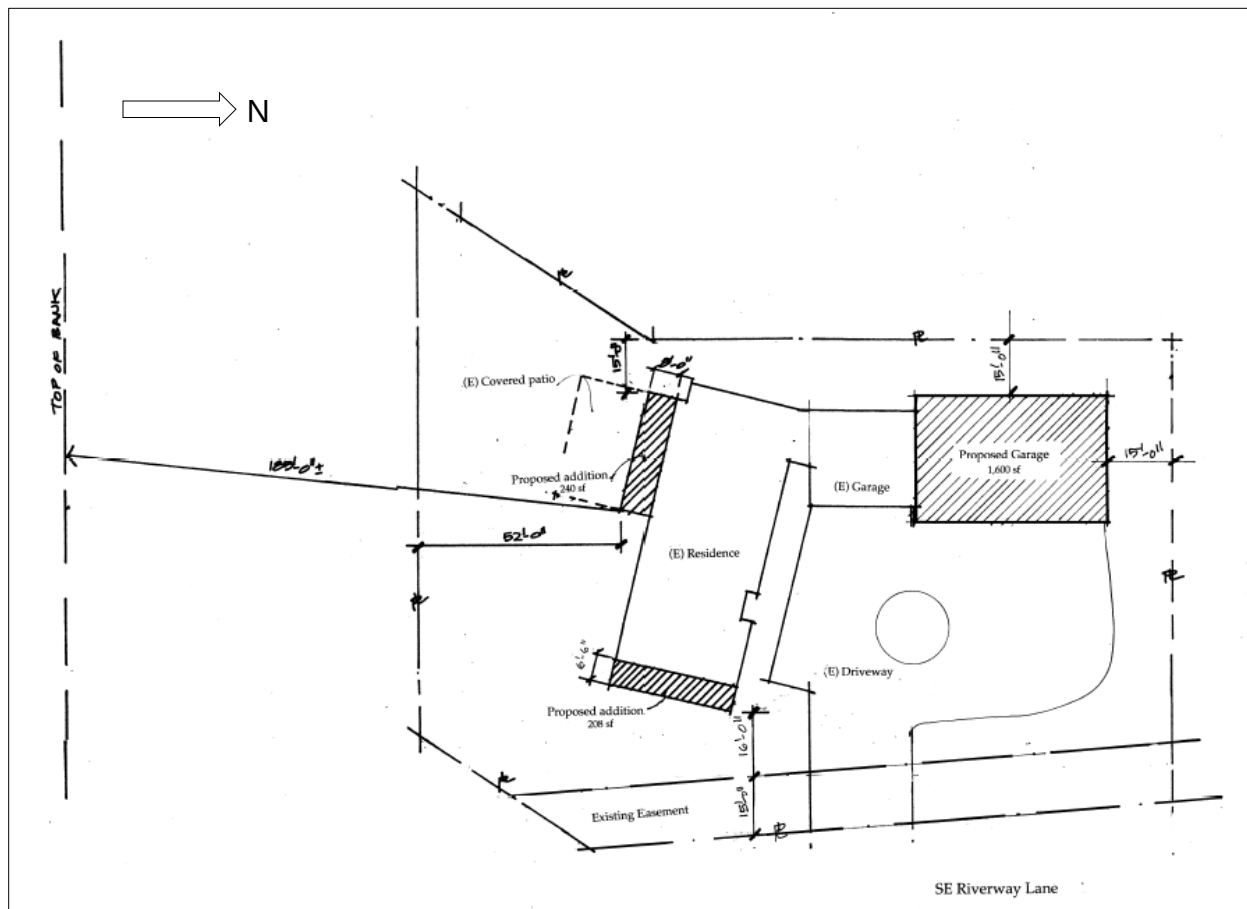
Water Quality Resource Area

No previous conditional use review was completed for this property as the existing structure was built in 1967, prior to the adoption of the City's Willamette Greenway section of the zoning ordinance. Therefore, the use is considered a "de facto conditional use" and can apply for a major or minor modification per MMC 19.905.

E. Proposal

The applicant is seeking land use approvals for Conditional Use Approval for development in the Willamette Greenway. The proposed development will expand the existing home with 2 additions to the house and 1 addition to the garage totaling 2,031-sq ft. See Figure 3 below and Attachment 2 for details.

Figure 3. Proposed site plan



KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's consideration.

Is the proposed project consistent with the objectives and policies for the Willamette Greenway (i.e. "...to protect, conserve, enhance, and maintain the natural, scenic...and recreational qualities of lands along the Willamette River...")?

Analysis

Is the proposed project consistent with the objectives and policies ("...to protect, conserve, enhance, and maintain the natural, scenic...and recreational qualities of lands along the Willamette River...") for the Willamette Greenway?

With respect to the Willamette Greenway, the proposed development is consistent with the nature of existing development on the site and the neighborhood, which has little visibility from the river. Views to and from the river will not be affected by the proposed development and the site does not provide public access to the river.

In short, the proposed development, given its small size and distance from the Willamette River, is consistent with the objectives and policies for the Willamette Greenway, as established in both the Milwaukie Comprehensive Plan and Zoning Ordinance (specifically, the approval criteria of MMC Subsection 19.401.6—see Attachment 1, Recommended Findings in Support of Approval).

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Willamette Greenway conditional use application for the proposed additions. This will allow the additions as modifications to the existing Willamette Greenway conditional use.
2. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.302 High Density Residential Zones
- MMC Section 19.401 Willamette Greenway Zone
- MMC Section 19.905 Conditional Uses
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings of Approval.
- B. Approve the application with modified Findings of Approval. Any modifications must be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by July 19, 2017 in accordance with the Oregon Revised Statutes and the Milwaukie

Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building and Engineering, Historic Milwaukie Neighborhood District Association (NDA), and Clackamas Fire District #1. The following is a summary of the comments received by the City.

Matt Amos, Clackamas Fire District #1: No comments for this proposal.

Rob Livingston, Environmental Services Coordinator: The applicant for the project at 10663 SE Riverway Lane will need to submit a plan for controlling erosion from soil disturbing activities and obtain an erosion control permit. The proposed addition is 2,031 sq ft, which exceeds the 500 sq ft threshold for the erosion control permit per MMC 16.28.020(C).

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings and Conditions of Approval	☐	☒	☒	☒
2. Applicant's Narrative and Supporting Documentation dated March 3, 2017; revised March 27, 2017.				
a. Application (received March 6, 2017)	☒	☐	☒	☒
b. Narrative – Existing and Proposed Uses; Willamette Greenway review (received March 8, 2017; revised March 27, 2017)	☒	☐	☒	☒
c. Site Plan (received March 8, 2017; revised March 27, 2017)	☒	☐	☒	☒
d. Building elevations (received March 10, 2017; revised March 27, 2017)	☒	☐	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-169>.

Recommended Findings of Approval
File #WG-2017-001, 10663 SE Riverway Ln Addition

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Carter Case on behalf of Rodger and Melody Forni, has applied for conditional use approval in the Willamette Greenway Zone to expand the existing single-family home with 2 one-story additions and a garage addition at 10663 SE Riverway Ln. This site is in the Residential Zone R-2 and Willamette Greenway Zone WG, and requires Willamette Greenway Conditional Use approval. The land use application file number is WG-2017-001.
2. The proposed development will expand the existing home by 2,031 sq ft with all setbacks meeting minimum dimensional standards.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.401 Willamette Greenway Zone
 - MMC Section 19.905 Conditional Uses
 - MMC Section 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on May 9, 2017, as required by law.

5. MMC Section 19.401 Willamette Greenway Zone

MMC 19.401 establishes standards for the Willamette Greenway overlay designation. The subject property is within the Willamette Greenway zone as shown on the City's zoning map.

- a. MMC Subsection 19.401.5 Procedures

MMC 19.401.5 establishes procedures related to proposed uses and activities in the Willamette Greenway zone. Development in the Willamette Greenway zone requires conditional use review, subject to the standards of MMC Section 19.905 and in accordance with the approval criteria established in MMC Subsection 19.401.6.

The project involves the alteration of natural site characteristics and constitutes "development" as defined in MMC Subsection 19.401.4. The proposed development is subject to conditional use review standards of MMC 19.905 and the approval criteria of MMC 19.401.6.

- b. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

- (1) *Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan*

The Statewide Planning Goal 15 - Willamette River Greenway defines "lands committed to urban use" as "those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate. Economic, developmental and locational factors include such matters as ports, industrial,

commercial, residential or recreational uses of property; the effect these existing uses have on properties in their vicinity, previous public decisions regarding the land in question, as contained in ordinances and such plans as the Lower Willamette River Management Plan, the city or county comprehensive plans, and similar public actions.”

The subject property is zoned for R-2 high density residential use and is already developed with a single family home. The land is committed to an urban use.

(2) *Compatibility with the scenic, natural, historic, economic, and recreational character of the river*

A portion of the project area, at the rear of the home, is at least 185 ft from the nearest point of the river and is an 8-ft expansion into the rear yard and will mimic the existing facade. The other addition to the east of the home is not visible from the river. The proposed development presents no significant impacts to the character of the river and is compatible.

(3) *Protection of views both toward and away from the river*

Only 1 portion of the project area is visible from the river and is more than 185 ft from the river. The addition will not significantly affect visual corridors to the river for any of the adjacent properties. The other additions are not visible from the river.

(4) *Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable*

The project area is separated from the river by residential development, including homes, garages, landscaping, and fencing to the south.

(5) *Public access to and along the river, to the greatest possible degree, by appropriate legal means*

The subject property is separated from the river to the south by a vacant privately-owned parcel. The subject property is not adjacent to the river and does not limit public access to the river.

(6) *Emphasis on water-oriented and recreational uses*

The site of the 2 additions is at least 185 ft from the nearest point of the river. The garage addition is on the other side of the house away from the river. The existing residential use is not water-oriented and is not directed toward the river.

(7) *Maintain or increase views between the Willamette River and downtown*

The proposed development has limited visibility from the river and will have no effect on views between the river and downtown.

(8) *Protection of the natural environment according to regulations in Section 19.402*

The site does not contain any identified natural resources.

(9) *Advice and recommendations of the Design and Landmark Committee, as appropriate*

The proposed development is not subject to review by the Design and Landmarks Committee (DLC).

(10) *Conformance to applicable Comprehensive Plan policies*

The Willamette Greenway Element in the Milwaukie Comprehensive Plan includes policies related to land use, public access and view protection, and maintenance of private property. The applicable policies are:

- Intensification of uses, changes in use, or development of new uses are permitted only when consistent with the City's adopted Willamette Greenway Element, the Greenway Design Plan, the Downtown and Riverfront Land Use Framework Plan, and the Town Center Master Plan.
- Within the Willamette Greenway Boundary, a Willamette Greenway Conditional Use Permit must be obtained prior to any new construction or intensification of an existing use.
- The City will evaluate all proposals within the vicinity of the Greenway for their effect on access to the visual corridors to the Willamette River and Kellogg Lake.

As noted, these policies include the requirement of a conditional use permit for new development and intensification of existing uses; encouragement for uses that are not water-dependent or water-related to be directed away from the river; evaluation of development impacts to visual corridors; and limitations on authorizing the unrestricted public use of private land.

The proposed development is being reviewed through the conditional use process. The existing approved use is not water-related and is not directed toward the river; the proposed development will not affect that status. No public access through the subject property is proposed, and no public access will be required as a condition of approval of the proposed development.

(11) The request is consistent with applicable plans and programs of the Division of State Lands

The proposed development is not inconsistent with any known plans or programs of the Department of State Lands.

(12) A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C

The subject property is more than 185 ft from the river, more than 150 ft beyond the 25-ft buffer prescribed by MMC 19.401.8.

The Planning Commission finds that the proposed development meets all relevant approval criteria provided in MMC 19.401.6.

The Planning Commission finds that the proposed development meets all applicable standards of the Willamette Greenway zone.

6. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional uses, including standards for reviewing modifications to existing conditional uses.

a. MMC Subsection 19.905.3 Review Process

MMC 19.905.3 establishes the process by which a new conditional use, or a major or minor modification of an existing conditional use, must be reviewed.

As noted in Finding 5-a, the proposed development is an activity within the Willamette Greenway zone that requires review as a conditional use. The existing use on the

subject property is a single family residence constructed in 1967 and is considered a defacto conditional use. The proposed development, which involves 2 additions to the home and an addition to the garage totaling 2,031sq ft to the existing home, represents a major modification to the existing use.

MMC 19.905.3.A requires that a major modification of an existing conditional use be evaluated through the Type III review process per MMC Section 19.1006.

b. MMC Subsection 19.905.4 Approval Criteria

MMC 19.905.4.A establishes the general criteria for approval of a new conditional use or a major modification to an existing conditional use.

- (1) *The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.*

The subject property is approximately 24,450 sq ft in size. The property is developed with a single-family home approximately 2,435 sq ft in area. The proposed expansions to the north, east and south will add 2,031 sq ft to the home, with the largest addition being to the garage on the north side of the structure. All required setbacks will be met.

The Planning Commission finds that this standard is met.

- (2) *The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.*

The site is surrounded by residential development on three sides, with the MODA parking lot located to the east. The proposed development will not affect the existing site landscaping except for a low planting bed, and will extend 6 ft toward SE Riverway Ln.

The Planning Commission finds that this standard is met.

- (3) *All identified impacts will be mitigated to the extent practicable.*

No impacts have been identified by the proposed development.

The Planning Commission finds that this standard is met.

- (4) *The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.*

The proposed addition will not have unmitigated nuisance impacts greater than what is normal for a residential development, which is an allowed use in the R-2 zone.

The Planning Commission finds that this standard is met.

- (5) *The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.*

As noted in previous findings, the proposed development will comply with all applicable development standards, requirements of the underlying R-2 zone and other applicable overlay zones, and the standards of MMC 19.905.

The Planning Commission finds that this standard is met.

- (6) *The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.*

As addressed in Finding 5-b-10, the proposed development is consistent with all relevant policies in the Comprehensive Plan.

The Planning Commission finds that this standard is met.

- (7) *Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.*

The Engineering Department has reviewed the proposal and confirmed that existing public transportation facilities and public utilities are adequate to serve the proposed development.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets all of the approval criteria outlined in MMC 19.905.4.A for a major modification to an existing conditional use.

c. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 establishes the types of conditions that may be imposed on a conditional use to ensure compatibility with nearby uses. Conditions may be related to a number of issues, including access, landscaping, lighting, and preservation of existing trees.

The Planning Commission finds that, as proposed, the new development does not have impacts that need to be mitigated beyond the standard requirements for a construction management plan and erosion control permit for work within 100 ft of a mapped water quality resource area. No additional conditions are necessary to ensure compatibility with nearby uses.

d. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes standards for issuance of a conditional use permit, including upon approval of a major modification of an existing conditional use. The provisions include a requirement to record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

The Planning Commission finds that the proposed development is consistent with the relevant standards established in MMC 19.905 for conditional uses.

7. The application was referred to the following departments and agencies on March 23, 2017:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1
- Milwaukie Environmental Services Coordinator
- Oregon Parks and Recreation Department
- Oregon Department of Transportation
- Oregon Department of State Lands
- Oregon Marine Board

- Oregon Department of Fish and Wildlife
- Historic Milwaukie NDA

Comments received are as follows:

- a. **Matt Amos, Clackamas Fire District:** No comments on this proposal.
- b. **Rob Livingston, Environmental Services Coordinator:** The applicant for the project at 10663 SE Riverway Lane will need to submit a plan for controlling erosion from soil disturbing activities and obtain an erosion control permit. The proposed addition is 2,031 sq ft, which exceeds the 500 sq ft threshold for the erosion control permit per MMC 16.28.020(C).

Recommended Conditions of Approval
File # WG-2017-001
Forni Additions at 10663 SE Riverway Ln

Conditions

At the time of submittal of the associated development permit application(s), the following shall be resolved:

- a. Final plans submitted for development permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped revised on March 27, 2017.
- b. As needed, provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
- c. The work is within the 100-ft compliance area, but outside the water quality resource area. A construction management plan is required.
- d. The proposed additions total 2,031 sq ft, which exceeds the 500 sq ft threshold for an erosion control permit per MMC 16.28.020(C). A plan for controlling erosion from soil disturbing activities is required to obtain an erosion control permit.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various point in the development and permitting process.

1. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon approval of an application to allow major modification of an existing conditional use (including Willamette Greenway conditional uses). The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

2. Limitations on Development Activity

Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(I).

3. Expiration of Approval

As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

601-17-000024



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: WG-2017-001

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

☐ CHECK ALL APPLICATION TYPES THAT APPLY:

- ☐ Amendment to Maps and/or Ordinances:
 - ☐ Comprehensive Plan Text Amendment
 - ☐ Comprehensive Plan Map Amendment
 - ☐ Zoning Text Amendment
 - ☐ Zoning Map Amendment
- ☐ Code Interpretation
- ☐ Community Service Use
- ☐ Conditional Use
- ☐ Development Review
- ☐ Director Determination
- ☐ Downtown Design Review
- ☐ Extension to Expiring Approval
- ☐ Historic Resource:
 - ☐ Alteration
 - ☐ Demolition
 - ☐ Status Designation
 - ☐ Status Deletion

- ☐ Land Division:
 - ☐ Final Plat
 - ☐ Lot Consolidation
 - ☐ Partition
 - ☐ Property Line Adjustment
 - ☐ Replat
 - ☐ Subdivision
- ☐ Miscellaneous:
 - ☐ Barbed Wire Fencing
 - ☐ Modification to Existing Approval
 - ☐ Natural Resource Review
 - ☐ Nonconforming Use Alteration
- ☐ Parking:
 - ☐ Quantity Determination
 - ☐ Quantity Modification
 - ☐ Shared Parking
 - ☐ Structured Parking
 - ☐ Planned Development
 - ☐ Preliminary Circulation Plan

- ☐ Residential Dwelling:
 - ☐ Accessory Dwelling Unit
 - ☐ Duplex
 - ☐ Manufactured Dwelling Park
 - ☐ Temporary Dwelling Unit
- ☐ Sign Review
- ☐ Transportation Facilities Review
- ☐ Variance:
 - ☐ Building Height Variance
 - ☐ Use Exception
 - ☐ Variance
- ☒ Willamette Greenway Review
- ☐ Other: _____

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse):

Carter Case

Mailing address:

232 SE Oak St
Portland OR 97214

Zip:

97214

Phone(s):

503 963 4235

E-mail:

cartercase7@gmail.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address:

Zip:

Phone(s):

E-mail:

SITE INFORMATION:

Address:

10663 SE Riverway Ln

Map & Tax Lot(s):

1E 35AB

TL 400

Comprehensive Plan Designation:

R2

Zoning:

R2

Size of property:

0.57 ACRES

PROPOSAL (describe briefly):

Residential addition

near Willamette River

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:

Date:

3/3/17

IMPORTANT INFORMATION ON REVERSE SIDE



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. All required land use application forms and fees, including any deposits.

Applications without the required application forms and fees will not be accepted.

2. Proof of ownership or eligibility to initiate application per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

3. Detailed and comprehensive description of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. Detailed statement that demonstrates how the proposal meets all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below):

- a. **Base zone standards** in Chapter 19.300.
- b. **Overlay zone standards** in Chapter 19.400.
- c. **Supplementary development regulations** in Chapter 19.500.
- d. **Off-street parking and loading standards and requirements** in Chapter 19.600.
- e. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

5. Site plan(s), preliminary plat, or final plat as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. Copy of valid preapplication conference report, when a conference was required.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	RECEIVED MAR 06 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	

TOTAL AMOUNT RECEIVED: \$**RECEIPT #:****RCD BY:****Associated application file #s** (appeals, modifications, previous approvals, etc.):**Neighborhood District Association(s):****Notes:**

*After discount (if any)

Case Design Group

Hotel & Restaurant Design

232 SE Oak St
Portland, Or 97214
Suite 101

503 863 4235

WAIVER REQUEST:

Date: 3/3/17

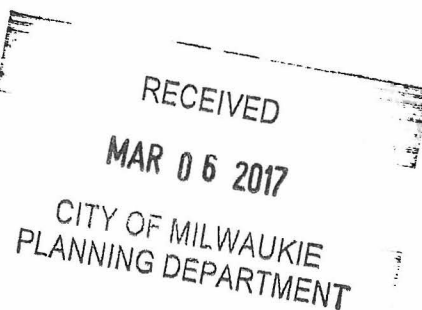
To: Vera Kolas

Re: 10663 SE Riverway Drive
Milwaukie, Or

We would like to request a waiver from the pre-application conference requirement for the Willamette Greenway Review for the above-noted address



Carter Case
Applicant



Willamette Greenway Conditional Use:

10663 SE Riverway Lane

Milwaukie, Or

Narrative:

We are proposing a 531 square foot expansion of the existing residence.

And a new 1,600 sf garage

19.401.6 Approval criteria/Willamette Greenway:

- A. N/A Not an urban use.
- B. Our proposed addition will be compatible with the scenic, natural, historic, economic and recreational character of the river.
The existing house we are proposing to add on to is the river's edge. It is more than one hundred and eighty feet from the river and there is an existing property between this house and the river.

Therefore, due to this proximity, we feel our proposal does not effect the scenic, natural, historic, economic and recreational character of the river.
- C. Our proposed addition will not effect views toward or away from the river
Because of the above-mentioned proximity, we feel the proposed addition will have no affect on views toward or away from the river
The proposed expansion of this residence will be minimal and will not noticeably effect views to or from the river
- D. N/A This residence does not abut the river.
- E. N/A This residence does not abut the river.
- F. N/A This residence does not abut the river.
- G. Our proposed addition will not effect views from the river to downtown.
Downtown cannot be seen from this house.
- H. Our proposed addition will not effect the natural environment.
It is more than one hundred and eighty feet from the river and there is an existing property between this house and the river.
- I. N/A
- J. Our proposed addition is in conformance to Comprehensive Plan policies.
We are in accordance with chapter 3, Environmental and Natural Resources:
We are adhering to the requirements of the Willamette Greenway Zone, none of the rest apply.
We are in accordance with chapter 4, Land Use:

We meet the criteria & policies for R2 Medium Density zoning

K. N/A This residence does not abut the river.

L. N/A This residence does not abut the river.

19.905.8 De Facto Conditional Use Status

Our proposed addition falls under this category.

Base zone requirements:

Our proposal meets the R2 base zone requirements as follows:

Minimum lot size: 5,000 sf req'd; 24,829 sf provided **complies**

Proposed residence area: 3,078 + 531 sf = **3,609 sf**

Proposed garage: **1,600 sf**

Lot coverage: maximum of 45% req'd; 21 % provided **complies**

Height: 3 stories max req'd 1 story provided **complies**

Off street parking: Garage provided **complies**

Setbacks: Side yard required: 5 feet

Provided: 5 feet **complies**

Rear yard required: 15 feet

Provided: 65 feet **complies**

Front yard required: 15 feet

Provided: 16 feet **complies**

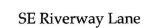
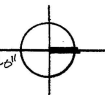
Respectfully submitted

Carter Case

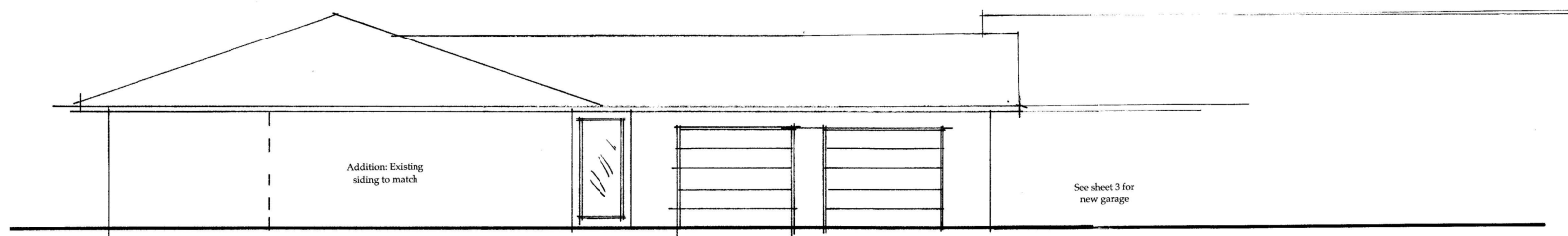
Applicant

503 863 4235

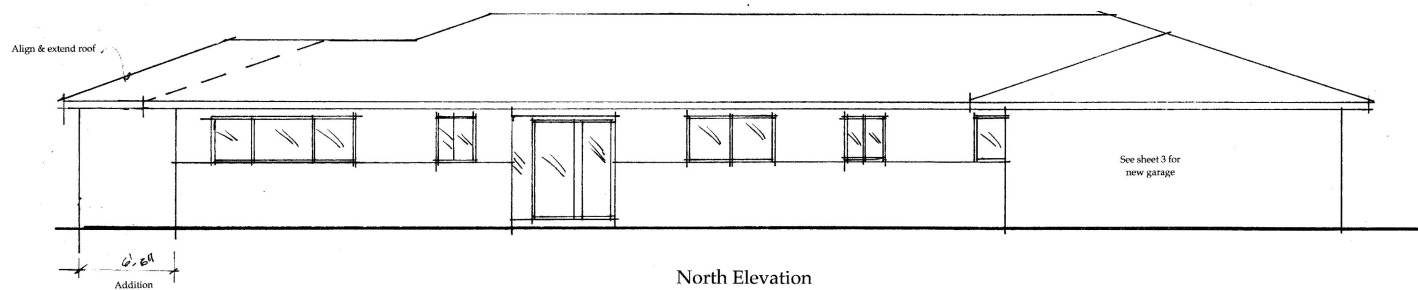
Case Design Group
232 S.E. Oak Street
Portland Oregon 97214


$$1/16^4 = 1.6$$


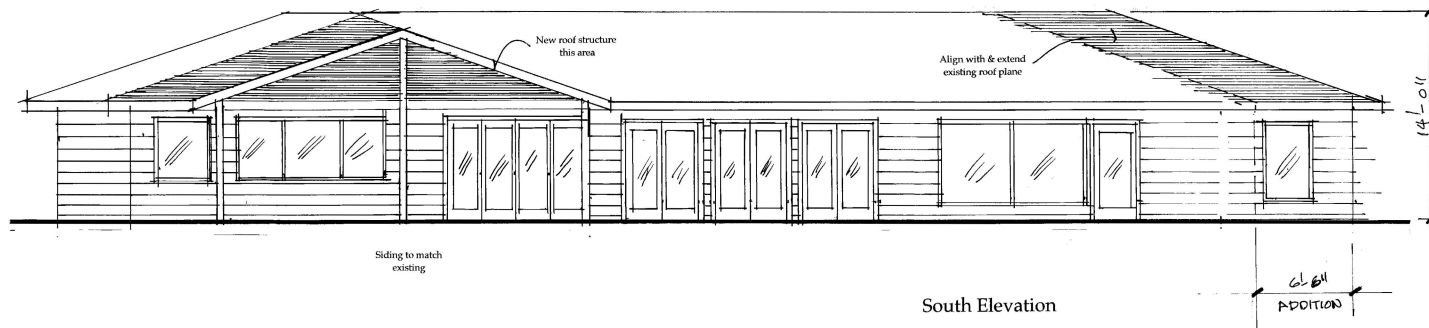
SP1



East Elevation



North Elevation

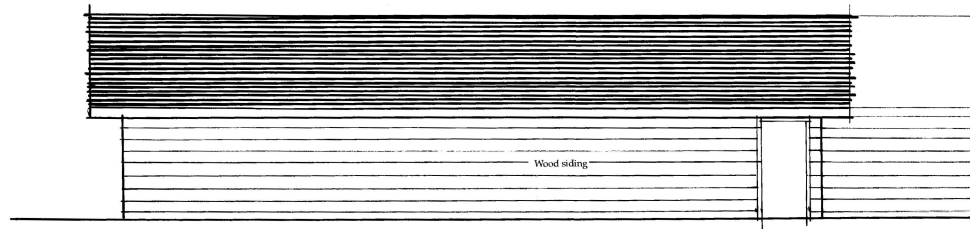


South Elevation

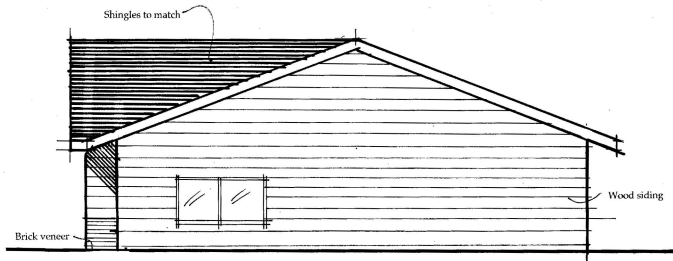
Forni Residence
10663 SE Riverway Lane
Milwaukie, Or

DATE DESCRIPTION
3/27/12

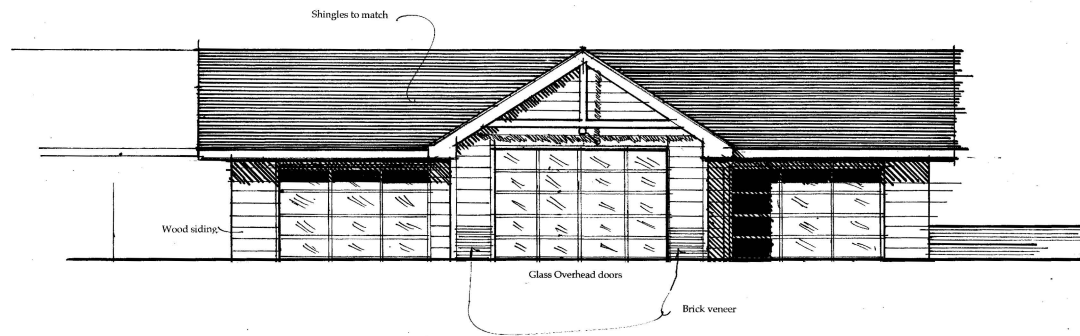
PM



West Elevation



North Elevation



East Elevation

Forni Res.
10663 SE Riverway Lane
Milwaukie, Or

DATE	DESCRIPTION
3/27/17	

PM: Case Design Group



To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Kolias, Associate Planner
Date: April 24, 2017 for May 1, 2017, Public Meeting
Subject: File(s): HR-2017-001 (Master File# S-2017-002)
Applicant: Simon Lofts, Sustainable Development, LLC (represented by Mark Dane, Mark Dane Planning)
Address: 4217 SE Railroad Ave.
Legal Description (Map & Taxlot): 12E31BC08100
NDA: Hector Campbell

ACTION REQUESTED

Approve application HR-2017-001 and the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow the demolition/deconstruction of the historic structure located at 4217 SE Railroad Ave.

BACKGROUND INFORMATION

This demolition application is the first part of a larger application for a 19-lot subdivision on 4 tax lots. The subdivision application includes a request to change the zoning from R-7 to R-5 and a corresponding request for a comprehensive plan map amendment from Low Density to Moderate Density (Master File #S-2017-002).

The subject property was included in the 1988 cultural resource survey process as the Keil-Hoesly Farm House. It was constructed in the 1880's and an addition was added in 1895. At the time of assessment, it was listed as being in "fair" condition and was vacant. The property was identified and mapped as a Significant historic resource in the Comprehensive Plan (See Attachment 3c for full resource inventory information).

A. Site and Vicinity

The property is located at 4217 SE Railroad Ave and is approximately 22,129 square feet. The building faces SE Railroad Ave.

The surrounding area consists of residential uses on 3 sides. To the south is Railroad Ave, an active rail line, and the Business Industrial Zone. (see Figure 1).

B. Zoning Designation

The site is zoned Residential R-7.

C. Comprehensive Plan Designation

Low Density (LD)

D. Land Use History

- Records indicate that the property has been in residential use since its construction in the 1880's, but has been vacant since approximately 1983. Information provided by the applicant indicates that the structure has not been maintained in over 20 years and has fallen into significant disrepair.
- On March 24, 2017, the applicant submitted a demolition permit to the Building Department, triggering historic resource review. A public hearing with the Planning Commission has been scheduled for May 9, 2017.



Figure 1. Site and Vicinity

E. Proposal

The applicant is currently seeking approval to demolish and/or deconstruct the structure as part of a 19-lot subdivision proposal.

This phase of the project requires approval of the following applications:

1. Historic Resource - Demolition (HR-2017-001)

The Design and Landmarks Committee is charged with reviewing and making a recommendation to the Planning Commission on the historic resource demolition application.

F. Code Requirements/Options

- Per MMC 19.403.7, if an application is made for a building permit to demolish all or part of a designated cultural resource, the Planning Commission shall hold a public hearing within 45 days of application following all procedures of a Type III review. The review criteria and findings are discussed later in this staff report.
- The Design and Landmarks Committee (DLC) was established to advise the Planning Commission on all matters specified in the Planning Commission's historic preservation activities as outlined in MMC 2.16.010.9-10, which includes reviewing all demolition permits affecting landmarks. On May 1, 2017, the DLC

reviewed the application. The recommendation from the DLC will be provided to the Planning Commission under separate cover as this staff report was prepared prior to DLC the meeting.

- The Planning Commission has the following decision-making options when reviewing an application to demolish a designated cultural resource:
 - Approval of Demolition Request/Appeals: The Commission may approve the demolition request after considering the review criteria. If no appeal is filed with the City Council, the Building Official shall issue the permit.
 - Denial/Stay of Demolition: The Commission may reject the application and determine that the property should not be demolished. In that event, issuance of the demolition permit is suspended for 30 days from the date of the public hearing.
 - Denial/Stay of Demolition (with extension): The Commission may invoke an extension of the suspension if there is a program or project underway that could result in acquisition of the landmark and it may be successful. The Commission may extend the suspension period for 30 days, to a total of not more than 120 days from the date of the public hearing.

KEY ISSUES

Summary

Review Criteria and Findings (MMC 19.403.7.D). In determining the appropriateness of the demolition, the Planning Commission shall consider the following:

1. All plans, drawings and photographs as may be submitted by the applicant;
2. Information presented at a public hearing held concerning the proposed work;
3. The City Comprehensive Plan, including the economic, social, environmental and energy consequences;
4. The purpose as set forth in Subsection 19.403.1;
5. The criteria used, and findings and decisions made, in the original designation of the landmark or historic district in which the property under consideration is located;
6. The historical and architectural style, design, arrangement, materials, or its appurtenant fixtures; the relationship of such features to similar features of other buildings within the district; and the position of the building or structure in relation to public rights-of-way and to other buildings and structures in the area;
7. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historic or aesthetic interest or value;
8. Whether denial of the permit would involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this title.

Staff has identified the following key issues for the Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Committee.

1. Is it appropriate to allow demolition of this particular historic resource?
2. Are there any feasible alternatives to demolishing the building?
3. What steps have been taken to mitigate for the loss of the historic resource?

Analysis

A. Is it appropriate to allow demolition of this particular historic resource?

MMC 19.403.7.D lists eight points that should be considered before approving a demolition permit for an historic resource. The specific points include the original information used in designating the historic resource, relevant comprehensive plan policies, current information presented by the applicant and members of the public, and the effects of the proposed demolition. Each of the specific points is addressed in more detail in Finding 7-C of the Recommended Findings in Support of Approval (see Attachment 1). The applicant presented the project, including the demolition aspect, to the Hector Campbell Neighborhood District Association and received a favorable response from participants.

The building is a Significant historic resource, the highest designation level. The existing building has stood in the neighborhood since the 1880s. With respect to its historic designation and the architectural style it represents, it is an example of a typical 19th century farmhouse. However, the Statement of Significance states that the house is significant in its association with J.K. Wait, an early Milwaukie pioneer and leader from Connecticut, rather than its design.



Figure 2. Property photo, 1983.



Figure 3. Property photo, March 2017

The home was vacant at the time of the cultural resource inventory, and has been vacant ever since. Photographs supplied by the applicant indicate significant decay in the structure and portions appear to be nearing collapse, including the foundation. According to the applicant, renovation of the structure is not feasible. The applicant has stated that access to the structure will be provided to the Milwaukie Museum to salvage any important artifacts. The applicant has also stated that the structure would be de-constructed, allowing for re-use of quality material in new construction.

Demolishing the existing building allows the development of a residential subdivision that will provide 19 new homes in a tight housing market with little available inventory.

B. Are there any feasible alternatives to demolishing the building?

The property has been listed for sale to be moved (see Attachment 3.e – real estate listing and property notice). Its location on the site impedes the full development of the site, so if not moved, it must be demolished (deconstructed). The applicant states that maintaining the home on the property would negatively affect the number of lots which would jeopardize the project for financing reasons.

However, the applicant does not provide information about the feasibility of relocating the structure on this site as part of the overall project. Based on the inventory form, the historical significance of the property lies with the structure, not with the site. This was not presented as an alternative and the applicant should address this alternative.

C. What steps have been taken to mitigate for the loss of the historic resource?

In addition to allowing access to the house to select historic artifacts for the Milwaukie Museum, the applicant has stated that every reasonable effort would be made to salvage the demolition materials for reuse where possible.

Staff believes that loss of the existing historic resource will be adequately mitigated.

CONCLUSIONS**A. Staff recommendation to the Planning Commission is as follows:**

1. Approve demolition permit, with conditions. This will result in the demolition of a single-family home as the first phase of a subdivision land use review process.
2. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- To mitigate the loss of the historic structure, prior to demolition, staff from the Milwaukie Museum will be permitted to access the property to salvage historic artifacts for use and display at the museum.
- To the greatest extent practicable, the structure will be de-constructed to salvage the demolition materials for reuse where possible.
- Prior to construction or commencement of any earth disturbing activities for the approved demolition, obtain an erosion control permit in accordance with the provisions of Milwaukie Municipal Code (MMC) Title 16 Erosion Control.

Other conditions of approval may be generated by the Design and Landmarks Committee and Planning Commission.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.403.7 Historic Preservation Overlay - Demolition
- MMC Section 19.1000 Review Procedures

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission considers the Design and Landmarks Committee's recommendation, assesses the application against review criteria and evaluates testimony and evidence received at the public hearing.

The Commission has 3 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Denial of the application upon finding that it does not meet approval criteria. Per MMC 19.403.7.F, the Commission may reject the application for the demolition permit if it determines that in the interest of preserving historic values, the property should not be demolished. In that event, issuance of the permit shall be suspended for a period not

exceeding 30 days from the date of public hearing, which would be June 8, 2017. The Commission may invoke an extension of the suspension period if it determines that there is a program or project under way which could result in public or private acquisition of the landmark, and that there is reasonable ground to believe that such program or project may be successful. Then the Commission, at its discretion, may extend the suspension period to 30 days, to a total of not more than 120 days from the date of public hearing for demolition permit, which would be September 6, 2017.

COMMENTS

Notice of the proposal was given to the following agencies and persons: City of Milwaukie Community Development, Building, and Engineering Departments; Clackamas Fire District #1; Hector Campbell Neighborhood District Association (NDA); State Historic Preservation Office; Design and Landmarks Committee; and properties within 300 ft of the subject site.

- **Matt Amos, Clackamas Fire District #1:** No comment.
- **David Aschenbrenner, Chair, Hector Campbell NDA:** On Monday, April 10, 2017, the Hector Campbell NDA voted to approve the demolition of the historic house and asked that the notice sign be relocated for improved visibility. The NDA also requested that artifacts from the home be preserved by the Milwaukie Museum.
- **David Aschenbrenner, President, Milwaukie Historical Society:** The Historical Society does not object to the demolition of the house, due to costly and challenging structural issues. The Society requests permission to enter the premises and remove artifacts to be preserved by the Milwaukie Historical Society.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation dated March 22, 2017.				
a. Narrative	☒	☒	☒	☒
b. Property photographs	☒	☒	☒	☒
c. Cultural Resources Inventory	☒	☒	☒	☒
d. Proposed subdivision plans	☒	☒	☒	☒
e. Real estate listing information	☒	☒	☒	☒
4. 1988 ESEE review	☐	☒	☒	☒
5. Comments received	☒	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-169>.

**Recommended Findings in Support of Approval
Land Use File # HR-2017-001 (4217 SE Railroad Ave demolition)**

1. The applicant, Simon Lofts of Sustainable Infill Development, LLC, has applied for approval to demolish the historic structure known as the Keil-Hoesly Farm House, which is a designated as a “Significant” historic resource, at 4217 SE Railroad Ave. This site is in the residential R-7 zone. The land use application is HR-2017-001.
2. The applicant has proposed to demolish, or deconstruct, the home as part of a larger land use application package for a 19-lot subdivision (Master File #S-2017-002).

Because the existing structure is a designated “significant” historic resource, approval of an application for historic resource demolition is also required.

3. The proposal is subject to the following provisions of the Zoning Ordinance, MMC Title 19, as follows:
 - Subsection 19.403.7 Demolition of designated Historic Resource
 - Subsection 19.1006 Type III Review

4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this application.
5. Public notice has been provided in accordance with MMC Subsection 19.1006, Type III review. This application is associated with applications for a subdivision, variance, and proposed zoning map and comprehensive plan map changes (Master File #S-2017-001) which will be processed separately. For this land use application, public notice was sent to property owners within 300 feet of the subject property at least 20 days in advance of the required public hearing. A public hearing was held May 9, 2017, as required by law.
6. MMC Section 19.403 Historic Preservation Overlay Zone

MMC Section 19.403 establishes regulations for properties designated as historic resources. Specifically, MMC Subsection 19.403.7 establishes a review process whenever demolition is proposed for properties designated as either “significant” or “contributing” resources.

The subject property is designated as a “significant” resource on the City’s list of historic properties. The applicant has applied for a permit to demolish the existing building on the subject property. The Planning Commission finds that the proposal is subject to the provisions of MMC Subsection 19.403.7.

- A. MMC Subsection 19.403.7.B requires that the property owner list the subject property for sale for at least 90 days, including for at least 30 days prior to the public hearing.

The existing building was posted for sale on March 31, 2017. The listing agent is Bennet Vander with Keller Williams, a real estate firm. The for-sale sign was posted in front of the site on SE Railroad Ave. The posting includes a sign that reads, “HISTORIC BUILDING FOR SALE - WILL BE DEMOLISHED UNLESS MOVED.” The sign is printed in bold letters that are six inches in height. The listing agent prepared an informational flyer for the property and has been available to provide information about the property to anyone who might inquire.

The Planning Commission finds that this standard is met.

- B. MMC Subsection 19.323.7.C requires that the Planning Commission hold a public hearing to consider a request to demolish a historic resource within 45 days of the application.

The original application packet for Historic Resource Demolition (which included concurrent applications for a Subdivision, Variance, Zoning Map Amendment and Comprehensive Plan Map Amendment) was submitted on March 24, 2017. The Planning Commission held a public hearing to consider the demolition application only on May 9, 2017. The Planning Commission finds that this standard is met.

- C. MMC Subsection 19.403.7.D provides review criteria for determining the appropriateness of the demolition request. The Planning Commission is required to consider the following:

i. All plans, drawings, and photographs as may be submitted by the applicant;

The applicant submitted site plans showing proposed conditions as well as photographs of various portions of the existing building and property. The Planning Commission finds that the information submitted is sufficient for consideration of the demolition request.

ii. Information presented at a public hearing held concerning the proposed work;

The applicant presented the project at a regular meeting of the Hector Campbell Neighborhood District Association (NDA) on March 13, 2017, and at a meeting of the Design and Landmarks Committee on May 1, 2017. The Planning Commission held a public hearing focused on the demolition request on May 9, 2017. City staff and the applicant presented information regarding both the historic property and the proposed demolition. The Planning Commission finds that the information presented at the various public meetings and at the public hearing is sufficient for consideration of the demolition request.

iii. The city comprehensive plan, including the economic, social, environmental, and energy consequences (ESEE);

Chapter 3 of the Milwaukie Comprehensive Plan (hereafter referred to as the “Comp Plan”) addresses Environmental and Natural Resources, including a Historic Resources Element. Objective 1 of the Historic Resources Element focuses on identification and preservation of historic resources and includes policies that require City review of proposed demolitions and encourage restoration and maintenance where appropriate. The Planning Commission has reviewed the demolition request pursuant to the City’s Type III review process and finds that demolition is appropriate and that restoration and maintenance are infeasible.

The Planning Commission has reviewed the demolition proposal as required by the municipal code. The applicant has investigated the possibility of using the existing historic structure within the proposed subdivision, but has asserted that attempting to move and renovate the building is not economically or structurally feasible. The applicant has indicated that an effort will be made to reuse or recycle as much of the demolition material as possible, thereby responding to the energy consequences of the demolition.

The 1988 ESEE analysis identifies the economic and social consequences of allowing the demolition of designated resources, including loss of a housing opportunity and a contribution to the community’s image and neighborhood

character. However, the analysis also notes that a resource without much architectural integrity, or in poor condition, may be replaced with a structure of higher assessed value. The assessed value of the subject structure is \$89,570 and an assessed land value of nearly \$168,000, clearly identifying the lack of economic value in the structure. A newly constructed home would have a far greater assessed value.

Given the very poor condition of the structure, the proposed demolition does not present any significant negative social impacts and the proposed improvements are more likely to have a positive economic impact than a negative one.

The Planning Commission finds that the proposed demolition meets the goals, objectives, and policies of the Comp Plan.

iv. *The purpose as set forth in MMC Subsection 19.403.1;*

MMC Subsection 19.403.1 outlines the purpose of the Historic Preservation overlay zone, including the general goals of protecting, enhancing, perpetuating, and using sites and structures that reflect the city's unique heritage. Specifically, the Historic Preservation overlay is designed to facilitate preservation of historic resources for the following reasons:

- a. *Safeguard the city's heritage as embodied and reflected in such resources;*
- b. *Encourage public knowledge, understanding, and appreciation of the city's history and culture;*
- c. *Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;*
- d. *Promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the city;*
- e. *Preserve diverse and significant architectural styles reflecting phases of the city's history, and encourage complementary design and construction relative to cultural resources;*
- f. *Enhance property value and increase economic and financial benefits to the city and its residents;*
- g. *Identify and resolve conflicts between the preservation of cultural resources and alternative land uses;*
- h. *Integrate the management of cultural resources and relevant data into public and private land management and development processes; and*
- i. *Implement the goals and policies of the comprehensive plan.*

With the proposed demolition, the developer intends to create a new 19-lot residential development. The historic structure will be either sold and moved, or it will be deconstructed to re-use the materials. When originally listed as an historic resource, the structure was vacant, but in reasonable repair. Decades later, the structure is nearing collapse, the stability of the foundation is not known, and overall it has not been maintained in a condition that allows it to be preserved. The house is set back from the road and not readily visible; windows are broken and walls are crumbling. Any historic artifacts or implements will be salvaged for use and display at the Milwaukie Museum.

As noted above in Finding 7-C(iii), the consequences of the demolition of the structure, which is in very poor condition, are outweighed by the potential benefits of the proposed development. The proposal meets the goals, objectives, and policies of the Comp Plan. The Planning Commission finds that the proposed demolition fits with the purpose of MMC Subsection 19.403.1.

- v. *The criteria used, and findings and decisions made, in the original designation of the landmark or historic district in which the property under consideration is located;*

When the house was originally designated as a historic resource as part of a countywide inventory conducted in 1988, it was evaluated and scored using a standard worksheet that addressed its historical association, architecture, and environment. It scored 38 out of 86 possible points (44 percent), with high scores of 10 in 2 categories: 1) in its association with J.K. Wait, one of Milwaukie's earliest pioneers and leaders; and 2) in its style as one of the "finest examples of the Vernacular style in Milwaukie." Although it only scored 38 points, or 44 percent, the house was designated as a "significant" resource because MMC Subsection 19.403.3 defines "significant" as a resource that scores 10 in at least two categories.

The accompanying evaluation report described the house as "reminiscent of the Classical Revival style. This style found expression in farmhouses around the state in the mid 19th century." It noted the "tall, narrow volume capped with a gable roof and the bilateral symmetry of the façade."

The Planning Commission finds that the information provided for the original designation of the historic resource does not provide a compelling reason to save the historic structure, especially given that it has been vacant and not maintained for over 30 years and is in extremely poor condition. Further, much of its significance is its association with an early settler to Milwaukie, rather than the structure itself. The site will continue to be used for residential purposes, the structure will be deconstructed and the materials re-used, and artifacts will be salvaged for use by the Milwaukie Museum.

- vi. *The historical and architectural style, design, arrangement, materials, or its appurtenant fixtures; the relationship of such features to similar features of other buildings within the district; and the position of the building or structure in relation to public rights-of-way and to other buildings and structures in the area;*

The existing building was built in "Vernacular" style, reminiscent of the Classical Revival style, with a tall, narrow volume, gable roof, and a bilateral symmetry of the façade arranged around the central entrance. The house was built in 2 phases with the front of the house being the later phase (1890s) and the part most visible from the road. It sits on a bench above Railroad Ave and is partially hidden by overgrown vegetation. The surrounding neighborhood is composed primarily of mid-20th century residences with the International Way industrial area across the street.

The "significant" ranking indicates that the building is a notable in its "vernacular" style, and also due to its association with J.K. Wait, one of Milwaukie's earliest pioneers and leaders. He represented Clackamas County twice in the state legislature and Multnomah County as a senator.

The Planning Commission finds that significant architectural elements of the existing historic resource are substantially degraded and damaged to such a degree, that the request for demolition is justified.

- vii. *The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historic or aesthetic interest or value;*

The request for demolition is accompanied by a proposal to build a new 19-lot residential subdivision on the site. As proposed, the site will serve the neighborhood and larger community as a residential neighborhood, providing much needed housing in a very tight real estate market.

The Planning Commission finds that this criterion does not apply to this project, as it is not located in an historic district.

- viii. *Whether denial of the permit would involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this title.*

Denial of the demolition permit would potentially result in a delay of the proposed development project. Maintaining the structure on the site in its current location would result in a design not in conformance with site design standards and a reduction in dwelling unit count which would make the project financially infeasible. The only option would be for someone to purchase and move the existing building, the cost of which would likely be prohibitive.

The provisions of MMC Subsection 19.323.7.F allow suspension of the requested demolition permit for a period of up to 30 days from the hearing date. That period may be extended for up to a total of no more than 120 days. If no alternative has been demonstrated to be practical by the end of the suspension period, the demolition permit should be issued. Since the timeline for the subdivision land use review process is still ongoing, there does appear to be time to allow an exploration of alternatives without significantly impacting the overall project. However, the applicant would have to spend some time and money to pursue such alternatives, with little chance of success given the condition of the structure.

The Planning Commission finds that to deny the demolition permit at this time would not serve the public interest and would present some hardship to the applicant.

The Planning Commission finds that the criteria for demolition of a historic resource have been met.

7. MMC Title 16 requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth disturbing activities. As conditioned, the applicant shall comply with MMC Title 16 Erosion Control for the demolition portion of the project.
8. The application was referred to the following departments and agencies on March 31, 2017: Milwaukie Building Division, Milwaukie Engineering Department, Clackamas County Fire District #1, Hector Campbell Neighborhood District Association Chairperson and Land Use Committee, the Design and Landmarks Committee, and the Oregon State Historic Preservation Office.

The comments received are summarized as follows:

- **Matt Amos, Clackamas Fire District #1:** No comment.
- **David Aschenbrenner, Chair, Hector Campbell NDA:** On Monday, April 10, 2017, the Hector Campbell NDA voted to approve the demolition of the historic house and

asked that the notice sign be relocated for improved visibility. The NDA also requested that artifacts from the home be preserved by the Milwaukie Museum.

- **David Aschenbrenner, President, Milwaukie Historical Society:** The Historical Society does not object to the demolition of the house, due to costly and challenging structural issues. The Society requests permission to enter the premises and remove artifacts to be preserved by the Milwaukie Historical Society.

**Recommended Conditions in Support of Approval
Land Use File # HR-2017-001 (4217 SE Railroad Ave demolition)**

1. Prior to construction or commencement of any earth disturbing activities for the approved demolition, obtain an erosion control permit in accordance with the provisions of Milwaukie Municipal Code (MMC) Title 16 Erosion Control.
2. To mitigate the loss of the historic structure, prior to demolition, staff from the Milwaukie Museum will be permitted to access the property to salvage historic artifacts for use and display at the museum.
3. To the greatest extent practicable, the structure will be de-constructed to salvage the demolition materials for reuse where possible.



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukee OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukeeoregon.gov

Application for Land Use Action

Master File #: S-2017-002

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

HR-2017-001

ZC-2017-002

VR-2017-001

CPA-2017-001

CHECK ALL APPLICATION TYPES THAT APPLY:

- ☐ Amendment to Maps and/or Ordinances
 - ☐ Comprehensive Plan Text Amendment
 - ☒ Comprehensive Plan Map Amendment
 - ☐ Zoning Text Amendment
 - ☒ Zoning Map Amendment
- ☐ Code Interpretation
- ☐ Community Service Use
- ☐ Conditional Use
- ☐ Development Review
- ☐ Director Determination
- ☐ Downtown Design Review
- ☐ Extension to Existing Approvals
- ☒ Historic Resource
 - ☐ Alteration
 - ☒ Demolition
 - ☐ Status Designation
 - ☐ Status Deletion

- ☐ Land Division
 - ☐ Final Plat
 - ☐ Lot Consolidation
 - ☐ Partition
 - ☐ Property Line Adjustment
 - ☐ Replat
 - ☒ Subdivision
- ☐ Miscellaneous
 - ☐ Barbed Wire Fencing
 - ☐ Modification to Existing Approval
 - ☐ Natural Resource Review
 - ☐ Nonconforming Use Abatement
 - ☐ Parking
 - ☐ Quantity Determination
 - ☐ Quantity Modification
 - ☐ Shared Parking
 - ☐ Structured Parking
 - ☐ Planned Development
 - ☐ Preliminary Circulation Plan

- ☐ Residential Dwelling
 - ☐ Accessory Dwelling Unit
 - ☐ Duplex
 - ☐ Manufactured Dwelling Park
 - ☐ Temporary Dwelling Unit
- ☐ Sign Review
- ☐ Transportation Facilities Review
- ☐ Variance
 - ☐ Building Height Variance
 - ☐ Use Exception
 - ☒ Variance
- ☐ Willamette Greenway Review
- ☐ Other

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 5)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): SIMON LOFIS

Mailing address: 795 NW Torrey View Ln. Zip 97227

Phone(s): 971-300-6542 E-mail: SIMON.LOFIS@GMAIL.COM

APPLICANT'S REPRESENTATIVE (if different than above): MARK DANE - MARK DANE PLANNING

Mailing address: 14631 NW MILLCREEK WAY, SUITE 406 Zip 97005

Phone(s): 503-352-7167 E-mail: MARK.DANE.PLANNING@GMAIL.COM

SITE INFORMATION:

Address: 4217 & 4219 SE Bay Road Ave. Map & Tax Lot(s): 8000, 8100, 8200, 8300

Comprehensive Plan Designation: Zoning: R-7 Size of property: 3.21

PROPOSAL (describe briefly):

APPLICANT IS PROPOSING A REZONE OF CURRENT R-7 ZONE TO R-5 TO FACILITATE FOR FUTURE DEVELOPMENT.

SIGNATURE: FRANKLIN, LLC Thomas J. Hester Mariannette L. Russell

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukee Municipal Code (MMC) Subsection 19.1001.5.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

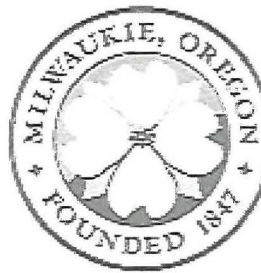
Submitted by: FRANKLIN, LLC Thomas J. Hester Mariannette L. Russell Date: MARCH 22, 2017

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

Structural Permit Application

City of Milwaukie	
6101 SE Johnson Creek Blvd., Milwaukie OR 97206	
Phone: 503-786-7613	Fax: 503-786-7612
Apply for permits on line www.milwaukiepermits.org/online	
Inspections: 503-786-7575 or www.buildingpermits.oregon.gov	



DEPARTMENT USE ONLY	
Permit no.:	
Date Received:	
Date Issued:	By:
Receipt #:	

This permit is issued under OAR 918-460-0030. Permits expire if work is not started within 180 days of issuance or if work is unperformed for 180 days.

CATEGORY OF CONSTRUCTION		
☒ 1 & 2 Family	☐ Commercial	☐ Multi-Family
☐ Accessory	☐ Other	
TYPE OF WORK		
☐ New	☐ Addition/Alteration/Replacement	☒ Demolition
Description of work: DEMO EXISTING HOME		
JOB SITE INFORMATION AND LOCATION		
Job site address: 4217 SE RAILROAD AVE		
City: MILWAUKIE	State: OR	ZIP: 97227
Subdivision:	Lot no.:	
PROPERTY OWNER		
Name: FRANCIS LLC		
Address: 7537 DELINEA LANE		
City: WORTH BEND	State: OR	ZIP: 97149
Phone: 541-756-7086	Fax:	
E-mail:		
This installation is being made on residential or farm property owned by a member of my immediate family or myself, and is exempt from licensing requirements under ORS 701.010.		
Sign here: Stephanne C. Russell Thomas J. Forester PARTNER		
CONTRACTOR		
Business name:		
Address:		
City:	State:	ZIP:
Phone:	Fax:	
E-mail:		
CCB license no.:		
Print name:		
Signature:		
APPLICANT IF DIFFERENT FROM ABOVE		
Name: MARK GANE		
Address: 14631 SW MILLIKAN WAY		
City: BEASTON	State: OR	ZIP: 97003
Phone: 503-332-7167	Fax: 503-656-516	

VALUATION / CONSTRUCTION INFORMATION	
Required Data 1-2 Family Dwelling	
Valuation:	
Number of bedrooms:	
Total number of floors:	
New Dwelling area square footage:	
Garage / Carport area square footage:	
Covered Porch area square footage:	
Deck area square footage:	
Other structure area square footage:	
Required Data Commercial	
Valuation:	
Existing Building area square footage:	
New Building area square footage:	
Number of stories:	
Type of Construction:	
Occupancy Group: Existing New:	
All contractors and subcontractors are required to be licensed with the Oregon Construction Contractors Board under ORS 70 and may be required to be licensed in the jurisdiction in which work is being performed.	
BUILDING PERMIT AND RELATED FEES	
Building Permit Fee	\$
Plan Review Fee	\$
12% surcharge	\$
Fire & Life Safety Fee	\$
Deferred Submittals	\$
Metro Excise Tax	\$
Construction Excise Tax	\$
Investigation Fee	\$
Zoning Fee	\$
Planning Inspection Fee	\$
Less Pre-Paid (receipt # _____)	\$
TOTAL FEES	\$

Title 19 Zoning

Chapter 19.400 Overlay Zones & Special Areas

19.403 Historic Preservation Overlay Zone HP

19.403.7 Demolition

A. Notification of Demolition Request

If an application is made for a building permit to demolish all or part of a designated cultural resource, to the extent that the historic designation is affected, the building official shall, within 7 days of the receipt of an application, transmit a copy of the application to the Commission. This review applies to all resources determined to be "significant" or "contributing" on the inventory. Resources determined to be "unrankable" shall first complete the process referred to in Subsection 19.403.4.

Comment: Having had the opportunity through a site visit to inspect the building the applicant has confirmed that the building is in a severe state of disrepair having been abandoned some time ago, and now used for storage, and dumping. The windows are broken / removed, there is substantial water damage. There is notable slumping because there is no foundation for the house, and there is an overall sense of damage, and decay. While this house when it was originally listed some 40 years ago had substantial value as a functioning home, the subsequent decades of neglect, and weathering have caused irreparable harm to the property

B. Property Owner Action

For a period of not less than 30 days prior to the public hearing the property owner shall do as follows:

1. List the property for sale with a real estate agent for a period not less than 90 days with the intent of selling or relocating the resource intact. Such real estate agent shall advertise the property in local and state newspapers of general circulation in the area. This listing requirement can be reduced if the Commission approves the demolition request;
2. Give public notice by posting a visible "For Sale" sign on the property which shall be in bold letters, no less than 6 in. in height, and shall read as a minimum: HISTORIC BUILDING FOR SALE—WILL BE DEMOLISHED UNLESS MOVED;
3. Prepare and make available any information related to the history and sales of the property to all individuals, organizations, and agencies who inquire.

Comment: The applicant working with his agent has listed the house for sale on the basis of it being moved by a third party to a different site, at the buyers expense. Copies of the adverts are attached to this submittal.

A sign has also been placed on the home (see attached Photo)

A copy of the original designation, along with current pictures of the property have been made available to the public (see attached documents)

C. Public Hearing Review

The Commission shall hold a public hearing within 45 days of application. The procedures shall be the same as those in Section 19.1006 Type III Review.

Comment: *The applicant will attend the hearing on the date to be determined by staff.*

D. Review Criteria and Findings

In determining the appropriateness of the demolition, as proposed in an application for a building permit, the Commission shall consider the following:

1. All plans, drawings and photographs as may be submitted by the applicant;

Comment: *The proposed plans/ grading/ utility/ demolition and plat plans have been submitted, as part of this application showing the basis for the new development and the need to move or demolish the house.*

2. Information presented at a public hearing held concerning the proposed work;

Comment: *Copies of said plans will be presented.*

3. The City Comprehensive Plan, including the economic, social, environmental and energy consequences;

Comment: *The consequences of this demo will be successfully developed of a 19- lot subdivision. The house will both be sold and moved or the parts will be de-constructed and materials sold. The demolition will allow the applicant to proceed with the development of 19 new single family homes, which in turn will increase the City's Tax base, bring more families into the area, and for the length of construction provide significant construction jobs associated with both the infrastructure and housing construction.*

4. The purpose as set forth in Subsection 19.403.1;

Comment: *The house was initially listed 10-5-83 was inhabited in reasonable repair. It has been vacant for several decades, waiting to collapse, lack of foundation is not well known, nor has been preserved. The neighborhood association did ask that any historic implements be donated to which the applicant agreed.*

5. The criteria used, and findings and decisions made, in the original designation of the landmark or historic district in which the property under consideration is located;

Comment: *The criteria to list the building relate more to origin and age and that the addition which was built by the city's first mayor.*

6. The historical and architectural style, design, arrangement, materials, or its appurtenant fixtures; the relationship of such features to similar features of other buildings within the district; and the position of the building or structure in relation to public rights-of-way and to other buildings and structures in the area;

Comment: The house is currently hidden from the road, windows broken, and walls crumbling. There is no direct access to the home.

7. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district which cause it to possess a special character or special historic or aesthetic interest or value;

Comment: The proposed work will allow any historic implements to specific items to go on show and be preserved. It will also allow for the re-use of quality wood material in new construction.

8. Whether denial of the permit would involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this title.

Comment: The denial of the demo would result in a design not compliant with spacing standards and also reduce the lot county jeopardizing the financing of the entire project.

E. Approval of Demolition Request/Appeals

The Commission may approve the demolition request after considering the criteria under Subsection 19.403.7.D above. Action by the Commission approving the issuance of permit for demolition may be appealed to the City Council by any aggrieved party, by filing a notice of appeal, in the same manner as provided in Subsection 19.403.5.F. If no appeal is filed, the Building Official shall issue the permit in compliance with all other codes and ordinances of the City.

Comment: The applicant believes that given the need to remove the home for adequate vehicular circulation necessary for the adequate circulation, and fire protection of the property, and given the severely impacted decomposition of the structure that the Commission has sufficient evidence to permit the applicant to proceed with the demolition of the home.

F. Denial/Stay of Demolition

1. The Commission may reject the application for permit if it determines that in the interest of preserving historic values, the property should not be demolished. In that event, issuance of the permit shall be suspended for a period not exceeding 30 days from the date of public hearing. The Commission may invoke an extension of the suspension period if it determines that there is a program or project under way which could result in public or private acquisition of the landmark, and that there is reasonable ground to believe that such program or project may be successful. Then the Commission, at its discretion, may extend the suspension period to 30 days, to a total of not more than 120 days from the date of public hearing for demolition permit.
2. If all such programs or projects are demonstrated to the Commission to be unsuccessful, and the applicant has not withdrawn his or her application for demolition permit, the building official shall issue such permit, if the application otherwise complies with the codes and ordinances of the City.

3. Action by the Commission suspending issuance of the permit for demolition may be appealed to the City Council by the applicant for the permit, by filing a notice of appeal in the same manner as provided in Subsection 19.403.5.F.

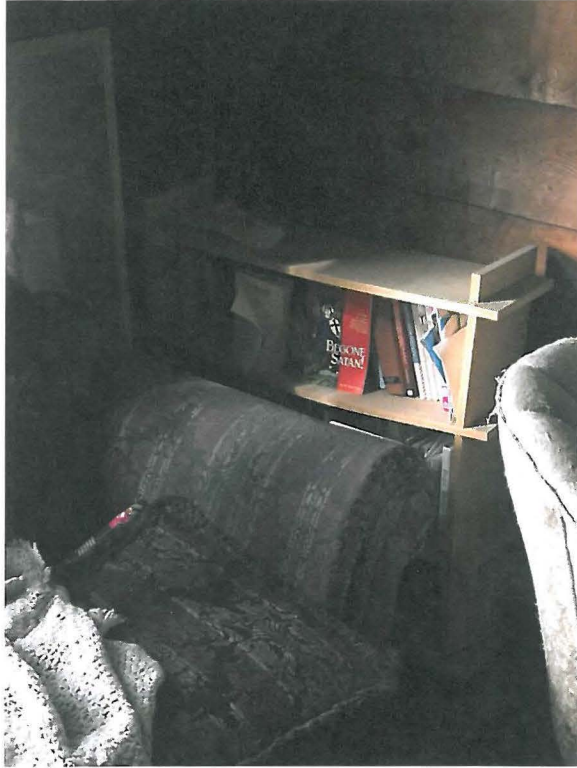
Comment: *Should a stay be filed, the applicant will of course follow protocol on the basis of attempting to make any such purchase successful. At the end of the period if the purchase remains unsuccessful the applicant will proceed with the demolition.*

MARK DANE PLANNING INC.

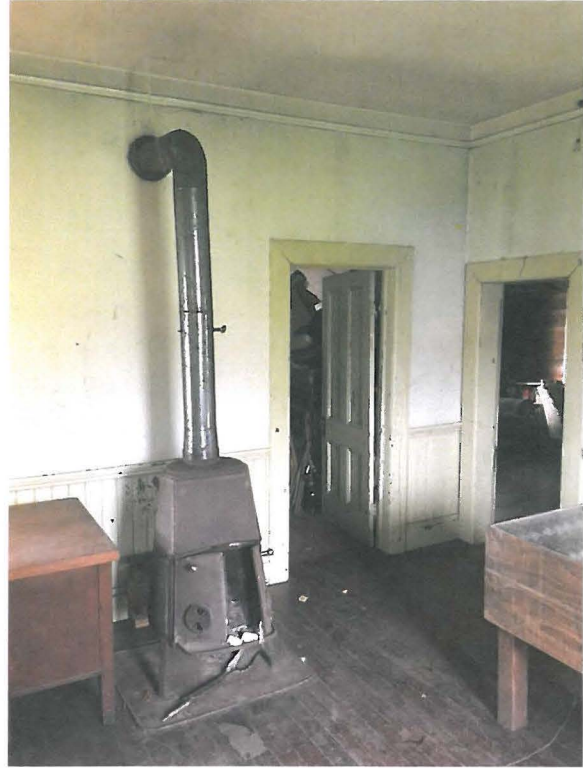
14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6

Markdaneplanning@gmail.com 503-332-7167

Living Room



Game Room



Hall



Kitchen

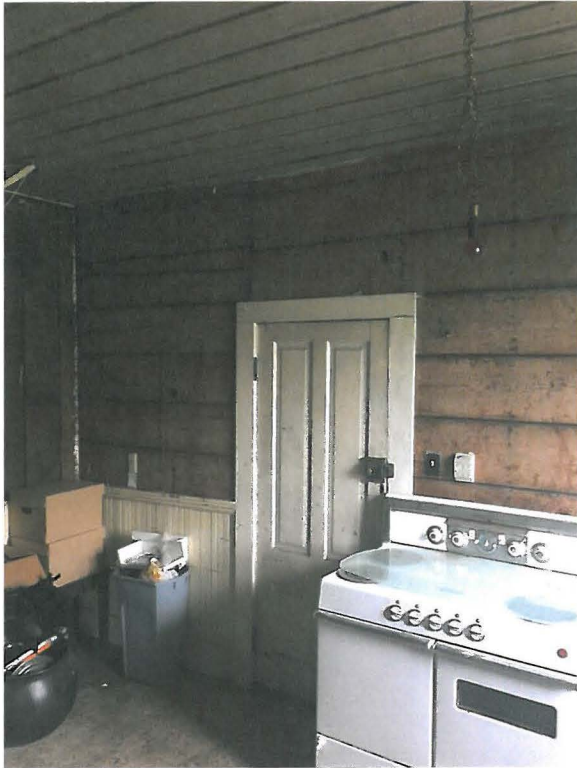


MARK DANE PLANNING INC.

14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6

Markdaneplanning@gmail.com 503-332-7167

Kitchen



Lving Room



Bedroom 1



Bedroom 1



MARK DANE PLANNING INC.

14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6

Markdaneplanning@gmail.com 503-332-7167

Shed



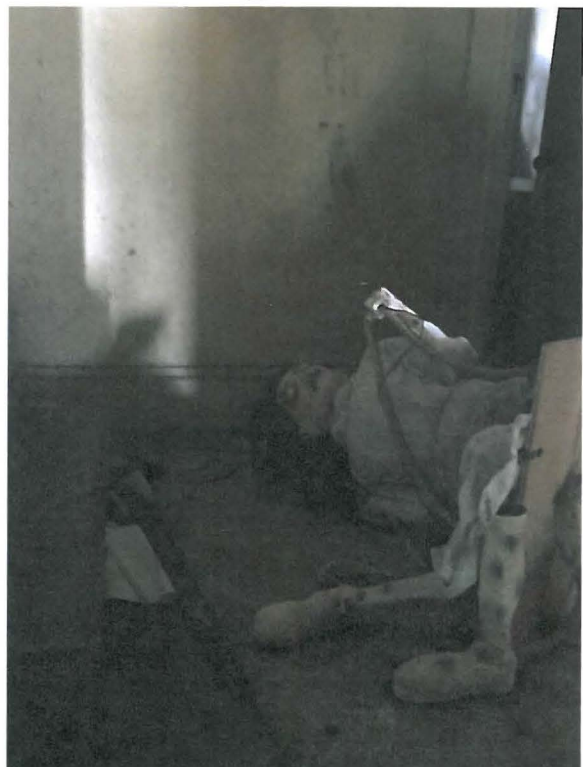
Kitchen sink



Main Stairs



Landing



MARK DANE PLANNING INC.

14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6

Markdaneplanning@gmail.com 503-332-7167

2nd bedroom



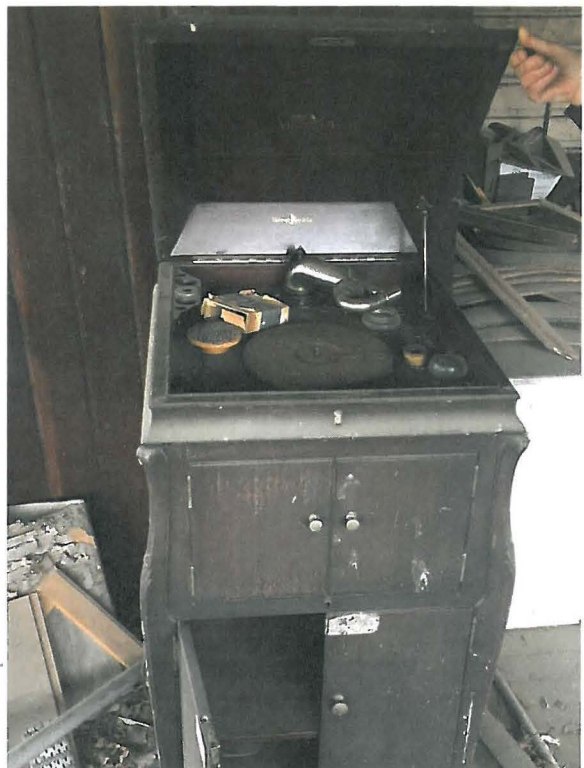
2nd bedroom



3rd bedroom



covered deck



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Covered deck



bathroom



3rd bedroom



4th bedroom



MARK DANE PLANNING INC.

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Markdaneplanning@gmail.com 503-332-7167

1st bedroom



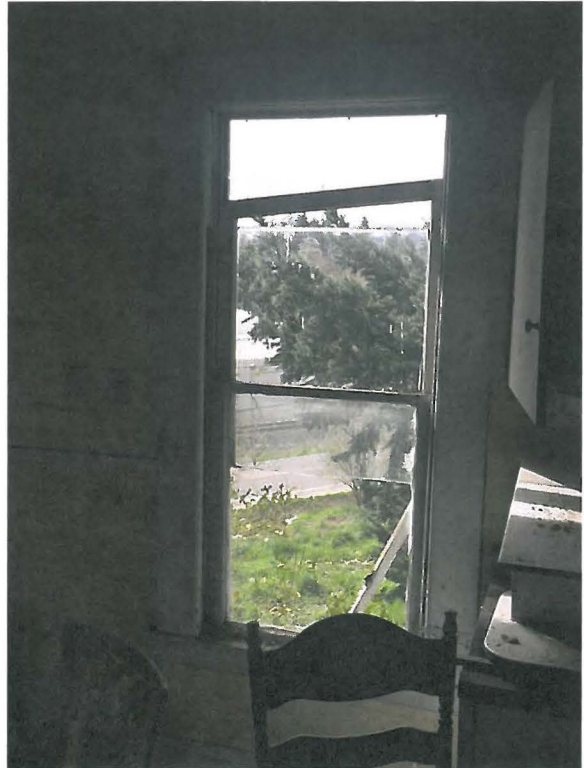
1st bedroom



3rd bedroom



4th bedroom



MARK DANE PLANNING INC.

14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6

Markdaneplanning@gmail.com 503-332-7167

Willow tree - fallen



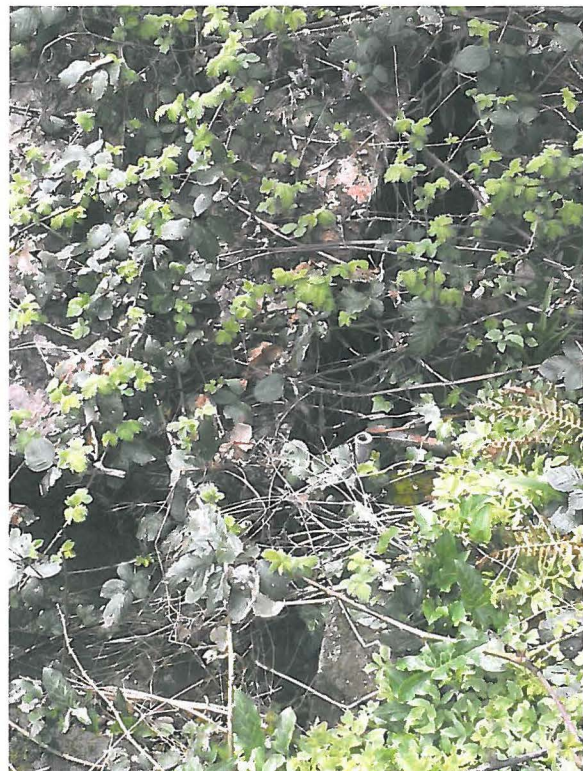
east side of house



HOUSE FROM RAILROAD



ENTRANCE TO CELLAR



MARK DANE PLANNING INC.

14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6

Markdaneplanning@gmail.com 503-332-7167

DEMOLITION SIGN



Cultura

CLACKAMAS COUNT.

PHOTO INFORMATION

ROLL: X

FRAME: 9,10,11

Survey Form

T. D. NUMBER M-31-R5

STUDY AREA: MILWAUKIE

LEGAL: T. 1S R. 2E SEC. 31BC

TAX (LOTS): 8100

ZONE _____ SIZE _____

IDENTIFICATION:

COMMON/HISTORICAL NAME: The KEIL-HOESLY FARM HOUSE

ADDRESS: 4217 S. E. Railroad Avenue, Milwaukie AREA: Milwaukie

CURRENT OWNER: CARL HOESLY USE: Residence

OWNER'S ADDRESS: 210 W. McLoughlin Blvd., Vancouver, WA 98660

ORIGINAL OWNER: Jacob and Elizabeth Keil USE: Vacant

AREA OF SIGNIFICANCE: TOWN: X COUNTY: _____ CITY: _____ NATION: _____

HISTORIC INTEREST:

THEME: Architecture - 19th Century/Agriculture--Horticulture DATE: 1880's

DESCRIPTION: Jacob and Elizabeth Keil came to Milwaukie in 1876 from Wisconsin.

They bought this farm from Mr. Wait when it was a small square building, with only a

kitchen, front room and bedroom in 1888. In the 1890's they commissioned Mr. Shindler to

build on the front portion of the house. Mr. Shindler was the first mayor of Milwaukie.

Some of the original orchard trees still stand, probably acquired from Seth Lewelling

Nursery.

ARCHITECTURAL INTEREST:

STYLE: Vernacular STORIES: 2

DATE: 1880's/Add. 1895 CONDITION: fair ARCHITECT: _____

SIDING: Shiplap 8", wide rake and corner boards.

ROOF: Cross Gable

DOORS: _____

WINDOWS: Narrow 1/1 double-hung, architrave molding.

MAIN ENTRANCE: Front entrance: Multi-light with architrave molding. Hip roof supported by chamfered posts and decorative brackets.

NOTES: Additions to the north. Center portion appears to have been built before that of the body of the house, but without later architrave molding.

One window 4/4 off kitchen (looking into woodshed).



BIBLIOGRAPHY:

Unrecorded interview w/

a member of the Hoesly-Keil

family.

DATE: 10/5/83

RECORDER: Altier/Hawden

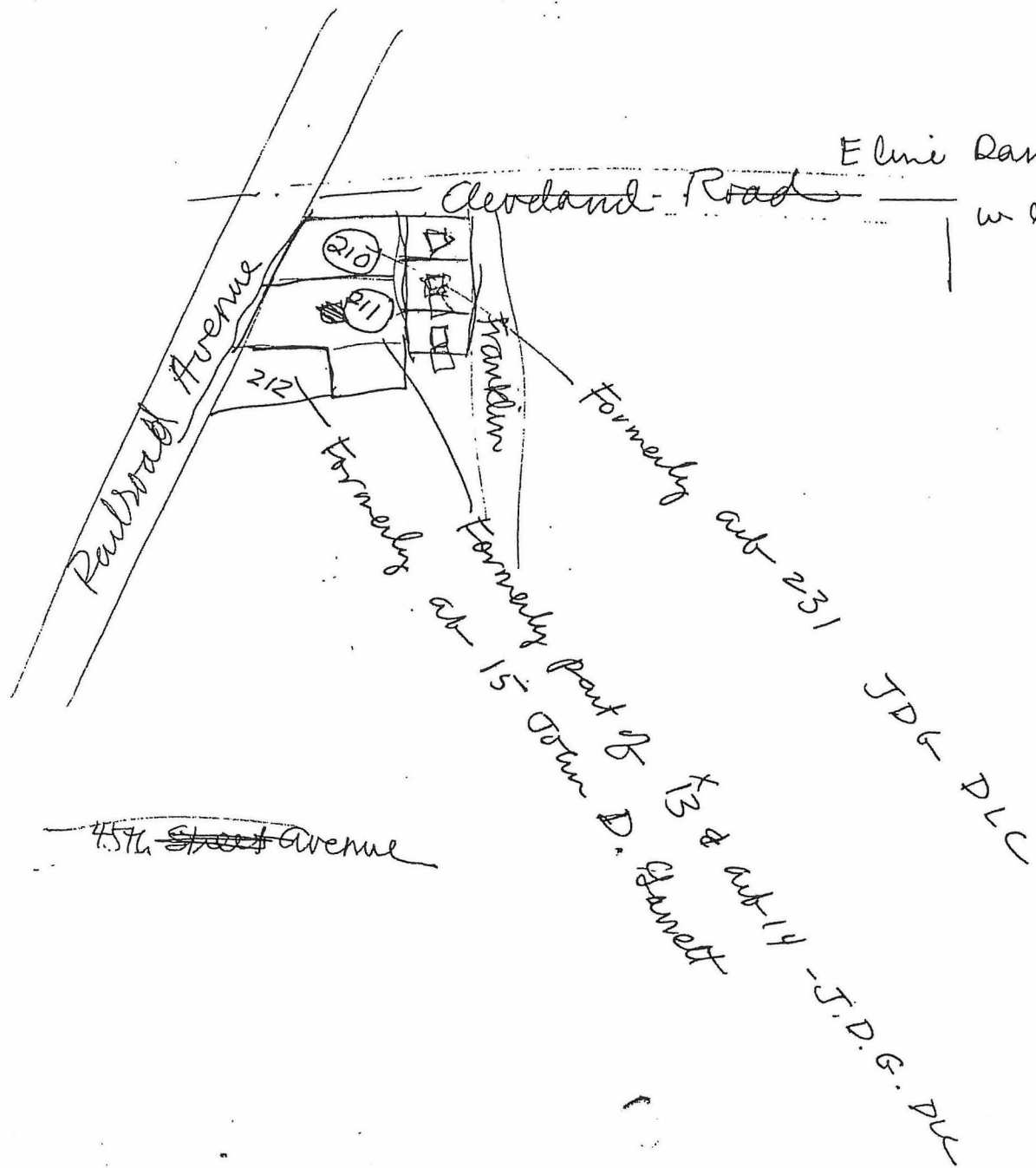
* date of instrument 1871

Address 4217 SE Railroad Ave
 Addition/Lot/Block: John Havrett D.L.C. Tr. 1#2
 Legal Description 15 NE 31BC 2100 I.D.# _____

TITLE NO.	FIRST PARTY	SECOND PARTY	TITLE NO.	DATE	INST.	LOTS
	S.L. Campbell	W.B. Campbell et al	14	1875	Decree	11, 12, 13, 14
	Frank A. Cook	S. S. Campbell	15	1876	QCD	13, 14, 15, 62
	Samuel L & Sarah E. Campbell	Frank A Cook	16	—*	Con	"
	S.L.C. vs.	William B & Horace S. Campbell et al	17	1879	CC	10-17... ^{order} partic
	Chas A. Campbell	J.K. Wait & Ellen	18	1877	D.	13
	L.O. & A.M. Tugood	Ellen M. Wait	21	1878	D	13, 15, 80, 62
	deed wrong course left out.					
	Chas G Campbell	J.K. Wait	25	1878	D	13, 14, 15, 62
	L.O. & A.M. Tugood	Ellen M. Wait	40	1888	QCD	13, 15, 80, 62
	prob. con.					
	Ellen E. & John G. Groves	J. Keil	41	1888	D.	13, 15, 62
	Anton Keil ①	Elizabeth Keil	106	1903	QCD	13, 14, 15, 62
	Jacob Keil ①	" "	107	"	"	"
	Mary Keil ①	" "	108	"	"	"
	Frank Keil et al	" "	109	"	"	"
	Michael Walsh	—	203	1909	Water Rights	11, 12, 13, 16, 17,
	Mary Keil et al	T. Yamashita	323	1923	Lease	13, 14, 15
	" "	Tochi Takemoto	324	1923	"	13, 62
	Joseph P. Keil und	Clack Co	473	1929	D	13
	#313 Keil (sic)	& Beckman	476	1889	Road	13, 15, 16...
	Jacob Keil et al	Johanna Dahlmann	536	1931	D	13, 88 (88 out of 13)
	J.D. formerly Milton	Paul Keil et al	551	1931	D.	13, 14
338	J.D. and his	F. St. BK & Mel	576	1933	MJ	14, 15
551	Frank Keil et al	Clack Co	596	1934	QCD	13, 15
	Rest of Paul W. J.P. Keil dec'd		682	1937	Cent	13, 14 und 1/2 int
	Ellen K. Keil	Frank & Mary Keil	694	1937	WD.	13, 14
576	F. St. BZ Mel	Johanna & Joseph Dahlmann	695	1937	Par	" "
384	Jacob Vetz as und & gen	" "	696	"	Sit	"
641	Wadham & Company	Mark and Frank Keil	698	1937	D.	14
694	Frank Keil & Helena C. Hooley	Placido Acosta & Wallullah Zabara	1053	1949	WD.	13, 14, 15 ^{reg me} 7 13
	Ferdinand & Nancy June Hooley					

Researched by: _____

Date: _____



E line Daniel Hathaway
w line John Ganett DLC

~~45th Street~~ Avenue

CITY OF MILWAUKIE
CULTURAL RESOURCE INVENTORY
Statement of Significance

ADDRESS: 4217 S.E. Railroad Avenue

The Keil House is one of the finest examples of the Vernacular style in Milwaukie. The tall, narrow volume capped with a gable roof and the bilateral symmetry of the facade arranged around a central entrance is reminiscent of the Classical Revival style. This style found expression in farmhouses around the state in the mid 19th century. The house was built in two phases. The rear portion of the building is the earliest; reportedly constructed some time prior to 1888 when it was purchased by Jacob and Elizabeth Keil. At that time it consisted of a kitchen, bedroom and living area. The front of the house was constructed in the 1890's by William Shindler (see 3235 S.E. Harrison). Shindler, a prominent early citizen of the area, was Milwaukie's first mayor. This portion of the house is the most visibly prominent from the road. It is sheathed in 8' shiplap siding with corner and rake boards. Windows are narrow, one-over-one, double-hung sash with heavy architrave molding.

The Keil house, which is currently vacant, is located on the north side of moderately trafficked Railroad Avenue. It sits on a bench above the road and is partially hidden by overgrown vegetation. The surrounding neighborhood is composed primarily of mid 20th century residences.

The house is significant in its association with J.K. Wait, one of Milwaukie's earliest pioneers and leaders. A farmer, Wait settled in Oregon in 1852 from Connecticut. He represented Clackamas county twice in the state legislature and Multnomah County as a senator.

BIBLIOGRAPHY: TICOR Title Co. Records, Oregon City, Oregon.
Oregon Journal, 4 March 1918, p. 2.
Olsen, Charles Oluf, The History of Milwaukie.

DATE: 3/88
RECORDER: Koler/Morrison Consultants

Site 10: 4217 Railroad

Revised Narrative

Total Points: 38
Rating Category: Significant
Reason for Rating: Scores of 10 on PERSON and STYLE

1. PERSON/GROUP/ ORGANIZATION: Associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation. (10 out of 10 points, Particularly Strong)

The front of the house was constructed in the 1890's by William Shindler (see 3235 Harrison). Shindler, a prominent early citizen of the area, was Milwaukie's first mayor.

The house is significant in its association with J.K. Wait, one of Milwaukie's earliest pioneers and leaders. A farmer, Wait settled in Oregon in 1852 from Connecticut. He represented Clackamas County twice in the state legislature and Multnomah County as a senator.

Jacob and Elizabeth Keil came to Milwaukie in 1876 from Wisconsin. They bought this farm from Mr. Wait when it was a small square building, with only a kitchen, front room and bedroom in 1888. In the 1890's they commissioned Mr. Shindler to build on the front portion of the house. Mr. Shindler was the first mayor of Milwaukie.

2. EVENT: Associated with an event that has made a significant contribution to the community, state, or nation. (0 out of 10 points, None)
3. PATTERN: Associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation. (0 out of 10 points, None)

Agricultural--Horticulture: 19th Century

4. STYLE/BUILDING TYPE/CONVENTION: Significance as an example of a particular architectural style, building type, or convention. (10 out of 10 points, Excellent)

The Keil House is one of the finest examples of the Vernacular style in Milwaukie. The tall, narrow capped with a gable roof and the bilateral symmetry of the facade arranged around a central entrance is reminiscent of the Classical Revival style. This style found expression in farmhouses around the state in the mid 19th century.

Architecture - 19th Century

5. DESIGN/ARTISTIC QUALITY: Significance due to quality of composition, detailing, and craftsmanship. (2 out of 4 points, Good)

Windows are narrow, one-over-one, double-hung sash with heavy architrave molding.

The multi-light main entrance has architrave molding. A hip roof supported by chamfered posts and decorative brackets.

6. MATERIALS/CONSTRUCTION: Significance as an example of a particular material or method of construction. (0 out of 4 points, Of little interest)

It is sheathed in 8' shiplap siding with corner and rake boards.

7. INTEGRITY: Significance because it retains its original design features, materials, and character. (5 out of 7 points, Minor alterations)

The house was built in two phases. The rear portion of the building is the earlier; reportedly constructed in some time prior to 1888 when it was purchased by Jacob and Elizabeth Keil. At the time it consisted of a kitchen, bedroom and living area. The front of the house was constructed in the 1890's by William Shindler (see 3235 S.E. Harrison).

Additions have been made to the north elevation. The center portion appears to have been built before that of the body of the house, but without later architrave molding.

8. RARITY: Significance as the only remaining, or one of the few remaining properties of a particular style, building type, design, material, or method of construction. (3 out of 10 points, One of several)

9. LANDMARK: Significance as a visual landmark. (5 out of 10 points, Conspicuous/well-known in neighborhood)

The front of the house is the portion most visibly prominent from the road. It sits on a bench above the road and is partially hidden by overgrown vegetation.

10. SETTING: Significance because current land-use surrounding the property contributes to the integrity of the pertinent historic period. (0 out of 4 points, Fair/Poor)

The Keil house is located on the north side of moderately trafficked Railroad Avenue.

11. CONTINUITY: Significant because the property contributes to the continuity or character of the street, neighborhood, or community. (3 out of 7 points, Compatible)

The surrounding neighborhood is composed primarily of mid 20th century residences.

MISCELLANEOUS NOTES

Some of the original orchard trees still stand, probably acquired from Seth Lewelling.

The house is currently vacant.

12 E 31 BC
MILWAUKIE

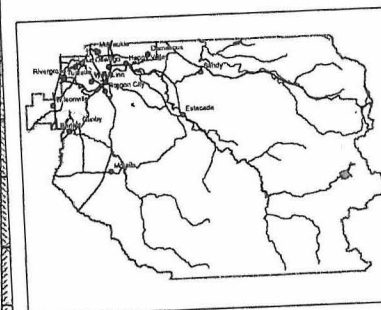
S.W.1/4 N.W.1/4 SEC.31 T.1S. R.2E. W.M.
Clackamas County
1" = 100'

D. L. C.
JOHN D. GARRETT NO. 38

Cancelled Taxlots

8400
9800

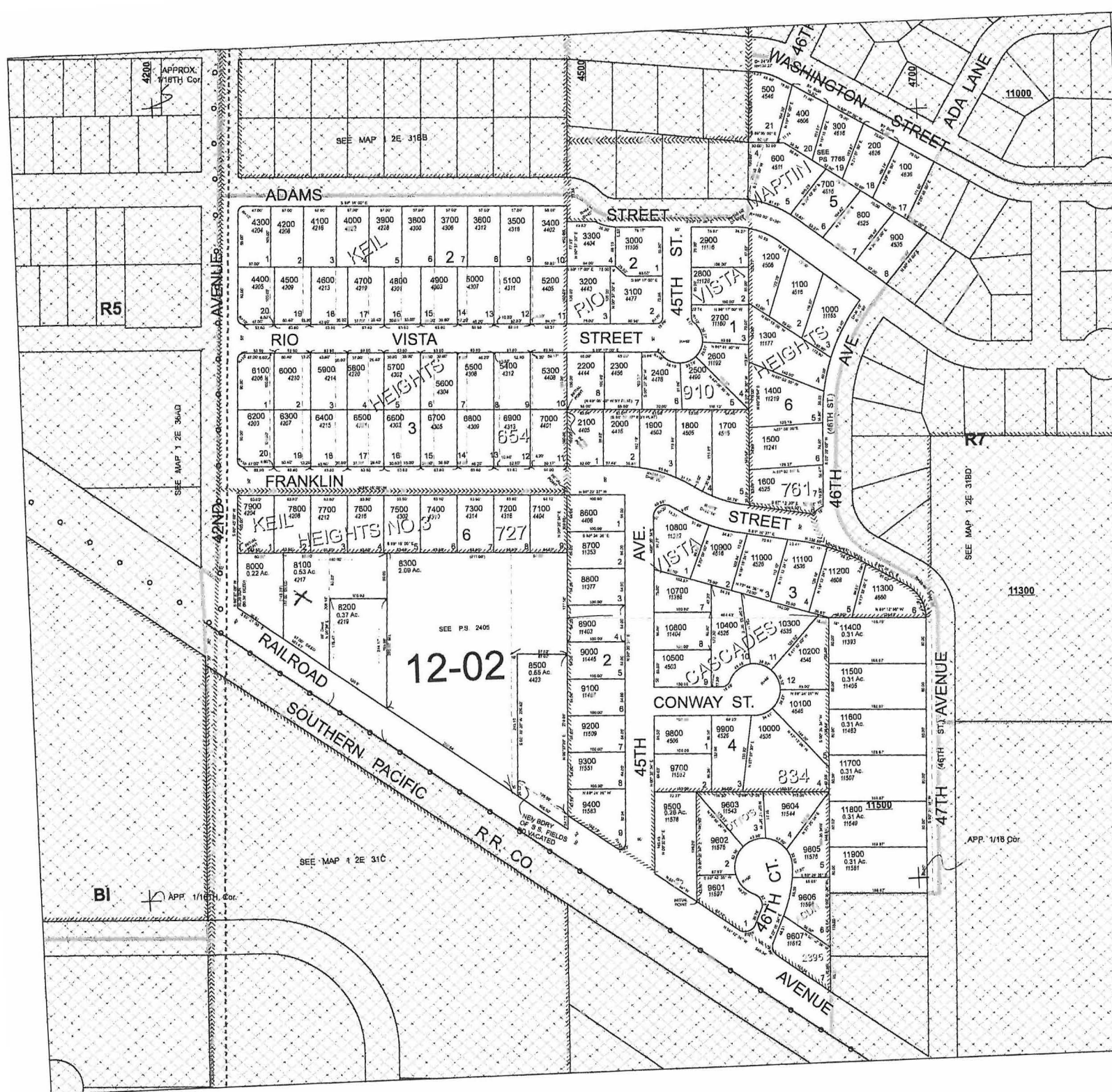
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

1" = 100'
8/18/2011

12 E 31 BC
MILWAUKIE

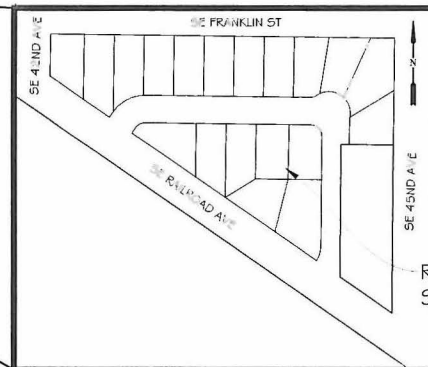


RAILROAD AVE
SUBDIVISION

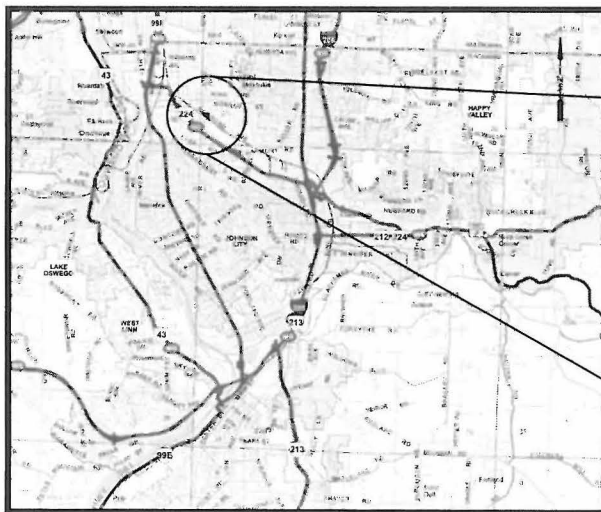
1000

1000

A PROPOSED SUBDIVISION
MILWAUKIE, CLACKAMAS COUNTY, OREGON
March 2017

RAILROAD AVE
SUBDIVISION

SITE PLAN
1"=100'



OVERALL VICINITY MAP
NTS



Know what's below.
Call before you dig.

ATTENTION:

ATTENTION:
NEWARK LAW REQUIRES YOU TO FOLLOW RULES
ADOPTED BY THE NEWARK JUDICIAL NATION.
ENTER THESE RULES ARE SET FORTH IN
OUR 900-401-1010 THROUGH 902-101-1010.
YOU MAY START A SET OF THE RULES BY
CALLING THE CENTER AT 902-101-1010.

SHEET INDEX

SHEET INDEX	
Sheet Number	DRAWING NAME
C-1-01	COVER SHEET
C-1-01	POSTING CONDITIONS & DRAIN PLANS
C-1-03	SITE PLAN
C-1-05	GRADING PLAN
C-1-07	CENTRIITY AND WATER PLANS
C-1-09	EXP-PLAN

PROJECT CONTACTS

OWNER:
SUSTAINABLE INFILL DEVELOPMENT, LLC
SIMON LOFTS
720 NW TORREY NEW LAKE
PORTLAND, OR 97209
(503) 222-6662

PLANNER:
MARK DANE PLANNING INC.
MARK DANE
14631 SW MILLIAN WAY, SUITE 40
PORTLAND, OR 97205
(503) 382-7167 (CELL)
M-DANE@PLANNINGORG.COM

CIVIL ENGINEER:
PROJECT DELIVERY GROUP, LLC
JAMES HESTON, PE
3773 PORTLAND RD NE
SALMON, OREGON 97301
503-364-4004 (OFFICE)
JAMESL@PDGN.COM

LOCAL JURISDICTION:
CITY OF MILWAUKEE
1101 SE JOHNSON CREEK BLVD
MILWAUKEE, OR, 97206
503.766.7000 OFFICE,

COVER SHEET

G-0.01

PRELIMINARY
NOT FOR
CONSTRUCTION

RAILROAD AVE SUBDIVISION

MARK DINE

REVISION, OR

SYMBOL CONVENTION NOTES

- 100 DEMOLISH EXISTING BUILDING
- 101 ABANDON EXISTING UTILITIES
- 102 SALVAGE AND REPAIR EXISTING PAVEMENT SURFACING
- 103 RELOCATE EXISTING CURB AND GUTTER TO LOCATIONS SHOWN ON GRADING PLAN
- 104 PROTECT EXISTING FENCE/WEED

LEGEND

X EXISTING EXISTING TREE

SCALE NOTE:

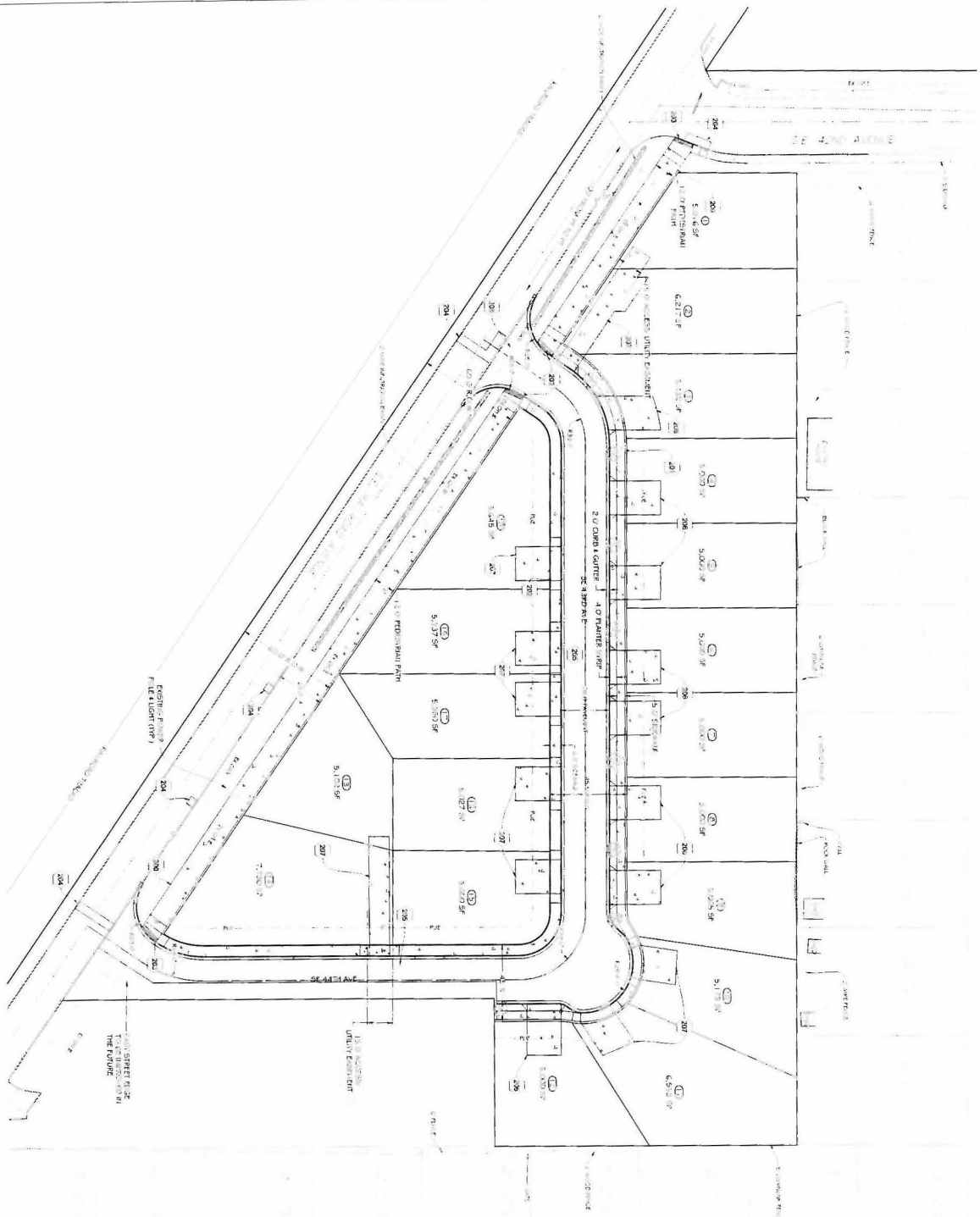
1" = 100'

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

EXISTING
CONDITIONS &
DEMO PLAN

C-1.01





- [illegible]

MARK DANF

RAILROAD AVE
SUBDIVISION

WILSON, UKRZ, OR

PRELIMINARY
NOT FOR
CONSTRUCTION

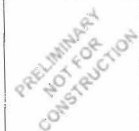


EQUATE NO. 12

THIS IS THE ONLY CREDIT CARD THAT
REWARDS YOU FOR GETTING IT ON
TIME. MEET ANDJUST AND SEE
HOW DIFFERENT.

SITE PLAN

C-1.05

RAILROAD AVE
SUBDIVISION

WORK DONE

MILWAUKEE, OR

SCALE NOTE:

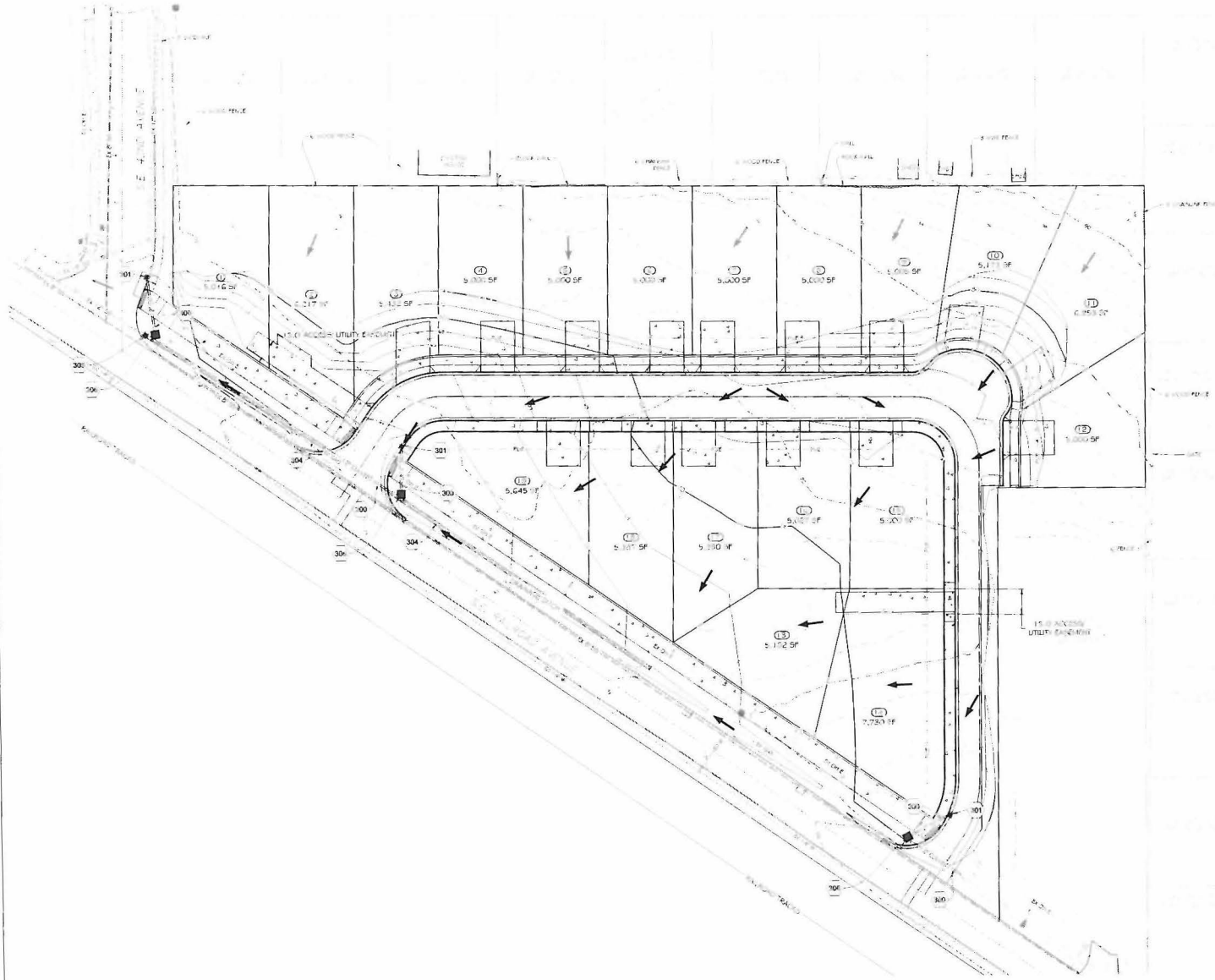


SCALE: ONE INCH ON ORIGINAL
DRAWING IS EQUAL TO ONE INCH ON
THIS SHEET. POINT SIZES
ACCORDINGLY.

[illegible]

GRADING PLAN

C-1.05



1. Click **UP TO** and a search box opens. To find the **E** cell, click on the number.
2. Repeat the procedure to connect with the adjacent cells.

GENERAL CONSTRUCTION NOTES

1. **DIFFERENCE BETWEEN THE TWO TYPES OF CONTRACTS AND CONSIDERATION**
2. **DIFFERENCE BETWEEN A CONTRACT AND A "TAKING INTO CONSIDERATION"**

RENTED - OF BY CONTRACTOR

- [illegible]

MARK DANE
RAILROAD AVE
SUBDIVISION

WILSON, WI

SCALE NOTE:

THIS IS ONE INCH ON DRAWING
EQUALS 100 FEET. IF NOT ONE INCH ON
THIS SHEET, PLEASE ASK FOR
ADDITIONAL INFORMATION.

NO.	DATE	BY	CHKD.	DESCRIPTION
1	10/1/10	WJ	WJ	INITIAL DESIGN
2	10/1/10	WJ	WJ	REVISIONS
3	10/1/10	WJ	WJ	REVISIONS
4	10/1/10	WJ	WJ	REVISIONS
5	10/1/10	WJ	WJ	REVISIONS
6	10/1/10	WJ	WJ	REVISIONS
7	10/1/10	WJ	WJ	REVISIONS
8	10/1/10	WJ	WJ	REVISIONS
9	10/1/10	WJ	WJ	REVISIONS
10	10/1/10	WJ	WJ	REVISIONS

SANITARY AND
WATER PLAN

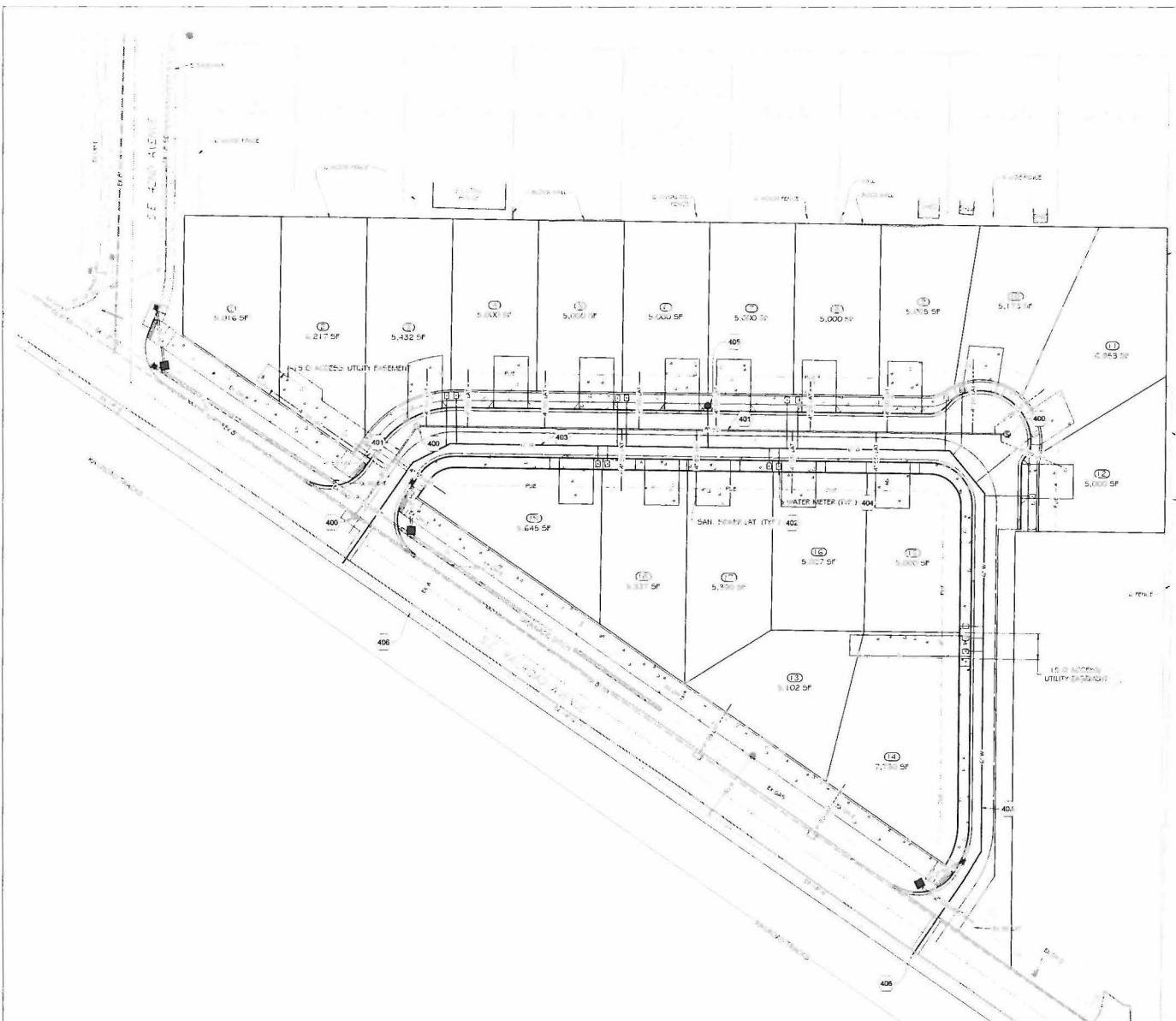
C-1.07

GENERAL CONSTRUCTION NOTES

1. EXISTING AND PROPOSED SANITARY AND WATER MAINS SHALL BE SHOWN ON THIS PLAN.
2. EXISTING AND PROPOSED SANITARY AND WATER MAINS SHALL BE SHOWN ON THIS PLAN.

KEYNOTES TO BE CONSTRUCTED

400. REINSTALL 48" SANITARY SEWER MAINLINE
401. REINSTALL 8" SANITARY SEWER LATERAL
402. REINSTALL 8" SANITARY SEWER LATERAL
403. REINSTALL 6" WATER MAIN
404. REINSTALL WATER SERVICE INCLUDING WATER METER, 1" CUPPER LINE, AND OR STOP AND TAP
405. REINSTALL FIRE HYDRANT
406. REINSTALL HOT TAP



PRELIMINARY
NOT FOR
CONSTRUCTION

RAILROAD AVE SUBDIVISION

MARK LANE

1/4 SECTION 10, T4N, R10E, C9E

SCALE NOTE:

1" = 100' (AS SHOWN ON PLAT)
DO NOT SCALE DIMENSIONS
FROM THIS PLAT. ALL DIMENSIONS
SHOWN ON THIS PLAT ARE TO BE
CONSIDERED AS SHOWN.

PRE-PLAT

C-1.09

LEGEND:
SF: SQUARE FEET
AC: ACRES
L: LOT
B: BLOCK
S: SECTION
T: TOWNSHIP
R: RANGE
C: COUNTY



BUILDABLE AREA TABLE	
LOT	AREA
1	1,745 SF
2	3,199 SF
3	2,626 SF
4	2,400 SF
5	2,400 SF
6	2,400 SF
7	2,400 SF
8	2,400 SF
9	2,372 SF
10	2,372 SF
11	3,250 SF
12	1,905 SF
13	1,654 SF
14	3,110 SF
15	1,814 SF
16	2,321 SF
17	2,575 SF
18	2,504 SF
19	1,732 SF





Order Confirmation

Ad Order Number 0008112555

Customer

VANDER, BENNET

Account: 1000799873

35 NE WEIDLER ST

PORTLAND OR 97232 USA

(503)683-2179

FAX:

Payor Customer

VANDER, BENNET

Account: 1000799873

35 NE WEIDLER ST

PORTLAND OR 97232 USA

(503)683-2179

PO Number 4217 SE Railroad Ave

Sales Rep. Kimberlee O'Neill

Order Taker Kimberlee O'Neill

Order Source Rep

Special Pricing

Tear Sheets 0	Net Amount	\$497.50
Proofs 0	Tax Amount	\$0.00
Affidavits 1	Total Amount	\$497.50
Blind Box	Payment Method	Credit Card
Promo Type OR Legal Ad 2x	Payment Amount	\$0.00
Materials	Amount Due	\$497.50
Invoice Text 4217 SE Railroad Ave Milw April 2017		

Ad Schedule

Product	The Oregonian::Full Run OR	Placement/Class	Announcements
# Inserts	5	POS/Sub-Class	PublicNotices
Cost	\$482.50	AdNumber	0008112555-01
Ad Type	OR CLS Liner	Ad Size	1 X 17 li
Pick Up #		Ad Attributes	
External Ad #		Color	<NONE>
Production Method	OR AdBooker	Production Notes	
Run Dates	Sort Text	HISTORICBUILDINGAT4217SERAILROADAVENUEMILWAUKIE97222FORSALE3BR1BABUILDINGWILLBEDEMOLISH	
04/02/2017, 04/09/2017, 04/16/2017, 04/23/2017, 04/30/2017			

Product	OregonLive.com	Placement/Class	Announcements
# Inserts	30	POS/Sub-Class	PublicNotices
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Ad Type	OR CLS Liner	Ad Size	1 X 17 li
Pick Up #		Ad Attributes	
External Ad #		Color	<NONE>
Production Method	OR AdBooker	Production Notes	
Run Dates	Sort Text	HISTORICBUILDINGAT4217SERAILROADAVENUEMILWAUKIE97222FORSALE3BR1BABUILDINGWILLBEDEMOLISH	
04/01/2017, 04/02/2017, 04/03/2017, 04/04/2017, 04/05/2017, 04/06/2017, 04/07/2017, 04/08/2017, 04/09/2017, 04/10/2017, 04/11/2017, 04/12/2017, 04/13/2017, 04/14/2017, 04/15/2017, 04/16/2017, 04/17/2017, 04/18/2017, 04/19/2017, 04/20/2017, 04/21/2017, 04/22/2017, 04/23/2017, 04/24/2017, 04/25/2017, 04/26/2017, 04/27/2017, 04/28/2017, 04/29/2017, 04/30/2017			

0008112555-01

Ad Content Proof

Historic Building at 4217 SE Railroad Avenue, Milwaukie 97222 for sale. 3BR/1BA building will be demolished unless moved. The House is designated as of "historical significant" by City of Milwaukie. The structure for sale is the original building and does not include the land. Building must be purchased AND moved off the land. Building cannot be demolished on site by a new purchaser (it must be moved). Moving Expenses: All costs to move the building shall be the responsibility of the purchaser. Sale Price: Any reasonable offer shall be reviewed. For more information: Bennet, Keller Williams, 503-683-2179



Order Confirmation

Ad Order Number 0008114696

Customer

VANDER, BENNET

Account: 1000799873

35 NE WEIDLER ST

PORTLAND OR 97232 USA

(503)683-2179

FAX:

Payor Customer

VANDER, BENNET

Account: 1000799873

35 NE WEIDLER ST

PORTLAND OR 97232 USA

(503)683-2179

PO Number 4217 SE Railroad Ave

Sales Rep. Kimberlee O'Neill

Order Taker Kimberlee O'Neill

Order Source Rep

Special Pricing

Tear Sheets	0	Net Amount	\$401.00
Proofs	0	Tax Amount	\$0.00
Affidavits	1	Total Amount	\$401.00
Blind Box		Payment Method	Credit Card
Promo Type	OR Legal Ad 2x	Payment Amount	\$0.00
Materials		Amount Due	\$401.00
Invoice Text	4217 SE Railroad Ave May 2017		

Ad Schedule

Product	The Oregonian::Full Run OR	Placement/Class	Announcements
# Inserts	4	POS/Sub-Class	PublicNotices
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Ad Type	OR CLS Liner	Ad Size	1 X 17 li
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Product	OregonLive.com	Placement/Class	Announcements
# Inserts	31	POS/Sub-Class	PublicNotices
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0008114696-01

Ad Content Proof

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Order Confirmation

Ad Order Number 0008114701

Customer

VANDER, BENNET

Account: 1000799873

35 NE WEIDLER ST

PORTLAND OR 97232 USA

(503)683-2179

FAX:

Payor Customer

VANDER, BENNET

Account: 1000799873

35 NE WEIDLER ST

PORTLAND OR 97232 USA

(503)683-2179

PO Number 4217 SE Railroad Ave

Sales Rep. Kimberlee O'Neill

Order Taker Kimberlee O'Neill

Order Source Rep

Special Pricing

Tear Sheets	0	Net Amount	\$401.00
Proofs	0	Tax Amount	\$0.00
Affidavits	1	Total Amount	\$401.00
Blind Box		Payment Method	Credit Card
Promo Type	OR Legal Ad 2x	Payment Amount	\$0.00
Materials		Amount Due	\$401.00
Invoice Text	4217 SE Railroad Ave June 2017		

Ad Schedule

Product	The Oregonian::Full Run OR	Placement/Class	Announcements
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Product	OregonLive.com	Placement/Class	Announcements
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0008114701-01

Ad Content Proof

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**HISTORIC RESOURCES BACKGROUND REPORT
PAGE 2****IDENTIFYING CONFLICTING USES AND ESEE ANALYSIS:****Methodology:**

The Goal 5 administrative rule calls factors which impede preservation conflicting uses. These could include incompatible zoning designations, trends in development in the vicinity, prior public and private improvement commitments, or other factors which may result in alteration or demolition of a structure. The rule requires cities to weigh the relative importance to the community of both preserving the resource and allowing the conflicting uses. Decisions were made as to the impacts of preserving the resource or allowing the conflicting use, although, in most cases, a compromise between the two was thought to be the best solution. Within the new Historic Preservation section of the development code, a process was devised to review demolition and alteration conflicts as development actions are proposed.

Findings:

The likelihood that conflicting uses will occur is often greatest in areas which contain residential structures but are zoned for commercial use. Structures, however, can frequently be converted to commercial uses without detriment to the historic and architectural character of the resource. Routing alteration and demolition proposals through the review process will provide the opportunity to prevent or mitigate the loss of a resource or incompatible alterations to a resource. The exception to this may be areas on which prior commitments have been made (e.g., the shopping center site between Oak, Railroad, Hwy. 224, and 37th Ave.)

Areas containing residential building types which are located in areas designated Medium Density or High Density have a moderate likelihood for conflicting uses. Sometimes these resources could be converted to accommodate multi-family development. Characteristics such as lot size and orientation of the structure could stimulate innovative design solutions to redevelopment pressures without seriously compromising the resource's integrity.

Areas least likely to experience the pressure of redevelopment for conflicting uses are residential buildings, churches, schools, other structures located in areas designated Low Density Residential, or commercial structures within commercially designated areas.

HISTORIC RESOURCES BACKGROUND REPORT
PAGE 3

ES&E Analysis and Conflict Resolution:

This section examines each "category" of conflicting uses and the economic, social, environmental, and energy impacts of both 1) allowing the conflicting uses, and 2) preserving the resource.

LOW AND MODERATE DENSITY (R-10, R-7, R-5):

These Plan and zone designations allow single family residences as outright uses. Resources in these zones would have the fewest pressures from conflicting uses such as changes of use. Single family "attached" units (2-4 in a row) are allowed in each zone as conditional uses, but minimum lot sizes are required for each unit (e.g., 10,000 square feet for a duplex [per unit] in an R-5, 7,000 square feet per unit, R-7 and R-10). Residences, on larger lots may have greater development pressures for single family attached. Alteration or demolition would still be potential conflicting uses.

Economic:

Approximately 52% of the identified resources in Milwaukie fall into this category. Since resources in these areas have the fewest development pressures, economic consequences of preserving the resources should be minimal. Alteration or remodeling of a historic resource is often less costly than demolition and reconstruction of another single family structure. Concentrations of historic structures could be used as an economic development tool. Creating a walking tour or bicycle tour of homes near the City's core, for example, might entice tourists to the downtown area. Similar activities provide recreational opportunities for residents of the City as well.

Economic consequences of allowing conflicting uses fully (including demolition and alteration) could include a reduction of assessed values. A well-maintained historic home would likely have a higher assessed value than a poorly maintained resource, or a smaller, new residence constructed without attention to craftsmanship. Alternatively, a resource without much architectural integrity, or in a poor condition, may be replaced with a structure of higher assessed value.

Social:

Social values of preserving architecturally and historically significant resources are greater than those of protecting resources without integrity or significance. The statements of significance explain each resource's values in more detail.

HISTORIC RESOURCES BACKGROUND REPORT

PAGE 4

Preserving historic resources provides opportunities for housing choices in residential areas, provides educational opportunities, contributes to the community's identity and image, provides architectural interest, and establishes neighborhood character. Other features on many of these parcels, such as mature plantings and larger lots and setbacks, also contribute to the historic setting.

Environmental and Energy Consequences:

There are "energy costs" involved in demolishing an existing structure as well as in building a new one. In terms of window replacement, energy efficiency can be achieved with a variety of combinations of frame and glass types. More thermally-efficient glass could be installed in existing wood frames with similar heat loss results as for standard aluminum frames and glass, for example.

Conflict Resolution:

Retain those historic resources which have maintained their integrity to the greatest degree and have the most significance. Since the conflicting uses in these areas are the fewest, retain as many structures as possible. Allow for adaptive reuse in appropriate areas. On lots of adequate size to accommodate single family attached units, allow for conversion to attached as long as architectural integrity is maintained through high quality design. This may discourage additional partitioning and construction which may compromise the historical setting.

MEDIUM AND HIGH DENSITY (R-3, R-2, R-1):

These zones, as implemented under the Medium or High Density Residential Plan categories, allow between 14 (R-3) and 31 (R-1) units per acre. Office uses are allowed through the conditional use process. In the R-3 zone, apartments are allowed only through the conditional use process.

Economic:

Resources in these areas tend to be clustered near the downtown or near district shopping areas. If lots are large enough, pressures for redevelopment to multi-family could be high. Since office uses are also allowed as conditional uses, utilization of structures for other than residential uses also holds potential.

Any job generation from apartment or housing construction is considered transitory and minimal.

Kolias, Vera

From: David Aschenbrenner <dlasch@comcast.net>
Sent: Monday, April 10, 2017 9:54 PM
To: Kolias, Vera
Cc: Barbur, Scott; Dewitz, Michele; Greg Hemer; Hemer, Michelle; Kellie Lacey; Mark Hurlburt; Milwaukie Museum
Subject: Application Referral HR-2017-001

Hector Campbell NDA has voted to approve the demolition of the historic house at 4212 SE Railroad Ave with one comment. That comment is to move the white sign about removing the house to a location where it is easier to read.

We also request that if the house is demolished, that artifacts can be preserved by the Milwaukie Museum with their coordination and approval.

David Aschenbrenner
Chair, Hector Campbell NDA
MilwaukieOR 97222
503-804-3837
2dasch@gmail.com



Milwaukie Historical Society

3737 SE Adams St. Milwaukie, OR 97222

www.milwaukiehistoricalsociety.com

milwaukiemuseum@gmail.com

April 25, 2017

To: Planning Department, Vera Kolas
Design and Landmarks Committee, Brett Kelter
Planning Commission, Denny Egner

From: Milwaukie Historical Society
3737 SE Adams St.
Milwaukie, OR 97222
milwaukiemuseum@gmail.com

HR-2017-001

Milwaukie Historical Society values and encourages City of Milwaukie Historical Significant Properties to be saved and preserved for future generations, we also recognize the property located at 4217 SE Railroad Ave is in disrepair and has costly and challenging structural integrity issues; therefore Milwaukie Historical Society approves the demolition of the historic house located at 4217 SE Railroad Ave with one comment:

Milwaukie Historical Society requests that if the house is demolished, before demolition, Milwaukie Historical Society may enter the premise and remove artifacts that may be preserved by Milwaukie Historical Society. Milwaukie Historical Society will coordinate artifact removal with the property owner.

Thank you

David Aschenbrenner
President- Milwaukie Historical Society



Preserving Milwaukie's history for future generations

Jacob and Elizabeth Keil arrived in Milwaukie in 1876 from Wisconsin. They bought a small farm house from Mr. Wait. The Keil farm included 40-48 acres on 42nd and Railroad. The house was a small square building with only a kitchen, front room and bedroom in 1888. In the 1890's they commissioned Mr. Shindler to build on the front portion of the house. The house still sits on the corner where a barn was built behind it and also a gymnasium. An apple orchard covered a lot of their farm, chickens also found a place on the Keil farm. The gym was needed for their three sons, Jake, Frank and Paul who formed a vaudeville trapeze troupe and preformed all over the world. Paul later changed his name to Paul Malverne and became a Hollywood producer, doing movies with stars like Roy Rogers.



VAUDEVILLE STARS. Jake, Frank, and Paul Keil, early Milwaukie brothers who were raised in a house on Railroad Ave., formed a vaudeville troupe and performed all over the world.

Jake Keil's son, Paul, who performed with the group, later changed his name to Paul Malverne and became a Hollywood producer.

Milwaukie Review
July 12, 1973



To: Planning Commission

Through: Denny Egner, Planning Director

From: Vera Kolias, Associate Planner

Date: May 2, 2017, for May 9, 2017, Public Hearing

Subject: File #HR-2017-001
Historic Resource Demolition – 4217 SE Railroad Ave
Supplemental Information

The Design and Landmarks Committee (DLC) met on May 1, 2017 to review the application requesting to demolish the historic resource at 4217 SE Railroad Ave.

The DLC listened to a staff presentation, discussed the project with the applicant, and then voted to recommend that the Planning Commission approve the demolition with the recommended findings and conditions. The DLC recommended the following condition for the Commission's consideration:

- Require that an historic marker or another identifier be installed to identify the property as being the site of the former Keils-Hoesly Farm House.