



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

AUGUST 14, 2018

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer
Scott Jones

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter Associate Planner
Vera Kolas, Associate Planner
Mary Heberling, Assistant Planner
Tim Ramis, City Attorney

Absent: None

1.0 Call to Order — Procedural Matters*

Chair Travis called the meeting to order at 6:30 p.m. 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

2.1 February 23, 2018

Commissioner Hemer corrected the spelling of his name in the motion on Page 3.

Commissioner Hemer moved and Commissioner Argo seconded to approve the February 23, 2018 Planning Commission minutes as corrected. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, noted staff had been conducting neighborhood outreach regarding the neighborhood hubs portion of the Comprehensive Plan update project and had received more than 280 responses to the survey.

Mr. Egner added that the Comprehensive Plan Block 1 Policies, North Milwaukie Industrial/Innovation Area Plan, and additional housekeeping code amendments would go before City Council at the next meeting.

North Clackamas Park and Recreation District (NCPRD) would host an event on August 24, 2018 to discuss the changes that would occur on the next phase of Milwaukie Bay Park.

He also invited the Commissioners to the Planning Commission training and full day Planner training that would be held in September and paid for by the City.

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: 44th Ave & Llewellyn St Rezone
Applicant's Representative: Barry Sandhorst
Owners: Dieringer Properties, Inc.; Greg Van Dyke; Arnold Keller
Address: 4401-4409 & 4411 SE Llewellyn St; 10500 SE 44th Ave; 4401 SE Harrison St
File: ZA-2018-003
Staff: Brett Kelter, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Brett Kelter, Associate Planner, presented the staff report via PowerPoint, noting that the rezone would facilitate future development. Staff recommended approval. He added that the rezone would likely limit the need for future variance requests for lot size or lot dimension. He distributed a revised version of the Findings and entered it into the record regarding adoption of the zone change by Council.

Chair Travis confirmed that all of the correspondence received was included in the staff report. She called for the applicant's testimony.

Barry Sandhorst stated he had no testimony but was available to answer questions.

Mr. Kelter clarified that if the Commission approved the request, the change would need to be read into the record, so staff could adjust the Findings.

Chair Travis confirmed there was no public testimony and closed the public testimony.

Planning Commission Deliberation

Commissioner Hemer believed the request was approvable, adding that by changing the zoning to increase density, an increase of occupancy could be assumed. The site was near major city arterials and fit well with the neighborhood hub concept.

Chair Travis added it provided an excellent example of redevelopment opportunities in the city. Others might follow suit to increase the utilization of existing properties for redevelopment.

Commissioner Hemer moved and Commissioner Edge seconded to approve the application ZA-2018-003, adopting the recommended Findings in Attachment 1 and including Exhibit 1. The motion passed unanimously.

Chair Travis read the rules of appeal into the record.

6.0 Worksession Items

- 6.1 Summary: Comprehensive Plan Housing Discussion
Staff: David Levitan, Senior Planner

David Levitan, Senior Planner, stated the next block of work for the Comprehensive Plan Update focused on the Housing section, which included housing, climate change and energy,

the Willamette Greenway, parks and recreation, and hazards. The 2016 Housing Needs Analysis showed Milwaukie had an adequate supply of a variety of housing types to meet projected demands for the next 20 years, so the City could be more flexible and creative with the goals and policies that were established and still meet Goal 10 requirements. Staff sought feedback about specific items the Commission wanted staff to consider for the Housing section.

Mr. Egner noted that since the Housing Needs Analysis did not recommend any changes, the Council focus was to provide more affordable housing options. Staff was working on two parallel projects, which could be grant funded, to find further opportunities to facilitate affordable housing projects. One project involved an audit of the City's Accessory Dwelling Unit (ADU) codes and the other would consider Code amendments for facilitating cottage cluster housing.

Mr. Egner explained the difference between form-based and use-based regulations, noting that City Council had provided direction to refrain from being too conservative when considering zoning options intended to broaden housing opportunities. Council suggested that Housing be addressed apart from the other Block 2 topics. Staff was to return to the City Manager with a methodology to give more time and focus to the housing piece.

Discussion about housing and potential Comprehensive Plan amendments included the following key comments:

- **Commissioner Hemer** suggested the City allow for all types of housing so that the market drives development, rather than being overly prescriptive. Allowing flexibility would create opportunity for the economic system to provide needed affordable housing.
- A grant program should be developed to assist living wage or low income workers with a first home down payment, which would provide stable, long term housing without worrying about rising rents. It would also provide opportunity for more rental property, which was currently limited by the existing rules.
- Some communities have prevented up-zoning which resulted in increased housing costs. How could the Commission educate the public about housing issues?
 - Staff agreed there would need to be robust community engagement, and likely economic analysis to explain it. Economic concerns related to homeownership would need to be adequately addressed.
- The **Commission** discussed form-based zoning.
 - The Comprehensive Plan Advisory Committee (CPAC) was expected to provide a forum for a discussion on form-based design and related legal or State processes. Having examples of what other Oregon communities were using would help in educating the public about options and constraints.
 - The housing crisis was much more systemic than solutions like form-based code or loosening zoning regulations would provide.
 - Design standards would have to be retained if all types of housing were allowed.
 - Considering a form-based code made sense. Policy objectives to get more housing must balance with the needs of current residents. Form-based code could help preserve some compatibility between the existing established neighborhood and the new development of multiplexes within the setbacks of a single-family dwelling.
- Open space, transportation, hazard considerations, and other policies were already addressed in the Comprehensive Plan and did not need to be in the Housing section.
- Downtown also needed to accommodate more housing.

- The Affordability and Livability Agenda in Seattle allowed a 1:1 density bonus equivalent to the amount of protected affordable housing provided. Such an incentive would improve the ability of housing developments to pencil out and provide protected affordable housing.
 - The City should allow more plexes and find opportunities for plexes at street corners, which Portland provided via its alternative zoning densities.
- Providing flexibility in housing options, housing form, and housing structure would encourage individual property owners to modify and improve their property or utilize some option that increased density. Whereas, rezoning an entire block would create a prime opportunity for a large developer to build an entire neighborhood of tract houses or high density apartments.
- The City should provide relief for system development charges (SDCs). The SDC process should be more transparent and easy to understand. SDC incentives were an important piece for building density and smaller homes.
- Educating residents could reduce stigmas surrounding affordable housing residents. Messaging and public engagement regarding housing policies would be important. The Community Vision encouraged dispersing affordable housing and a variety of housing types throughout the community.
- Mixed income neighborhoods actually benefit lower income families according to a 2014 Harvard study. The City should include Comprehensive Plan policies that encourage a mix income levels within neighborhoods. Staff noted mixed income housing was being discussed for the Hillside site.
 - Mixing ADUs and small houses in with plexes would enable lower income earners and families to build equity and then sell and move up to larger homes.
 - The market would still dictate housing prices regardless of policies; however, grant programs and subsidies could provide opportunities for lower income, first-time home buyers.
- There was no way to guarantee how long units would stay affordable, so preservation of affordable housing was a major concern.
- Making the existing zoning process more efficient and considering incremental changes to the existing zones should be weighted equally with more sweeping changes.
- The more radical the changes, the more transportation system could be impacted. The TSP may need to be updated.

7.0 Planning Department Other Business/Updates

7.1 Planning Commissioner Notebook Replacement and Interim Update Pages

Mr. Egner distributed a notice to the Commission that the time allowed for the subdivision on Logus Rd was extended, so the applicant could return with their final plat.

Several Commissioners requested electronic copies of the notebooks with active hyperlinks rather than having physical, paper copies of the notebook.

8.0 Planning Commission Committee Updates and Discussion Items

Commissioner Hemer announced that a Milwaukie Museum History Walk was being done in accordance with an AARP walk on August 25th from 10 am to 12 pm at the Ledding Library.

Mr. Levitan confirmed the library received a notice to proceed and that no revised bond

measure was required. He provided background information about the project and did not know when construction would start.

Mr. Egner directed Commissioners to the City website for updates on the Adams St Overpass Project.

Commissioner Edge invited everyone to the Trolley Trail Festival in Oak Grove on August 18th from 8 am to 4 pm.

9.0 Forecast for Future Meetings:

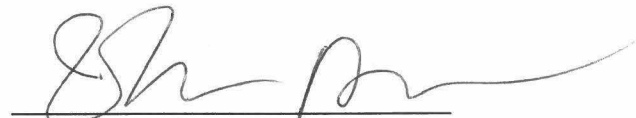
August 28, 2018 1. TBD
September 11, 2018 1. TBD

Mr. Egner confirmed the Commission wanted to review the Room Service/Housekeeping Code Amendments on August 28th, so the September 11th meeting would be cancelled. The hearing on the Harmony Park Apartments was scheduled for the September 25th Planning Commission meeting. The Oregon Chapter of the American Planning Association and DLCD would host training meetings on September 12th and 13th and housing would be a discussion topic. Commissioners should let staff know if they wanted to attend.

Meeting adjourned at approximately 8:20 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Kim Travis, Chair

John Honey Buck, Vice Chair



CITY OF MILWAUKIE

AGENDA

August 14, 2018

PLANNING COMMISSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

- 1.0 Call to Order - Procedural Matters — 6:30 PM**
- 2.0 Planning Commission Minutes – Motion Needed**
 - 2.1 February 23, 2018
- 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: 44th & Llewellyn Rezone
Applicant's Representative: Barry Sandhorst
Owners: Dieringer Properties, Inc.; Greg Van Dyke; Arnold Keller
Address: 4401-4409 & 4411 SE Llewellyn; 10500 SE 44th Ave; 4401 SE Harrison
File: ZA-2018-003
Staff: Brett Kelter, Associate Planner
- 6.0 Worksession Items**
 - 6.1 Summary: Comprehensive Plan Housing Discussion
Staff: David Levitan, Senior Planner
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Planning Commissioner Notebook Replacement and Interim Update Pages
- 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:**
 - August 28, 2018 1. TBD
 - September 11, 2018 1. TBD

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@milwaukieoregon.gov. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
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:

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

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



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

FEBRUARY 13, 2018

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Vera Kolias, Associate Planner
Dan Olsen, City Attorney

Absent: Scott Jones

1.0 Call to Order – Procedural Matters*

Chair Travis called the meeting to order at 6:30 p.m. 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

2.1 December 12, 2017

Commissioner moved Hemer and Commissioner Argo seconded to approve the December 12, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, welcomed Joseph Edge as a new Commissioner.

Commissioner Edge said he lived in Oak Grove, just south of Milwaukie, but was a lifelong resident of the area and attended school in Milwaukie. He looked forward to the opportunity to serve on the Planning Commission.

Mr. Egner added that the new Community Vision document was distributed to the Commission for their reference notebooks.

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

Charles Mays, Casa de Tamales, thanked the City for the new Parking Enforcement Officer. He added that the Milwaukie Bay Park was in need of maintenance.

5.0 Public Hearings

5.1 Summary: Jackson St Driveway Variance
Applicant/Owner: Ann and Bodo Heiliger
Address: 5047 SE Jackson St

File: VR-2017-013
Staff: Vera Kolias, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Gene Zaharie, 5273 SE Jackson St, noted that only three of the Commissioners stated they had visited the site and questioned if that caused concern for the Commissioners considering that half of the Commission had not visited the site.

Commissioner Argo responded that that the Commission received a detailed staff report for the proposal and property.

Vera Kolias, Associate Planner, presented the staff report via PowerPoint. She described the background of the house and property, and noted that the house was constructed with a front yard setback of less than 15 ft. The previous owner had converted the attached garage to living space without permits. The applicant sought permits to bring the property into compliance and was informed of the residential off-street parking requirements, with which the property could not comply. The applicant was seeking a variance to the parking requirement to allow for the parking space to be within the front yard setback.

Ms. Kolias noted the key question was if the request was reasonable and added that the effort and cost of constructing a new driveway on the west side of the house would not have a corresponding benefit to the neighborhood to require that alternative. One of the recommended conditions was to bring the current driveway access more into compliance. She reviewed the comment received and decision-making options.

Chair Travis called for the applicant's testimony.

Bodo Heiliger, 5047 SE Jackson St Milwaukie, and **Dan Jensen, applicant's father-in-law**, noted that final approval for the permits to bring the converted garage into compliance was contingent on the approval of this variance request. **Mr. Jensen** added that, although the cost of paving the driveway was high, they would not prefer to have the driveway located on the west side as that would take away most or all of the front yard.

Chair Travis called for public testimony.

Gene Zaharie, 5273 SE Jackson St, stated that he attended the recent Hector Campbell Neighborhood District Association meeting and the NDA Chair had spoken in favor of the variance request.

Commissioner Hemer asked staff if Jackson St was on the Safe Routes to School project list.

- **Mr. Heiliger** stated that it was not part of the SAFE program.
- **Mr. Egner** added that Jackson St was a local street and priority was given to streets that made connections such as park to park or school to park, etc., which Jackson St would not be considered for that.

Chair Travis closed the public testimony.

Planning Commission Deliberation

Commissioner Hemer agreed with Commissioner Burns' suggestion to allow for the apron to be constructed at the time that Jackson St was improved.

- **Commissioner Edge** agreed, although parking requirements may be different in 15-20 years and therefore the condition may not be applicable. He believed the current driveway was consistent with the neighborhood and unimproved street, and the cost of the apron was excessive for little gain.
- **Mr. Egner** was unclear of the implications of removing the requirement as set by the Engineering Department. However, the Commission could remove the condition from their approval but that may not remove the Public Works standard for paving the driveway.
- **Commissioner Burns** said he was not inclined to require additional asphalt for the apron as Jackson St was very unimproved.

Commissioner Hem moved and Commissioner Edge seconded to approve application VR-2017-013 for 5047 SE Jackson St with the recommended findings and conditions as amended to remove Condition 1.A. The motion passed unanimously.

5.2 Summary: Ledding Library Temporary Locations
Applicant/Owner: Amy Winterowd/City of Milwaukie
Address: 9600 SE Main St
File: CSU-2017-009
Staff: Vera Kolias, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Vera Kolias, Associate Planner, presented the staff report via PowerPoint. The proposal was for the City of Milwaukie to use a portion of the TriMet Park and Ride location on SE Main St as a temporary location for the Ledding Library during the reconstruction project. She reviewed the land use history for the site and noted that the application was for a new approval for the use of the site by the library. The proposal for the temporary modular building had been revised due to a change in availability and the new proposal was distributed to the Commission. She described the property features and its proximity to downtown. Additional square footage of the site would be occupied by bicycle racks, ADA features, garbage screening, and 10-11 parking spaces for library use. There would be self-contained sanitary tanks and would be managed by a company. The modular building would be in place until approximately September 2019 and no permanent library-related improvements were proposed.

Ms. Kolias reviewed the key issues and noted the use was compatible with the surrounding areas as there were a variety of industrial uses in the area that functioned with a variety of hours. The site was close in proximity to downtown and was accessible to pedestrian and bicycle traffic. She confirmed that a permit was not required to park in the Park and Ride parking lot.

Chair Travis called for the applicant's testimony.

Amy Winterowd, Plan B Consultancy, 696 McVey Ave Ste. 202 Lake Oswego, OR 97034, and Katie Newell, Ledding Library Director, provided the applicant's testimony.

Ms. Winterowd reviewed the background for the project regarding the bond measure passed

by citizens with the intent of renovation and remodeling of the Ledding Library. However, through due diligence, issues such as safety and seismic hazards compared with the cost/benefit analysis, it became clear that remaining onsite during construction would prove hazardous. Sites for a temporary location for the library were researched but were found to be limited for the needed criteria such as within the library district, accessibility to public transit, walkability, short lease term, etc. In addition, use by the library of the TriMet property would be at no cost to the City.

Commissioner Edge was concerned about access from the bus stop to the temporary building for disabled or mobility-impaired patrons.

Ms. Winterowd responded that she was open to additional suggestions but added that the property was very flat compared to the current library site. She noted that the proposal met the requirements.

Vice Chair Burns asked if co-locating with the Oak Grove Library had been considered.

Ms. Newell responded that Oak Grove was the last remaining branch of the Clackamas County Library, was overcrowded, had minimal parking, and could not facilitate the Ledding Library staff or materials. The temporary location would allow for current staff and materials to serve current patrons.

Mr. Egner noted that the intent of the proposal was as a temporary location for the library and therefore not require extensive site improvements.

Chair Travis closed public testimony.

Planning Commission Deliberation

Commissioners Argo and Hemer, and Vice Chair Burns supported the proposal.

Commissioner Edge would like to see some form of separation for pedestrians between public transit stop and the building.

Chair Travis acknowledged that the project was new to everyone and that once it got underway, issues would arise and would be addressed accordingly.

Commissioner Hemer moved and Commissioner Argo seconded to approve application CSU-2017-009 for the Ledding Library temporary location at 9600 SE Main St with the recommended findings and conditions as presented. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Comprehensive Plan Update Project update
Staff: David Levitan, Senior Planner

David Levitan, Senior Planner, presented the staff report via PowerPoint. He reviewed the background of the project to-date regarding the Comprehensive Plan Advisory Committee (CPAC), background reports, upcoming events and meetings, and the consultants involved with the project.

Mr. Levitan reviewed the CPAC membership that included representatives from most of the Neighborhood District Associations (NDAs), City Council, downtown businesses, and Chair Travis as the Planning Commission liaison. The NDA members were key in supporting direct community feedback and participation. The CPAC's charter focused on harnessing the community connection, to help shape public involvement, and to refine policy priorities. The Comprehensive Plan had not been updated in 30 years and the update was focused on reorganizing the Plan, removing redundancies, and to make it a more readable document. **Mr. Levitan** reviewed the CPAC meetings held to date and the feedback received. He noted that the new Arts & Culture topic was not included in the current Comprehensive Plan.

Mr. Egner added that as part of the Block 1 policy process, the project team would reach out to the NDAs for feedback on neighborhood nodes and to share information regarding the planning and policy process.

Chair Travis was in the Public Involvement topic group at the last meeting and she described that the group brainstormed ideas around improving public involvement, etc. There would be five meetings for each policy block and she looked forward to future discussions and outcomes at the meetings. The other topic groups included Economic Development, Urban Growth Management, and Arts & Culture.

Mr. Levitan noted that the City Manager, Ann Ober, had suggested the need to provide a foundation regarding the role of the City and the true role of the Comprehensive Plan to prevent more vision-related actions, etc. A matrix that incorporated existing Plan policies, policy language from the Vision, and policy priorities established at earlier meetings would be the framework for the discussion at the next meeting. The policies would be arranged in a way that would make it easy for the members to think through what the community's priorities would be, what policies should be included while meeting state-wide planning goals and being consistent with the community vision and other City documents.

Mr. Levitan reviewed the Background Reports that provided context for each topic area and included questions to consider for policy language. A condensed summary of each topic would be included at the beginning of each Plan element. He reviewed the Block 1 topics and added that although the Arts and Culture topic was not related to a state-wide goal, it was raised as an important topic that came through the Community Visioning process. There would be three CPAC meetings, a town hall, and an online open house in the next months and staff would return to the Commission to review recommended policies in July. He reviewed additional outreach planned with the non-English speaking community, youth engagement, artMOB and Milwaukie Museum, and coordination with the Climate Action Plan process.

Mr. Egner noted that the purpose of the topic blocks was to pin down policies into a document to be organized and critiqued until the hearing process began. Each topic block related to a state-wide planning goal. He added that the Climate Action Plan would likely effect a number of city activities and departments with topics around land use, transportation, and energy and building. Staff would request that representatives for the Climate Action Plan present the project to the Commission.

Mr. Levitan described the concept of neighborhood hubs that resulted from the Community Vision process. Staff would attend all NDA meetings in March to begin the discussion and the consultant would help the design and economic analysis for the neighborhood hubs. Staff would return to the Commission to review that work.

Mr. Levitan reviewed the key questions for the Commission regarding specific policies, updates from staff, and policy recommendation worksessions.

Mr. Egner noted that, regarding the Urban Growth Management Area (UGMA), the agreement with Clackamas County needed to be updated as soon as a draft was agreed upon. Then, depending on the results of the updated Comprehensive Plan, the agreement may need to be revisited to ensure consistency between the two. He discussed issues around annexation of and services to the larger tracts of land on the edge of the city. However, many services had been given to other special districts and there was little incentive for properties to annex into the city, and some of the city's zoning was lower density than the correlating county zoning.

Commissioner Hemer voiced concerns about the possible lack of diversity of the CPAC. He was also concerned about the focus on downtown through the process while potentially underrepresenting the east side of the city. Although the Comprehensive Plan stated that the NDAs would be advisory to the Planning Commission City Council and should be notified of any land use or legislative decisions, the current CPAC membership did not include two of the NDAs and therefore excluded their participation. He felt the communication between the project team and the NDAs and Land Use Committees had been inadequate.

7.0 Planning Department Other Business/Updates

Mr. Egner noted that staff was proposing an amendment to remove the Scott Park Master Plan from the Comprehensive Plan. The plan had not been updated or implemented in 30 years and conflicted with the proposed Ledding Library reconstruction design. This proposal was determined to be the best solution for the situation. In addition, the Urban Renewal Plan included a project to update the Scott Park Master Plan.

A proposal for the Comprehensive Plan update project was to remove all the park master plans as ancillary documents to the Comprehensive Plan.

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

- | | |
|-------------------|--|
| February 27, 2018 | 1. Public Hearing: CSU-2017-010 Rowe Middle School Improvements |
| March 13, 2018 | 1. Public Hearing: CSU-2017-007 Milwaukie High School Renovation |

Meeting adjourned at approximately 8:48 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Kim Travis, Chair



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kelter, Associate Planner

Date: August 7, 2018, for August 14, 2018, Public Hearing

Subject: **File:** ZA-2018-003

Applicant: Dieringer Properties, Inc. (Barry Sandhorst, representative)

Owner(s): Dieringer Properties, Inc.; Greg Van Dyke; Arnold Keller

Address(es): 4401-09 SE Llewellyn St, 4411 SE Llewellyn St, 10500 SE 44th Ave, and 4401 SE Harrison St

Legal Description (Map & Tax Lot): 1S2E30CC07500 & 7400; 1S2E31BB00900 & 1000

NDA(s): Hector Campbell (with proximity to Lewelling)

ACTION REQUESTED

Approve application ZA-2018-003 and adopt the recommended Findings found in Attachment 1. This action would rezone the 4 subject properties from Residential R-3 to R-2.5.

BACKGROUND INFORMATION

The applicant proposes to change the zoning of the subject properties, from Residential R-3 to R-2.5. The applicant, who owns 2 of the 4 subject properties, approached the owners of the other 2 properties about their interest in signing on to the request. The other owners agreed with the proposed change and asked to be included in the rezoning request.

The R-3 and R-2.5 zones are both designated as Medium Density zones in the City's Comprehensive Plan, and both allow almost exactly the same uses. Given the current development standards for the R-2.5 zone, the proposed zone change would allow the subject properties, which are sized in multiples of 5,000 sq ft for lot area, to redevelop in proportion to their size, at a ratio of 2,500 sq ft per unit instead of 3,000 sq ft.

A. Site and Vicinity

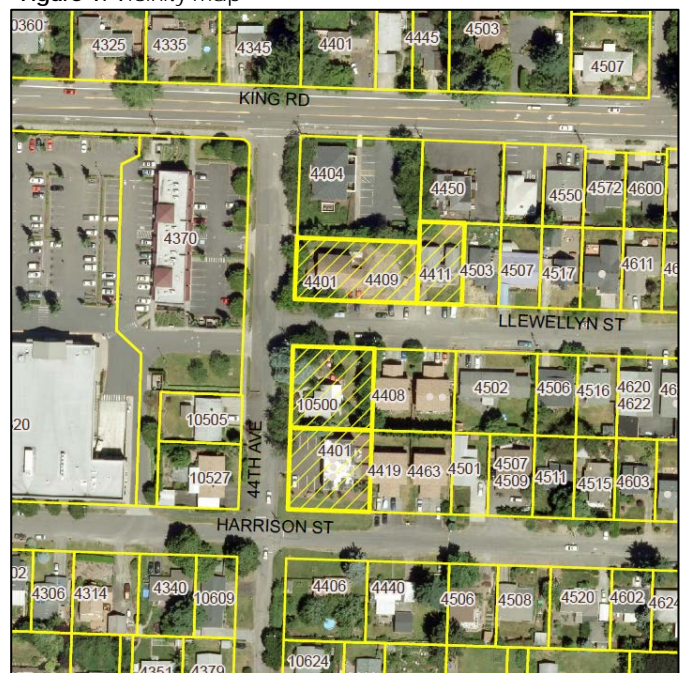
The site is comprised of 4 properties addressed as 4401-09 SE Llewellyn St, 4411 SE Llewellyn St, 10500 SE 44th Ave, and 4401 SE Harrison St.

The property at 4401-09 SE Llewellyn St is approximately 11,250 sq ft in area and is currently developed with a duplex on the western side of the lot. A pre-existing single-family house on the site was demolished within the last 10 years. The property at 4411 SE Llewellyn St is approximately 5,500 sq ft in area and is currently developed with a single-family house.

The property at 10500 SE 44th Ave is approximately 10,000 sq ft in area and is currently developed with a single-family house. The property at 4401 SE Harrison St is also approximately 10,000 sq ft and is currently developed with a 4-unit multifamily structure. The existing 4-unit structure is essentially a de facto conditional use that is nonconforming with respect to the maximum allowed density and minimum lot size standards of the R-3 zone.

The surrounding area consists of a mix of residential and commercial uses. To the west, the King Road Shopping Center is a significant commercial hub for the surrounding neighborhood, with a Safeway grocery store and a variety of small restaurants and personal service uses. Along King Rd to the north, there are several small office uses, and the remaining surrounding area is primarily developed with single-family houses and duplexes. See Figure 1.

Figure 1. Vicinity map



B. Zoning Designation

Residential R-3

C. Comprehensive Plan Designation

Medium Density (MD)

D. Land Use History

- June 1983:** File #s VR-84-14 and M-83-5 – The Planning Commission approved a minor land partition to create 3 parcels at what was then addressed as 4403 SE Llewellyn St (currently addressed as 4401-09 SE Llewellyn St), with variances for lot size and depth. The approved proposal was to construct two townhouse units that would be connected by a carport to an existing single-family house, with the partition establishing a distinct lot for each attached housing unit. It appears that the partition was never finalized to formally replat the property and establish distinct lots for each of the new dwellings, but the proposed townhouse units were constructed (in the form of the duplex that remains at the corner of 44th Ave and Llewellyn St) and attached to the existing house with a carport.
- October 1984:** City Council adopted Ordinance #1569, establishing the R-2.5 zone designation but not applying it to any particular properties at that time.

- **September 1986:** File #s CPA-86-03 and ZC-86-06 – With Ordinance #1604, the City Council rezoned the nearby properties between Llewellyn St and Harrison St (including 4408-62 SE Llewellyn and 4419-63 SE Harrison St) from R-3 to R-2.5.

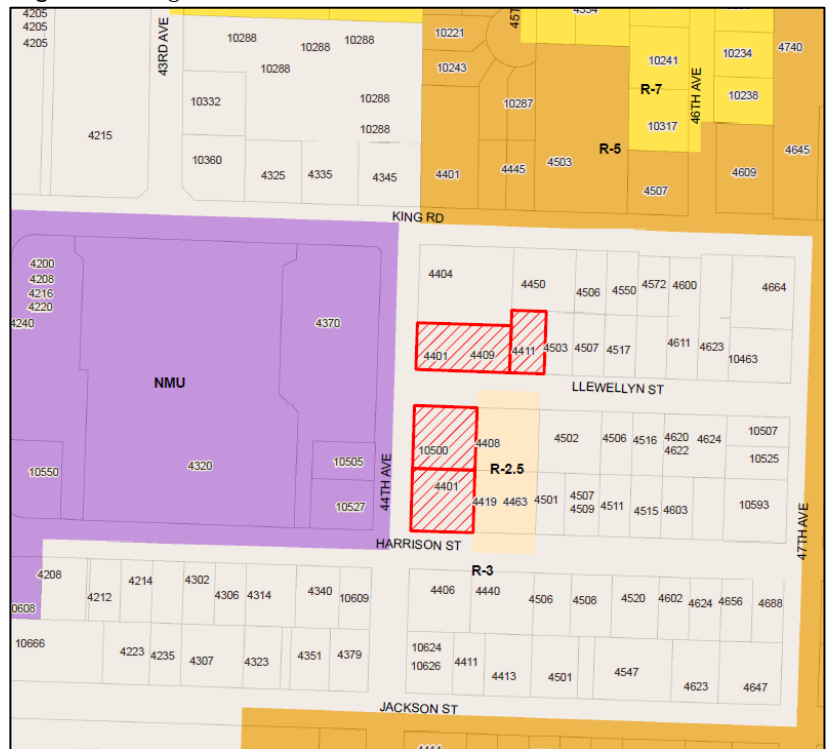
E. Proposal

The applicant is seeking land use approval for an amendment to the City's Zoning Map. The proposal is to change the zoning of the 4 subject properties from R-3 to R-2.5 (see Figure 2). See Attachment 2 for the applicant's submittal materials.

The project requires approval of the following application:

1. Zoning Map Amendment (file #ZA-2018-003)

Figure 2. Zoning



KEY ISSUES

Summary

Staff has identified the following key issue 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. Is the proposed zone change compatible with the surrounding neighborhood?

Analysis

- A. Is the proposed zone change compatible with the surrounding neighborhood?

The only difference between the uses allowed in the existing R-3 zone and those allowed in the proposed R-2.5 zone is that manufactured dwelling parks require Type III review in the R-3 zone and are not allowed in the R-2.5 or higher density zones. The key differences in the two zones are in the development standards, which allow a slightly higher maximum density and smaller lot sizes in the R-2.5 zone. For the subject properties, which are almost all sized in multiples of 2,500 sq ft rather than 3,000 sq ft, the standards of the R-2.5 zone will allow redevelopment of the lots without the need for variances to dimensional standards.

For example, 4411 SE Llewellyn St, which is 5,500 sq ft in area and currently developed with a single-family house in poor condition, is a good candidate for redevelopment with a

duplex. The maximum allowable density for the property is 2 units, whether zoned R-3 or R-2.5. However, a duplex on the site would require a variance from the 6,000-sq-ft lot size requirement of the R-3 zone but would easily meet the 5,000-sq-ft standard of the R-2.5 zone. The standards for setbacks, building height, and lot coverage are the same in both zones, so the resulting allowable structure would be the same in either zone.

Duplexes are a common type of housing in the surrounding neighborhood, and the proposed zone change would not open the door to a type or scale of housing that would be out of character.

CONCLUSIONS

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

1. Approve the Zoning Map Amendment, which will change the zoning of the 4 subject properties from R-3 to R-2.5.
2. Adopt the attached Findings in Support of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC 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 upon finding that all approval criteria have been met, as reflected in the recommended Findings.
- B. Approve the application with modified Findings. Such modifications need to 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 these applications, which includes any appeals to the City Council, must be made by October 27, 2018, 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, City of Milwaukie Public Works Department, City of Milwaukie Police Department, Hector Campbell and Lewelling Neighborhood District Associations (NDAs), Clackamas Fire District #1, Clackamas County Department of Transportation and Development, Metro, ODOT, TriMet, North Clackamas School District, and Oregon Department of Land Conservation & Development. The following is a summary of the comments received by the City. See Attachment 3 for further details.

- **Joshua Brooking, Associate Planner, ODOT:** Assuming the uses allowed within the two zones are similar, an additional trips should be marginal. Given that and that fact that the nearest ODOT intersection (Harrison St and Hwy 224) is approximately three-quarters of a mile from the site, ODOT has no comments on the proposed amendment.
- **David Aschenbrenner, Chair, Hector Campbell NDA:** The NDA is in full support of the proposed zone change.
- **Stephan Lashbrook, Chair, Lewelling NDA:** No comments on the proposal.
- **Alex Roller, Engineering Technician II, City of Milwaukie Engineering Department:** MMC Chapter 19.700 is not applicable to the proposed zone change but may be applicable to new development on any of the subject properties.

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	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Applicant's Submittal Materials stamped received on June 5, 2018				
a. Application Forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Map of Site Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Preapplication Conference Notes (from June 29, 2017)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-12>.

ATTACHMENT 1
Recommended Findings in Support of Approval
File #ZA-2018-003, Llewellyn & 44th Rezone

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, Dieringer Properties, Inc., has applied for approval to amend the City's Zoning Map to rezone 4 properties currently zoned Residential R-3 to R-2.5. The subject properties are addressed as 4401-09 SE Llewellyn St, 4411 SE Llewellyn St, 10500 SE 44th Ave, and 4401 SE Harrison St. The applicant is the owner of the 2 properties on Llewellyn St, and the owners of the other 2 properties (Greg Van Dyke for 10500 SE 44th Ave and Arnold Keller for 4401 SE Harrison St) have requested that the proposed zone change include their lots as well. The land use application file number is ZA-2018-003.
2. The property at 4401-09 SE Llewellyn St is approximately 11,250 sq ft in area and is currently developed with a duplex on the western side of the lot. A pre-existing single-family house on the site was demolished within the last 10 years. The property at 4411 SE Llewellyn St is approximately 5,500 sq ft in area and is currently developed with a single-family house.

The property at 10500 SE 44th Ave is approximately 10,000 sq ft in area and is currently developed with a single-family house. The property at 4401 SE Harrison St is approximately 10,000 sq ft and is currently developed with a 4-unit multifamily structure, which makes it a de facto conditional use that is nonconforming with respect to the maximum allowed density and minimum lot size standards of the R-3 zone.

Given the current development standards for the R-2.5 zone, the proposed zone change would resolve the nonconforming issue for 4401 SE Harrison St. It would also allow the other subject properties to redevelop in proportion to their size, at a ratio of 2,500 sq ft per unit instead of 3,000 sq ft.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Section 19.1006 Type III Review

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 August 14, 2018, as required by law.

4. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the Milwaukie Municipal Code. Specifically, MMC Subsection 19.902.6 establishes the process for amending the Zoning Map.

a. MMC Subsection 19.902.6.A Review Process

MMC 19.902.6.A establishes the review process for Zoning Map amendments.

Generally, changes that involve fewer than 5 properties or that encompass less than 2 acres of land are quasi-judicial in nature and subject to Type III review.

The proposed amendment involves four properties that encompass approximately 36,750 sq ft or 0.85 acres. The Planning Commission finds that the change is quasi-judicial in nature and therefore subject to Type III review.

b. MMC Subsection 19.902.6.B Approval Criteria

MMC 19.902.6.B establishes the following approval criteria for changes to the Zoning Map.

(1) The proposed amendment is compatible with the surrounding area based on the following factors:

- (a) Site location and character of the area.
- (b) Predominant land use pattern and density of the area.
- (c) Expected changes in the development pattern for the area.

The subject properties are located adjacent to the King Road Shopping Center to the west, which is zoned for Neighborhood Mixed Use (NMU). As established in MMC Subsection 19.303.1.B, the NMU zone allows for a mix of small-scale retail and services with residential uses to establish neighborhood commercial centers that meet the needs of nearby residents and provide a pedestrian-friendly environment. The properties immediately surrounding the King Road Shopping Center are zoned R-3 for medium density residential use and are currently developed with a mix of commercial offices and primarily single-family dwellings (both houses and duplexes). One of the subject properties (4401 SE Harrison St) is currently developed with a legal nonconforming multifamily 4-plex.

The City anticipates continued redevelopment of the area surrounding the shopping center, with older low-density housing stock being converted over time into more medium-density units. Given that many of the existing lots in the area are sized in increments of 5,000 sq ft and that the R-3 development standards currently require increments of 3,000 sq ft per dwelling unit, the proposed zone change to R-2.5 (requiring increments of 2,500 sq ft per unit) will allow redevelopment of the subject properties for certain forms of medium density housing (e.g., duplexes or rowhouses) without the need for variances to the lot size standard. The slight increase in allowable density from R-3 to R-2.5 would allow redevelopment that capitalizes on the existing commercial uses and transit services provided along the King Rd corridor and that is compatible with the existing character of the neighborhood.

The Planning Commission finds that the proposed amendment is compatible with the surrounding area. This standard is met.

- (2) The need is demonstrated for uses allowed by the proposed amendment.

The City's Housing Needs Analysis, prepared in 2016 and looking ahead through 2036, notes that duplex and other similar single-family attached units (e.g., rowhouses and townhomes) comprise approximately 15% of the needed stock for both ownership and rental housing. That is third only to single-family detached housing (46%) and multifamily housing of 5 units or more (30%) in terms of projected need. The proposed zone change will facilitate the redevelopment of the subject properties to allow duplex and other similar attached housing development to achieve the prescribed density without the necessity of variances to dimensional standards.

In July 2018, the City Council adopted the Milwaukie Housing Affordability Strategy, a 5-year action plan for promoting affordable housing options. One of the strategy's 3 main goals is to develop new units, which the proposed amendment will facilitate. Duplex development, such as will be more readily allowed by the proposed amendment, represents one of the "missing middle" housing types identified in the community vision conducted as part of the City's current effort to update the Comprehensive Plan.

The Planning Commission finds that the need is demonstrated for uses allowed by the proposed amendment. This standard is met.

- (3) The availability is shown of suitable alternative areas with the same or similar zoning designation.

There are several significant areas zoned R-3 across the city, particularly in the central Milwaukie area. As noted above, the area surrounding the King Road Shopping Center is zoned R-3, an area of approximately 7 to 8 square blocks. The area around and just south of the Providence Milwaukie Hospital (32nd Ave) is zoned R-3, including the Hillside Manor housing development, which itself is a prime candidate for redevelopment. To the west and south of the Wichita Town Center is another block of R-3 zoning. In addition, there are 9 other small pockets of properties zoned R-3. Rezoning the subject properties to R-2.5 will not result in a shortage of R-3 sites. The only other location with R-2.5 zoning is adjacent to the subject properties.

The Planning Commission finds that there is sufficient availability of alternative areas with the R-3 zoning designation. This standard is met.

- (4) The subject properties and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The City's Engineering Department has confirmed that there is adequate water and sewer service in the adjacent streets to serve any redevelopment needs for the subject properties. The existing street frontages on Llewellyn St, 44th Ave, and Harrison St do not provide all of the facilities that the City's code requires for local streets, though all are adequate to serve the existing level of development. Redevelopment of the subject

properties will require improvements in proportion to the new impacts, which will bring the frontages closer to or fully into compliance with contemporary standards.

The Planning Commission finds that the subject properties and adjacent properties presently have adequate public facilities, utilities, and services to support uses allowed by the proposed amendment. This standard is met.

- (5) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

Llewellyn St, 44th Ave, and Harrison St are all classified as local streets. The proposed zone change from R-3 to R-2.5, and the accompanying increase in allowed maximum density and development options, will not significantly increase the potential peak-hour trips or require a transportation impact study (TIS). The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system.

The Planning Commission finds that the proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. This standard is met.

- (6) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The Land Use Map within the City's Comprehensive Plan (Comp Plan) shows a Medium Density designation for the subject properties, which are currently zoned R-3. Because the proposed R-2.5 zone is also a Medium Density zone, the proposed amendment will not change the properties' designation on the Land Use Map.

The Comp Plan includes the following goals and policies that are applicable to the proposed development:

- (a) Chapter 1 Citizen Involvement

The goal of Chapter 1 is to encourage and provide opportunities for citizens to participate in all phases of the planning process.

The Type III review process utilized for consideration of small-scale zone changes provides for a public hearing by the Planning Commission, where citizens have the opportunity to present testimony and participate in the decision-making process. A public hearing on the proposed development was held by the Planning Commission on August 14, 2018. The Commission took public testimony from citizens en route to reaching the decision reflected in these findings.

- (b) Chapter 2 Plan Review and Amendment Process

Chapter 2 establishes a process for land use decisions, with participation by citizens and affected governmental units. This includes policies for amending and implementing the Comp Plan and associated documents.

Under Objective 2 (Implementing the Plan), Policy 4 states that all planning actions, including zone changes, must be consistent with the intent of the Comp Plan. As discussed in these findings, the proposed amendment is consistent with the relevant objectives and policies of the Comp Plan.

(c) Chapter 4 Land Use

Chapter 4 provides objectives and policies to guide the development of vacant lands and redevelopment of existing properties, considering a variety of needs such as housing, employment, and recreation. Specifically, the Residential Land Use and Housing Element is focused on providing new housing that is adequate to meet the needs of local residents and the regional housing market.

(i) Objective 2: Residential Land Use: Density and Location

Objective 2 aims to locate higher density residential uses so the concentration of people will help support public transportation services and major commercial centers and foster implementation of adopted master plans. Policy 1 establishes a density range for the Medium Density designation (8.8 to 21.1 units per net acre). Policy 4 establishes duplexes as the predominant housing type in Medium Density zones, with access primarily to major or minor arterial streets. These zones should be located near or adjacent to commercial areas, employment concentrations, and/or transit stops and may include deteriorating dwellings that are candidates for redevelopment and infill.

Both the R-3 zone (11.6 to 14.5 units/acre) and R-2.5 zone (11.6 to 17.4 units/acre) fall within the density range outlined for Medium Density zones. The Comp Plan's current Land Use Map shows the R-2.5 zone designated as High Density, which City staff understands to be an error. The Comp Plan policies set the range for High Density development at 21.2 to 24.0 units per net acre, which is well above the current development standard for the R-2.5 zone.

The subject properties are adjacent to the King Road Shopping Center and within 1-2 blocks of King Rd, where regular bus service is provided by TriMet. On two of the four subject properties, there is currently a duplex, a deteriorating single-family house that is scheduled for replacement with a duplex, and a vacant space where a deteriorated duplex was demolished and is scheduled to be replaced with a new duplex.

(ii) Objective 4: Neighborhood Conservation

Objective 4 aims to preserve and enhance the identity of existing well-defined neighborhoods to encourage the long-term maintenance of the city's housing stock. Policies include encouraging the

rehabilitation of older housing in lieu of large area clearance and new construction (unless there are structural or other considerations); residential infill that maintains existing building heights, setbacks, yard areas, and building mass; and duplexes as the predominant housing type.

On two of the subject properties, two existing or previously existing dwellings were in poor condition and unsuitable for rehabilitation. They are proposed for replacement with two duplexes, and the R-2.5 development standards will result in structures with building heights and setbacks that are comparable with those allowed in the surrounding neighborhood. Other existing dwellings will be maintained in place. The proposed change from R-3 to R-2.5 is not such a significant one as to affect the character of the existing neighborhood, as similar uses are allowed with only slight differences in development standards such as lot size.

(iii) Objective 5: Housing Choice

Objective 5 aims to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the needs of all segments of the population. Policies include encouraging the development of infill housing using innovative development techniques such as allowing duplex housing units in appropriate areas.

The proposed zone change will allow duplex development on several of the subject properties without the need for a variance. The lots are undersized for duplex development in the R-3 zone but are appropriately sized for duplex development in the proposed R-2.5 zone. The proposed amendment would also facilitate rowhouse development as an efficient form of infill on the site.

The proposed amendment satisfies the applicable objectives and policies of the Residential Land Use and Housing Element of Chapter 4 by supporting slightly higher density residential uses near a major commercial center and public transit service, while preserving the identity of the existing surrounding neighborhood and promoting improved choices for housing.

The Planning Commission finds that the proposed amendment is consistent with the applicable goals and policies of the Comprehensive Plan, including the Land Use Map. This standard is met.

- (7) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

Within the Metro Urban Growth Management Functional Plan, Title 1 (Housing Capacity) and Title 12 (Protection of Residential Neighborhoods) provide guidance related to the proposed amendment. Title 1 calls for a compact urban form to meet regional housing needs. Title 12 encourages land use regulations

and planning efforts to designate neighborhood centers that provide convenient commercial services for neighborhoods, to reduce air pollution and traffic congestion.

The proposed change to R-2.5 zoning will allow redevelopment of lots that would otherwise require variances to achieve the prescribed density due to their size and the dimensional requirements of the R-3 zone. Duplex and similar attached housing formats are the most likely type of unit to be redeveloped on the subject properties. The adjacent King Road Shopping Center is a benefit for any redevelopment that provides additional housing units, which are within easy walking distance of commercial services.

The Planning Commission finds that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies. This standard is met.

- (8) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Several of the Statewide Planning Goals are applicable to the proposed amendment. Goal 1 (Citizen Involvement) focuses on developing a citizen involvement program that ensures the opportunity for all citizens to be involved in all phases of the planning process. Goal 2 (Land Use Planning) deals with establishing a land use planning process and policy framework as a basis for all decisions and actions related to use of land, assuring that all such decisions and actions have an adequate factual base. Goal 10 (Housing) aims to provide for the housing needs of the citizens of the state, by inventorying buildable lands and encouraging the availability of adequate numbers of needed housing units at appropriate price ranges and rent levels. Goal 12 (Transportation) focuses on providing a safe, convenient, and economic transportation system. Goal 13 (Energy Conservation) was established to conserve energy by managing land uses to maximize conservation of all forms of energy. Goal 14 (Urbanization) is intended to ensure efficient use of land and provide for livable communities.

In addition, the Metro Housing Rule, as established in Oregon Administrative Rule (OAR) 660 Division 7, aims to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the metropolitan Portland urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.

The proposed zone change has been processed with Type III (quasi-judicial) review. Notice of the public hearing was provided to property owners and current residents of properties within 300 ft of the subject properties. The Planning Commission held a public hearing on August 14, 2018, with an opportunity for testimony and comment by anyone with interest in or concern about the proposed amendment. These findings demonstrate that the proposed amendment complies with the applicable criteria for approval established in the City's municipal code.

The City's Comprehensive Plan was previously acknowledged by the State to be in compliance with the Statewide Planning Goals, including Goal 10 (Housing). As discussed in other parts of Finding 4-b, the proposed amendment satisfies the City's various housing policies and objectives.

In OAR 660-007-0035, the Metro Housing Rule sets a base minimum density of 8 units per acre for new residential construction in Milwaukie. Both the existing R-3 zone and the proposed R-2.5 zone have a minimum density of 11.6 units per acre, which exceeds the minimum density required by Metro.

The proposed amendment will facilitate the redevelopment of the subject properties, allowing the prescribed Medium level of density to be achieved without a need for variances or other discretionary adjustments. At least 2 of the subject properties are projected to redevelop with duplexes, providing 3 additional needed housing units beyond what currently exists on the site.

The subject properties are adjacent to the King Road Shopping Center and very close to King Rd, which is an arterial street with sidewalks, bike lanes, and regular transit service. The site provides convenient, multimodal access to basic commercial services and transportation facilities, furthering statewide efforts for energy conservation and the efficient use of land. The proposed amendment will allow for the development of at most only 3 more units in the R-2.5 zone than what would be allowed in the R-3 zone. This represents only a slight increase in the number of new trips and an insignificant impact overall on the transportation system. Redevelopment of any of the subject properties will include a requirement for improvements to its public street frontage(s), which will improve safety and enhance transportation choices within the neighborhood.

The Planning Commission finds that the proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. This standard is met.

The Planning Commission finds that the proposed amendment meets all applicable approval criteria for zone changes as established in MMC 19.902.6.B. This standard is met.

c. MMC Subsection 19.902.6.C Conditions of Approval

As per MMC 19.902.6.C, conditions of approval may be applied to Zoning Map amendments for purposes of fulfilling identified need for public facilities and/or meeting applicable regional, State, or federal regulations.

The Planning Commission finds that no conditions of approval are necessary for fulfilling identified public facility needs and/or meeting applicable regional, State, or federal regulations.

d. MMC Subsection 19.902.6.D Modification of Official Zoning Map

For Zoning Map amendments not involving conditions of approval, the Zoning Map shall be modified when the adopting ordinance goes into effect.

As noted in Finding 4-c, the proposed amendment does not require any conditions of approval. Since the proposed amendment is subject to Type III review (as discussed in Finding 4-a), which does not involve an adopting ordinance, the Zoning Map will be modified once the decision on this action becomes final.

As proposed, the Planning Commission finds that the applicable requirements for an amendment to the City's Zoning Map are met.

5. The application was referred to the following departments and agencies on July 2, 2018:

- Milwaukie Engineering Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- Clackamas Fire District #1
- Hector Campbell Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Lewelling NDA and LUC
- Clackamas County Department of Transportation & Development
- Metro
- ODOT
- TriMet
- North Clackamas School District
- Oregon Department of Land Conservation & Development

The comments received are summarized as follows:

- **Joshua Brooking, Associate Planner, ODOT:** Assuming the uses allowed within the two zones are similar, an additional trips should be marginal. Given that and that fact that the nearest ODOT intersection (Harrison St and Hwy 224) is approximately three-quarters of a mile from the site, ODOT has no comments on the proposed amendment.
- **David Aschenbrenner, Chair, Hector Campbell NDA:** The NDA is in full support of the proposed zone change.
- **Stephan Lashbrook, Chair, Lewelling NDA:** No comments on the proposal.
- **Alex Roller, Engineering Technician II, City of Milwaukie Engineering Department:** MMC Chapter 19.700 is not applicable to the proposed zone change but may be applicable to new development on any of the subject properties.



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 #: 2A-2018-003

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
 - ☐ Fence Height
 - ☐ Use Exception
 - ☐ Variance
- ☐ Willamette Greenway Review

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): <u>DIERINGER PROPERTIES, INC.</u>	
Mailing address: <u>10505 SE 44TH / MILWAUKIE, OR</u>	Zip: <u>97222</u>
Phone(s): <u>503-659-1402</u>	E-mail: <u>GENE@DIERINGERINC.COM</u>
APPLICANT'S REPRESENTATIVE (if different than above): <u>PAUL GALT HORST</u>	
Mailing address: <u>23281 CW ROCKY TELL, W. LANE</u>	Zip: <u>97008</u>
Phone(s): <u>503-515-7930</u>	E-mail: <u>breandhorst@gmail.com</u>

SITE INFORMATION:

Address: <u>4401-4409 & 4411 S.E. LEWIS</u>	Map & Tax Lot(s): <u>1S2-30CC TLs 7400/7500</u>
Comprehensive Plan Designation: <u>MDR</u>	Zoning: <u>R-3</u> Size of property: <u>16,750 gr. s.f.</u>

PROPOSAL (describe briefly):

<u>A ZONING MAP AMENDMENT FROM R-3 TO R-2.5 AND A REPLAT OF ORIGINAL SUBDIVISION PLAT</u>

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: <u>[Signature]</u>	Date: <u>5/23/2018</u>

IMPORTANT INFORMATION ON REVERSE SIDE

April 13, 2017

Gene Dieringer
Dieringer Properties, Inc.
10505 SE 44th Ave.
Milwaukie, OR 97222

Gene,

As the Owner of the property at 10500 SE 44th Ave., I'm requesting that my property be included in your R2.5 rezoning request.

Thank you,



Greg Van Dyke
10500 SE 44th Ave.
Milwaukie, OR 97222
503-449-7431

March 27, 2016

Gene Dieringer
Dieringer's Properties, Inc.
10505 SE 44th Avenue
Milwaukie, OR 97222

Gene,

As the owner of 4401 SE Harrison I'm requesting that my property be included in your R2.5 rezoning request.

Thank you,

A handwritten signature in cursive script that reads "Arnold Keller".

Arnold Keller, owner
10124 SE 43rd
Milwaukie, OR 97222
503-502-5978

I. Introduction

The Dieringer Brothers, Gene and Patrick, are the principles of Dieringer Properties, Inc., a property firm that has done numerous projects in Milwaukie and Clackamas County. They own the properties located at 4401-4409 and 4411 SE Llewelyn Street in Milwaukie. The legal description of the site is T1S, R2E, Sec. 30CC, Tax Lots 7400 and 7500. Historically, the site consists of Lots 25, 26, 27, 28, 29, 30 31, 32, and a small part of Lot 33 of Block 11 of the Minthorn Addition. Site size is approximately 16,750 gross square feet.

During the process of considering whether to apply for a change of zoning from R-3 to R-2.5, conversations with neighbors resulted in two neighbors requesting that they be included with the properties the Dieringers were planning to change. Those neighbors are Greg Van Dyke, owner of the property located at 10500 SE 44th Avenue, and Arnold Keller, owner of the residential property located at 4401 SE Harrison Street. Both properties are adjacent to each other, and to the south across Llewelyn Street and east of SE 44th Avenue. Both properties are virtually the same size, approximately 9,990 square feet. Both properties are developed with occupied single family dwellings.

A. Dieringer Properties – 4401-4409 and 4411 SE Llewelyn Street

The site is generally flat and level, with a slight slope from west to east. There are only four (4) trees on the site, three of which are located on the westerly side along the frontage of SE 44th Avenue. The fourth tree is at the rear of the site, and may actually be on the neighboring property. There are two existing residential structures on the site, one on the easterly end and the other on the westerly end of the site. The easterly of the two dwellings will be removed and replaced by a new duplex structure. The westerly structure is currently a duplex structure and will remain on the site. A third structure has existed on the site, but has been recently removed. This will be replaced by a new duplex structure, for a total of three (3) duplex structures on the site.

The site is bounded on the south side by SE Llewelyn Street, a local street with a 60-foot right of way that is only partially improved. On the westerly side, SE 44th Avenue bounds the site. SE Llewelyn Street also has a 60-foot right of way. Most of SE 44th Avenue between SE Llewelyn Street and SE King Road to the north is improved within the existing right of way, but the street lacks a sidewalk along the frontage of the subject site. To the north are platted lots developed for residential use, most of it is single family detached. To the south, across SE Llewelyn Street the pattern continues to be a lot-by-lot residential development, primarily single family detached units.

Because the subject site is already developed for residential use, public facilities and services are already in place. Both water and sanitary sewer provide local service via 8-inch distribution and collection lines, respectively. Storm drainage for the site is limited in that no formal

system exists for the subject site. Storm water is either absorbed on the site, or is passed out into the street. Police, fire, ambulance and other emergency services already serve the site because of the existing development. Private utilities (i.e., gas, cable, phone, etc.) are also available to the site.

Following this application a "Replat" of the existing lots and parcels on the site will be undertaken to remove the old original platted lot lines for the Minthorn Addition and create three (3) new parcels, one for each duplex structure. The first of these two land use actions will be a Type III process. After approval of this first Type III application, a subsequent application for a Replat of the existing subdivision will be submitted. No Development Review is required or necessary, but a Variance may be needed for driveway spacing, once the final site design is completed.

The Dieringers will establish three (3) distinct lots and construct two (2) new duplexes on two of the three lots. The third lot contains an existing dwelling that is currently a duplex, resulting in three (3) duplexes for this project, each on its own lot. Because there will be three separate lots, each with a duplex built on it, the proposed R-2.5 zoning will allow for the three lots, where a duplex is a permitted use, and no further land use actions are required.

B. Van Dyke property – 10500 SE 44th Avenue

This property is a single tax lot (12E31BB00900) that is nearly square in shape. The site is nearly flat and level, with some slight west-to-east slope. Site size is approximately 9,994 square feet, and measures nearly 100 feet on each side. There is a single family detached dwelling on the site built in 1942, but it remains in good physical condition. The site has frontage on both Llewelyn Street on the north side and on 44th Avenue to the west. All necessary and required public facilities and services are currently available and serving the site. Private utilities are also available.

C. Keller property – 4401 SE Harrison Street

This property is a single tax lot (12E31BB01000) that is nearly square in shape. The site is nearly flat and level, with some slight west-to-east slope. Site size is approximately 9,992 square feet, and measures nearly 100 feet on each side. There is a single family detached dwelling on the site built in 1966, and it remains in good physical condition. The site has frontage on both Harrison Street on the south side and on 44th Avenue to the west. All necessary and required public facilities and services are currently available and serving the site. Private utilities are also available.

The purpose of this application process is for a Zoning Map Amendment from the current R-3 to R-2.5 on the subject properties. The purpose of seeking the higher density on the site is to provide for a total of six (6) dwelling units on the Dieringer site, and not less than two (2) duplex units each on the Van Dyke and Keller properties.

In the case of the Van Dyke and Keller properties, to the east of both sites are two (2) properties developed with multiple units on each property.

These adjacent properties are identified as 4408 and 4462 SE Llewelyn Street (adjacent to Van Dyke's property), and 4419, 4463, and 4485 SE Harrison Street (adjacent to Keller's property). These adjacent properties are currently zoned R-2.5, and are developed to a higher density, providing a good basis of changing the zoning on the Van Dyke and Keller properties. It should be noted that the Van Dyke and Keller properties are bounded on the east by R-2.5 zoning, and on the west by SE 44th Avenue and, across 44th to the west, the King Road Shopping Center. As such, these two additional properties are somewhat separated from other R-3 zoning and could be considered an "island" of R-3 zoning between a small area of R-2.5 and a commercial area zoned CG. Both Van Dyke and Keller support the Dieringer's efforts to rezone their properties to R-2.5 from R-3, and believe that changing the zoning on their respective properties to R-2.5 is a reasonable request to make considering the existing development pattern of the immediate vicinity.

II. Zoning Map Amendment – 19.902.6 of Milwaukie Community Development Code

The requested Zoning Map Amendment from the existing R-3 to the proposed R-2.5 is for the purpose of insuring that the allowed density of the properties that are a part of this application will allow a total of ten (10) units if all properties are developed with duplexes. Dieringer Properties, Inc. is planning for three (3) duplexes (6 units) in the form of three (3) separate duplex units on three separate lots, based on density at 5,000 square feet of lot area per duplex unit permitting one (1) duplex unit per lot. For the Van Dyke and Keller properties, the change to R-2.5 will allow a slightly greater density of two (2) duplex units each, based on density (minimum lot size) identified in 19.300. With each parcel being almost 10,000 square feet in area (9,994 sf and 9992 sf, respectively), the individual properties could be partitioned to create two (2) lots on each parcel. For such a proposed Zoning Map Amendment, the Approval Criteria in 19.902.6.B, 1-8 will apply and are addressed below.

1. *The proposed amendment is compatible with the surrounding area based on the following factors:*
 - a. *Site location and character of the area;*
 - b. *Predominant land use pattern and density of the area;*
 - c. *Expected changes in the development pattern for the area.*

Comment: The location of the proposed zone change may be somewhat unique in that there is a commercial center a very short distance across SE 44th Avenue, as well as a small area that is already zoned R-2.5. The Dieringer site is one that the Dieringers have been considering for redevelopment for some time, and the creation of three (3) individual lots where a duplex will be developed on each individual lot.

The local neighborhood is predominantly single family detached on individual lots, but there are other development forms in evidence, including duplexes, single family attached, and multifamily apartments, as well as established commercial development around the intersection of King Road and Harrison Street. Local density at the present time is somewhat variable, depending on any area being reviewed for its characteristics. The addition of R-2.5 zoning and the use of duplexes is a "next step" in a progressive redevelopment pattern of the area. Also, TriMet maintains a major transit line on King Road (line no. 33) which provides excellent accessibility to the greater neighborhood area.

In the end, a slight increase in planned density through the use of R-2 and R-2.5 zoning under the existing Medium Density Residential designation on the Comprehensive Plan may take place. The use of duplexes may become a more evident method of redevelopment, but one which maintains the basic character of the local neighborhood. At this time, it appears that one driver for slightly higher density is the existence of the King Road Shopping Center and the TriMet service to the area. These factors are certainly one of the forces behind the local interest in rezoning for slightly higher densities. Because there is relatively little

vacant and available land for new development in the local neighborhood, the use of redevelopment appears to be the method by which “new” development will occur, and redevelopment has already started adjacent and east of the Van Dyke and Keller properties.

2. *The need is demonstrated for uses allowed by the proposed amendment.*

Comment: The proximity to the King Road Shopping Center and the TriMet line number 33 on King Road are two factors in supporting an increase in density through increased use of R-2.5 zoning. A somewhat higher density may provide additional support for the commercial activities of the King Road Shopping Center, as well as use of the TriMet line number 33.

With the Dieringer site at 16,750 gross square feet, and the Van Dyke and Keller properties at just under 10,000 gross square feet, the smaller size of these sites has resulted in the early interest in a subtle change of overall density to increase density without a significant change in the style of housing. Duplexes may still retain the look of single family dwellings, and the general appearance of the redevelopment may continue the neat residential appearance of the local neighborhood.

The R-2.5 zone allows for the use of duplexes, which will be the dominant housing type resulting from the zone change. Duplexes provide an opportunity for additional residential units without taking on the true look of multifamily housing. Side-by-side duplexes may appear as single family dwellings at first blush, but will provide for more housing opportunities, and type and style of housing thus providing greater choice in the market place for those seeking housing in Milwaukie. The increased density resulting from a rezoning to R-2.5, and the greater choice in housing for those seeking housing will provide an opportunity to expand housing in Milwaukie.

3. *The availability is shown of suitable alternative areas with the same or similar zoning designation.*

Comment: Because there is a limited amount of vacant and available sites within the immediate neighborhood, the proposed redevelopment that takes advantage of the location of the King Road Shopping Center, TriMet line number 33, and suitable streets will demonstrate that there are not many potential alternative sites in the immediate neighborhood with those same attributes. The King Road Shopping Center, just west across SE 44th Avenue, can be a strong attractor for those seeking a convenient location for housing. While other nearby sites may also be good redevelopment sites, it cannot be determined if other local property owners are amenable to any rezoning and redevelopment to provide greater density and more housing choices. However, it may be that the proposed rezoning to R-2.5 and subsequent redevelopment will indicate a new trend in local redevelopment to take advantage of local factors such as transit and commercial development.

4. *The subject property and adjacent properties presently have adequate public transportation facilities, public facilities, and services to support the uses(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.*

Comment: All properties proposed for rezoning from R-3 to R-2.5 are currently developed, indicating that local services and facilities are in place and available for use. Any improvements in street frontage of each property will only improve local transportation facilities throughout the local neighborhood. There have been no indications from city staff that necessary and required facilities and services are not available or are of insufficient size and capacity to serve the proposed redevelopment.

5. *The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system.*

Comment: SE Llewelyn Street, SE Harrison Street and SE 44th Avenue are the three local streets that front the properties, and all are currently in satisfactory condition. Any required frontage improvements will only make these streets better. Because the potential redevelopment of the Dieringer, Van Dyke and Keller properties will generate minimal increase in daily traffic volume, or less than 100 additional vehicle trips per day total. This should not cause the level of service on these local streets to change. The same will apply to King Road. Therefore, the proposed zone change on the Dieringer, Van Dyke and Keller properties should not cause any change to the functional classification, capacity, or level of service for SE Llewelyn Street, SE Harrison Street, SE 44th Avenue, or SE King Road.

6. *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land use Map.*

Comment: Consistency with various applicable and appropriate Goals and Policies of the Milwaukie Comprehensive Plan are addressed and discussed in Section III. of this application narrative.

7. *The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.*

Comment: Consistency with various applicable and appropriate portions of the Metro Functional Plan are addressed and discussed in Section V. of this application narrative, as well as the Metro Housing Rule in Section IV.

8. *The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.*

Comment: Consistency with the Statewide Planning Goals are addressed and discussed in Section VI. of this application narrative. The Transportation Planning Rule has not been addressed because this proposed rezoning does not involve a Comprehensive Plan amendment,

no traffic study was required by the city for this project, and the anticipated increase in site generated traffic will be less than 100 vehicle trips per day. This application is for a rezoning from R-3 to R-2.5, with the Medium Density residential designation of the Milwaukie Comprehensive Plan remaining untouched, thus insuring consistency with all local and statewide goals, policies, statues, rules, and the like.

III. Elements of the Milwaukie Comprehensive Plan

As part of the Pre-Application Conference held on June 29, 2017, city staff identified several elements of the Milwaukie Comprehensive Plan that must be addressed as part of the process of demonstrating compliance with all elements of the procedure. Those elements identified by city staff include:

- Chapter 2 (Plan Review and Amendment Process) = Objective 1 (Amending the Plan);
- Chapter 4 (Land Use) = Residential Land Use and Housing Element, Objective 2 (Residential Land Use: Density and Location);
- Chapter 4 (Land Use) = Residential Land Use and Housing Element, Objective 4 (Neighborhood Conservation);
- Chapter 4 (Land Use) = Residential Land Use and Housing Element, Objective 5 (Housing Choice).

Chapter 2, Objective 1 – Amending the Plan

Policy 1

Comment: This policy calls for the “*monitoring the Plan by maintaining a factual data base*”. This policy is incumbent on the City of Milwaukie for maintaining an adequate data base “*which will enable citizens to judge the effectiveness and desirability of Plan policies.*” Because this policy is the responsibility of the city, the applicant can only use the available data base in the efforts to create a suitable application. This Policy does not have a direct impact on the proposed Zoning Map Amendment.

Policy 2

Comment: According to this policy, the city’s “*Comprehensive Plan Review Committee (CPRC) will coordinate and conduct a major Plan review every five years*”. This policy is also incumbent on the city to create a CPRC and that the CPRC should conduct reviews at specified intervals. Since the current application is not be within the scope of any review by the CPRC at the present time, this policy is not directly applicable to the current application.

Policy 3

Comment: This policy allows individuals, among others, to request and initiate an application for a Plan amendment at any time. The applicant, Dieringer Properties, Inc., has initiated an application for a Zoning Map Amendment on the subject site, not a Comprehensive Plan Map Amendment, since the proposed zone change from R-3 to R-2.5 remains within the framework of the Medium Density Residential Plan designation. Also included in this application, by specific request, are properties owned by Van Dyke and Keller, both seeking the same change of zoning from R-3 to R-2.5. All three requests are consolidated into a single coordinated application for a change of zoning from R-3 to R-2.5.

Therefore, this Policy does not have a direct impact on the proposed Zoning Map Amendment.

Policy 4

Comment: This policy requires the submittal of copies of the proposed Zoning Map Amendment at appropriate times. The applicant has submitted the required number of copies of the application, to be reviewed and distributed by city staff to the appropriate bodies for public review, in compliance with this policy.

Policy 5

Comment: This policy requires that *"all proposed Comp Plan text and map amendments will be considered at advertised public hearings before the Planning Commission and City Council."* As is the standard process in Milwaukie, the proposed Zoning Map Amendment will be heard in the required public hearing before the appropriate public body, thus fulfilling this policy. Keeping in mind that the consolidated and coordinated application is for only a zone change and not for a Comprehensive Plan map amendment, this Policy technically does not apply to the application.

Policy 6

Comment: This policy requires that *"all Comprehensive Plan text and map amendments will be processed per the procedures in the Zoning Ordinance."* In accordance with city procedures set forth in the city's Code. It is incumbent on city staff to insure that the proper procedures and processes are followed as required, once the applicant has submitted the required application. However, this Policy refers to *"Comprehensive Plan text and map amendments"*, which is not a part of the current application for a Zoning Map Amendment. Therefore, this Policy does not have a direct impact on the proposed Zoning Map Amendment.

Policy 7

Comment: This policy sets out the requirement that the application submitted for the Comprehensive Plan map amendment will be evaluated based on the approval criteria contained in the Code. Once again, this Policy refers to an amendment of the Comprehensive Plan Map, as opposed to a Zoning Map Amendment which is the substance of the current application. As with any similar application, city staff will review and evaluate the application submitted by the applicant for the proposed Zoning Map Amendment from R-3 to R-2.5 within the framework of the existing Medium Density Residential designation on the subject site. All review and evaluation by city staff and the decision making bodies will be based on the approval criteria that are applicable to the subject application, as contained in 19.902.6.B. In the end, this policy is incumbent on city staff and the decision making bodies to evaluate according to the approval criteria, which have been addressed by the applicant as part of the application process.

Chapter 4, Objective 2 – Residential Land Use: Density and Location

Policy 1

Comment: As noted in this policy, the various Plan designations and Zoning apply in different ways. As proposed in this application, the proposed Zoning Map Amendment will change from R-3 to R-2.5, while the existing Comprehensive Plan designation of Medium Density Residential will remain unchanged. It is noted in this policy that “areas greater than 3/8 of an acre and less than one acre will be reduced by ten percent (10%) for the purposes of right-of-way dedication. Areas less than or equal to 3/8 of an acre (16,335 sf) are assumed to be platted and receive zero reduction for right-of-way.” The applicant understands this policy and assures the city that the proposed development of six (6) dwelling units on the Dieringer site in a duplex configuration will comply with this policy.

The Van Dyke and Keller properties are each 0.23 acre in size, making each parcel less than 3/8 of an acre. These platted lots have not been previously partitioned, nor “gerrymandered” in any way. With duplexes requiring 5,000 square feet of area in the R-2.5 zone, each parcel could support two (2) duplexes. Because both SE Llewelyn Street and SE 44th Avenue are fully improved and no additional right of way is necessary, there will be no deductions taken for additional right of way dedication.

Policy 2

Comment: This policy does not apply because the existing Plan map designation and the proposed Plan map designation are not Low Density Residential, but instead is Medium Density Residential.

Policy 3

Comment: This policy does not apply because the existing Plan map designation and the proposed Plan map designation are not Moderate Density residential, but instead is Medium Density Residential.

Policy 4

Comment: The current development of the local neighborhood is mostly single family residential in single family detached dwellings, but there are other types of residential units in the area, including duplexes, single family attached dwellings, and multifamily apartment complexes. It is estimated (roughly) that the majority of housing type in this immediate neighborhood area is single family detached residential (4a.).

It is estimated that site generated traffic from the subject sites will be slightly increased over the present volume, but it is estimated that the increase in the amount of traffic will be less than 100 ADT. Because each potential unit represents approximately ten (10) average daily trips, the total of all units will be 80 trips or less, assuming that the remaining existing unit on the Dieringer parcels is already accounted for in terms of site generated traffic. This increase, absorbed over a 24 hour period, will result in a relatively small increase in local traffic. Because the Dieringer parcels had five (5) units on it in the past, resulting in approximately 50 site generated trips, any increase in site generated traffic (estimated at 80

trips) will be insignificant and have virtually no adverse impact on the local neighborhood (4b).

It is fortunate that the King Road Shopping Center is located directly adjacent to the subject site, across SE 44th Avenue to the west. This commercial area has many of the day-to-day necessities that local residents need. In addition, TriMet has a route along SE King Road (line no. 33), within 1 block of the subject properties (4c.). These factors contribute to making the proposed change of zone to R-2.5 reasonable in terms of location, surrounding area, and compatibility with local neighborhood development.

Within the local neighborhood, there are some examples of deteriorating dwellings or structures. While the number of units that may be in this condition are relatively few, the opportunity for redevelopment within the local neighborhood is there and, in this case, the applicants are taking advantage of that opportunity (4d.).

Based on the sub-policies contained under Policy 4, the subject site complies with all standards for Medium Density areas.

Policy 5

Comment: For High Density Residential areas, sub-policy a. suggests that *"the predominant housing type will be multifamily units."* Because the application for land use consideration on the subject site does not involve a Comprehensive Plan Amendment, and the existing designation of Medium Density Residential will remain, this Policy will not apply to the proposed consolidated and coordinated application.

As discussed previously, the subject site is in very close proximity to one of the major retail commercial areas of the city. Being just across the street (i.e., 44th Avenue) from the King Road Shopping Center facilitates the commercial-residential connection, and promotes use of the commercial center by local residents. Also, because King Road is a major thoroughfare with this area of the city and may act as a major transportation route, and because TriMet maintains a route on King Road (line no. 33), this street provides a major level of access and travel for the subject site and the local neighborhood (5b.).

Once again, King Road acts as a major route within and through the City of Milwaukie, providing access and through travel for visitors and local residents. Other through routes in the area (i.e., Stanley Avenue, Linwood Avenue, etc.) connect with King Road to provide a network of travel facilities to serve this site (5c.).

Policy 6

Comment: This Policy does not apply because the site and the local neighborhood is not a mixed use area.

Policy 7

Comment: This policy does not apply because the subject site is not within a designated Town Center area.

Chapter 4, Objective 4 - Neighborhood Conservation

Policy 1

Comment: When the subject properties are rezoned to R-2.5 from R-3, some reconstruction may occur on the subject properties, and some redevelopment will also occur. Of the two dwelling structures currently located on the Dieringer properties, one will be removed and the second will be rebuilt to a duplex configuration. However, at the present time, neither Van Dyke nor Keller have future redevelopment plans for their properties.

Policy 2

Comment: While the subject properties will continue to be a Medium Density site under the provisions of the application for a Zoning Map Amendment, rehab of an older existing dwelling will be accomplished on the Dieringer properties. On the other hand, one existing single family structure will be removed because it cannot be converted to a duplex within the context envisioned by the applicants. The existing dwelling to be demolished is in need of significant work, both structural and cosmetic, and is best off removed.

Once again, the Van Dyke and Keller properties are fully developed and in use at the present time as residential sites, and the owners have no specific plans for redevelopment of the two properties.

Policy 3

Comment: The proposed redevelopment of the subject properties will continue to maintain appropriate and applicable setbacks, height, yard areas, etc. With the construction of two new duplex structures on the Dieringer properties, the existing residential scale will be maintained and promoted. The Dieringer site, once completed, will contain three (3) duplex structures (two of which will be new construction). Under the provisions of the Milwaukie Code, the proposed amendment to R-2.5 on the Zoning Map, will allow the duplexes on the subject site to be considered "multifamily units".

The Van Dyke and Keller properties will also be available for redevelopment, if the owners so wish. Maximum redevelopment using a duplex format would result in two duplexes (4 units) on each property.

Policy 4

Comment: This policy does not apply to the proposed project because the subject site is not within a Low Density designated area, whether currently or in the future.

Policy 5

Comment: This policy does not apply to the proposed project because the subject site is not within a Low Density designated area, whether currently or in the future.

Chapter 4, Objective 5 – Housing Choice

Policy 1

Comment: This project is really an infill project, seeking to redevelop existing properties for higher density duplexes rather than single family detached dwellings. For the Dieringer properties, by keeping one existing unit and rehabbing it, the overall economy of the site's redevelopment will benefit both the applicant and any future residents. Thus, the ability of residents seeking to live in these duplex units to find suitable housing as a matter of choice will be achieved. Design of the new and rehabbed duplex units will be done following the standards and guidelines contained in the Milwaukie Zoning Code. To a great extent, this same will apply to the Van Dyke and Keller properties. As such, this policy will be satisfied.

Policy 2

Comment: This project is neither a subdivision nor a PUD. While some development techniques may be used that reduce housing costs while creating an attractive environment, this policy is really directed at either a subdivision or a PUD development. Therefore, this Policy does not apply directly to the proposed zoning map amendment.

Policy 3

Comment: This policy does not apply because there will be no manufactured housing as part of this project. All structures will be frame structures at the allowed density of the R-2.5 zoning district.

Policy 4

Comment: This policy does not apply because the project is not a manufactured home park.

Policy 5

Comment: At the present time, adequate public facilities and services serve the subject properties and the existing level of development. With the potential increase of one (1) more dwelling on the Dieringer site through this application (from the previous 5 units to a proposed 6 units), public facilities and services will continue to serve the site. With 8 inch sanitary and water lines available to serve the site, adequate sanitary sewer and water service will continue to exist and serve the new duplex units. There is no other commentary in the "Public Works Issues" portion of the "Pre-Application Conference Report" that indicates there is not sufficient capacity and volume of public facilities and services to serve the proposed redevelopment of the subject site.

For the Van Dyke and Keller properties, there may be an increase of four (4) units under a duplex configuration. Existing facilities and services should be suitable and have the needed capacity to provide full service to the Van Dyke and Keller properties.

IV. Metropolitan Housing Rule – OAR 660, Div. 7

- 660-007-0000 Statement of Purpose

Finding: As explained in this section, the purpose of the "Metro Housing Rule" is *"to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs."* The proposed Zoning Map Amendment from R-3 to R-2.5 will result in the "addition" of only one (1) unit of multi-family housing duplex on the Dieringer site, and one additional unit each on the Van Dyke and Keller properties. Overall, this will create an increase of five (5) total units on the Dieringer, Van Dyke and Keller properties.

- 660-007-0018 Specific Plan Designations Required

Finding: This section of the Rule requires that local jurisdictions establish land use designation for all buildable lands, whether residential, industrial, commercial, institutional, or other. The City of Milwaukie has completed its job of designation buildable lands throughout the city, in compliance with the requirement of this section. All three sites, Dieringer, Vandyke and Keller, are fully buildable lands and can be redeveloped.

- 660-007-0020 The Rezoning Process

Finding: For any sites to be "rezoned" from any residential designation to any other designation, a process with the objectives as specified in subsections (1) and (2). This process has been established by the City of Milwaukie in conformance with these subsections, therefore, satisfying the requirement of this section.

- 660-007-0022 Restrictions on Housing Tenure

Finding: This section does not apply because no tenure for rental or owner occupied housing has been established by the City of Milwaukie.

- 660-007-0030 New Construction Mix

Finding: This section requires that City of Milwaukie (among other jurisdictions) *" . . . must designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing"* The subject site, being designated Medium Density Residential which is a single family designation and zoned R-2.5, will be required to have a density of between 11.6 and 14.5 units per acre. This designation insures that the site, when re-developed for housing, must be developed with either attached single family housing or multiple family housing. While it is a site where single family detached housing could be currently developed, a multi-family designation will insure that the potential capacity of the subject site will now based on multi-family housing, contributing to the increase and improvement of the housing stock for the city. The proposed zoning of R-2.5 is a Medium Density Residential zone where the required density will be between 11.6 and 17.5 units per acre.

- 660-007-0035 Minimum Density Allocation for New Construction

Finding: Under the provisions of this subsection, the City of Milwaukie is required to “provide an overall density of eight or more dwelling units per net buildable acre.” At the present time, the city has an overall density of approximately 8.37 units per net buildable acre, which is somewhat above the required threshold. The “addition” of 5 total units, even with some offset for other sites where designations may have changed to decrease the number of units allowed on certain properties, or which have been developed at less than optimum densities, will continue to maintain the City of Milwaukie’s level above eight units per net buildable acre. This will continue to satisfy (2) of this subsection.

- 660-007-0045 Computation of Buildable Lands’

Finding: The buildable lands in the City of Milwaukie have been calculated under the requirements of this subsection of the Rule. The subject properties were included in the initial calculations of buildable land, based on the Medium Density Residential community plan designation. With the site being 0.38 gross acre or 16,750 square feet (based on information from the latest site survey), the actual buildable land within this site will be less than 0.38 acre because a 10% dedication is required for additional right of way. Under this situation, the site will be 15,075 net square feet.

Under the Rule, because the properties are available for residential re-development, and the ownership of those properties wishes for the future use of the site will be for duplex development, thus increasing density on existing buildable lands. As such, it is appropriate that the subject site should be claimed as available for residential use.

As such, the “re-development” of less than one (1) gross acre within the city’s buildable lands inventory as multi-family residential rather than single family residential will have a negligible impact on the city’s ability to remain in conformance with the Rule. The “allocation” of units to the subject properties would be multi-family housing, not single family detached housing. Thus, the “balance” between single family detached housing and multi-family housing may shift very, very slightly toward multi-family housing and slightly away from single family housing. But the shift would also be so insignificant that a negligible impact on the “balance” of planned housing capacity would result.

- 660-007-0050 Regional Coordination

Finding: The regional coordination that is part of this Rule is incumbent on both Metro and the City of Milwaukie to implement. The applicant, as a property owner, has no role in this desired regional coordination. Therefore, this subsection does not apply to this application.

- 660-007-0060 Applicability

Finding: The applicability referenced in this subsection is to the City of Milwaukie with regard to the Metropolitan Housing Rule. Because the

applicants are only property owners, applicability of the Rule must be insured by the City of Milwaukie.

V. Metro Functional Plan Requirements

Title 1: Housing Capacity

3.07.110 Purpose and Intent

Comment: The Regional Framework Plan calls for "a compact urban form and a 'fair share' approach to meeting regional housing needs." The Zoning Map Amendment to the City of Milwaukie's Zoning Map Plan from R-3 to R-2.5 is not a change to the Regional Framework Plan. The city's Comprehensive Plan designation will remain Medium Density Residential that definitely will not impact the 'fair share' approach and Milwaukie's role and obligation in meeting the housing needs of the region. The proposed Zoning Map Amendment to R-2.5 for the Dieringer, Van Dyke and Keller properties will continue to contribute to maintaining a strong neighborhood character through the providing of uses that help identify and define that character, and stability of land uses throughout the neighborhood.

3.07.120 Housing Capacity

Comment: Because the subject site is NOT within any corridor or special study area, there should be no special issues that must be addressed. The subject site is designated for residential development, and because the proposed action involves only housing, the change from R-3 to R-2.5 will reinforce the housing capacity within the city. Therefore, the proposed Zoning Map Amendment will continue to strengthen housing capacity rather than eroding it. As such, the proposed project will not adversely impact housing capacity for either the city or Metro.

Based on the current land use designation of R-3, the housing density of the subject site would range between 4 and 6 units per acre, based on a size of the site at 0.38 acre. At the proposed R-2.5 zoning, density should range between 4 units, the minimum density for the subject site, and the maximum density of 7 units, the "gained" housing on the site as a result of a change from R-3 to R-2.5 would be approximately 3 units. At a maximum, the site could support 7 units of housing.

It should be noted that the majority of points and issues raised in Title 1, subsection 3.07.120 relate to "reductions" in minimum dwelling unit density. Nowhere is it mentioned, or standards set, for an increase in density. Because the proposed project involves an "increase" in minimum zoned density for the specific properties, much of Title 1 is not applicable to this proposed set of amendments. Therefore, this application will not address subsections (a), (b), (c), (d), (e), or (f) simply because all of these subsections address "reducing densities or capacities", which this project will not do. Rather, it will increase allowable density on the subject site to the betterment of the city's overall housing density.

In the end, it appears reasonable to determine that the potential "gain" of a small number of units would be a negligible amount when compared to the overall citywide total capacity. Therefore, the impact of the proposed change from R-3 to R-2.5 on the Dieringer, Van Dyke and Keller properties will be small and relatively negligible, but still an increase in the overall housing capacity.

Title 2: Regional Parking Policy

Comment: Because this Title has been repealed, it is not applicable or appropriate to this application.

Title 3: Water Quality and Flood Management

Comment: This Title will not apply because the site does not contain or is not within an stream corridor, or any other body of water. The same applies to flood management because the site is not within a designated flood plain. In addition the city has specific requirements for managing storm water on the subject properties, which should serve to satisfy any water quality and/or flood management issues.

Title 7: Housing Choice

Comment: This Title applies to local governments and is voluntary in terms of establishing affordable housing production goals. It has not been determined if the housing proposed for this site will be affordable housing, but with only 6 units proposed on the Dieringer properties, affordable housing should be a choice rather than a mandate.

Because neither Van Dyke or Keller have any firm future plans for redevelopment, it is not known just how many units will result. However, each of the Van Dyke and Keller properties may be capable of supporting two (2) duplexes (i.e., 4 units each) under the R-2.5 zoning, a potential increase in the number of overall housing units in the City of Milwaukee may result in greater housing choice for existing and new residents of Milwaukee.

Title 12: Protection of Residential Neighborhoods

Comment: Because the properties are already developed for residential use, and will be re-developed for additional housing, the great majority of possible impacts on the local neighborhood have already been established. With the re-development of the subject properties, positive impacts should occur from improvements to the site and the adjacent streets (SE Llewellyn and SE 44th). In addition, the existence of a major commercial area just west of the site should help to reduce the need to travel significant distances for basic needs found in this commercial area. Therefore, it is reasonable to assume that any future impacts resulting from the proposed re-development of the site may be positive impacts.

For an existing residential neighborhood, the re-development of residential sites to provide additional housing and increased density can

be an agent of strengthening the ties to the neighborhood and the character of the neighborhood itself. A neighborhood must exist of various parts, from residential, to commercial to institutional. One intent of a neighborhood can be one that provides a variety of services and uses that complement each other and lend strength to the neighborhood as a whole. Based on the current existence of residential development in this location, and its future expansion to include additional dwelling units, the local neighborhood can be protected and preserved.

VI. Statewide Planning Goals

As required for any and all amendments to an adopted and acknowledged local comprehensive plan, it must be shown that the proposed change of the local comprehensive does not render the local plan to become out of conformance with the Statewide Planning Goals. This is done through an addressing of each of the Statewide Planning Goals, showing that compliance with the Goals remains in effect, even with the new designation of the local plan. However, because the subject application involves only an amendment to the City of Milwaukie Zoning Map, and not an amendment to the City of Milwaukie Comprehensive Plan Map, an addressing of these Statewide Planning Goals may not apply to the subject application. But because the Approval Criteria for a Zoning Map Amendment as contained in 19.902.B.8 requires an addressing of the Statewide Planning Goals, the following is an addressing of the appropriate and applicable Statewide Planning Goals with the proposed change of the local plan in effect, demonstrating that full compliance remains in effect.

Goal 1 – Citizen Involvement

Comment: Any change of a city's Comprehensive Plan must include a citizen involvement element where local citizens and interested parties have the opportunity for input to the process. While the consolidated and coordinated application is a change of existing zoning and not a change of the Comprehensive Plan, this process is guaranteed through the public notification process, and the public hearings held before the decision making bodies. This process applies to a proposed Zoning Map Amendment as well. By Code requirements, the proposed application for a Zoning Map Amendment will receive the required citizen involvement, thereby satisfying this Goal.

Goal 2 – Land Use Planning

Comment: The process of planning a city is ingrained in this Goal. At this point, the amendment to the Milwaukie Zoning Map is part of the land use planning process in the city, according to the city's acknowledged Comprehensive Plan. Nothing is proposed by the applicants that will conflict with the aim of this Goal, thus satisfying this Goal.

Goal 3 – Agricultural Lands

Comment: This Goal does not apply because the subject properties are neither agricultural land, nor are they outside the local Urban Growth Boundary (UGB). The designation of the land within the UGB is "urban", rather than "rural" or "resource" which is used for lands outside the UGB. Being within the UGB and designated "urban", this Goal is satisfied in the sense that it does not apply because the properties are not, in any way, agricultural land.

Goal 4 – Forest Lands

Comment: This Goal does not apply because the subject properties are neither forest land, nor is it outside the local Urban Growth Boundary

(UGB). The designation of the land within the UGB is "urban", rather than "rural" or "resource" which is used for lands outside the UGB. Being within the UGB and designated "urban", this Goal is satisfied in the sense that it does not apply because the properties are not, in any way, forest land.

Goal 5 – Natural Resources, Scenic and Historic Resources, and Open Spaces

Comment: The subject properties are not a designated natural resource area, nor are they located on the fringe of any offsite natural resource area. Similarly, the site is not part of a designated scenic or historic resource, or an identified open space area. Therefore, this Goal does not apply.

Goal 6 – Air, Water and Land Resources Quality

Comment: The proposed Zoning Map Amendment from the current R-3 to R-2.5 may increase any resources of the land that may be involved, simply because of the proposed redevelopment of the site at a greater density than is, or has been on the subject properties. The existing Comprehensive Plan designation of Medium Density Residential will remain unchanged.

Air quality will ultimately be improved based on the future development on the properties. New structures will be more efficient in terms of air pollution based on more updated, current, more environmentally sensitive building materials and construction methods and practices.

Water resources will actually be improved based on the new, current, modern construction methods and standards will provide protection for onsite water resources. Storm water management practices and standards will insure that onsite storm water is likely to be cleaner and less polluting than current storm water that comes off the properties. Also, because the new dwelling structures that are proposed to be built will be energy efficient and plumbing fixtures (and utilities) will be more energy efficient as manufactured. In other words, the proposed zone change from R-3 to R-2.5 will ultimately be a benefit to the subject properties, the local neighborhood, and the city.

Goal 7 – Areas Subject to Natural Hazards

Comment: The subject properties are not within a 100-year flood plain, but it may be within an area that could be subject to earthquakes, as is the entire Portland metro area. No other known or identified natural hazards exist in this immediate local neighborhood.

Goal 8 – Recreational Needs

Comment: No park land or open space, or any other recreational resource will be impacted by the proposed change of zoning, because the use of the subject properties will remain residential. The future increase in density that will occur as a result of the proposed zone change will not have a significant impact on local residential needs because the increase in density amounts to not more than a very few units, and, consequently,

relatively few residents. As such, recreational needs of the community should not be changed by the very small scope of the proposed Amendment.

Goal 9 – Economic Development

Comment: Future redevelopment of the subject properties, based on the proposed increase in density, will lead to some local economic development. Construction of two new duplex structures, and the rebuilding of the third existing structure on the Dieringer properties, will provide short term employment for a wide variety of construction personnel, in addition to the building materials that must be purchased for the project. The same may be said for the Van Dyke and Keller properties when they might be redeveloped. Further, the value to the city in terms of increased tax revenues will accrue to the city, regardless of the amount. New residents may spend more in local retail commercial establishments as they “settle in” to the neighborhood and their new home. Certainly, the proposed Zoning Map Amendment from R-3 to R-2.5 will not have any adverse impact to the local economy.

Goal 10 – Housing

Comment: The proposed Zoning Map Amendment will allow for an increase in local housing inventory and opportunities based on the greater density allowed for the properties. Any increase in housing opportunities in the Portland metro area will be an asset. Therefore, there will be an improved situation with regard to compliance with this Goal seeking to improve housing choices and opportunities.

Goal 11 – Public Facilities and Services

Comment: Public facilities and services are already available to the subject properties based on the existing use of such facilities and services for existing residential units. Where necessary, use of public facilities and services for an increase in housing density will continue to be available. Again, the potential increase in density will be minimal, but an increase nonetheless. However, existing public facilities and services will be available at suitable levels to allow for an increase in residential density.

Goal 12 – Transportation

Comment: There are existing transportation facilities available at the present time to adequately serve the subject properties and provide full service access to/from the site. Possible improvements to local streets should improve local traffic movement, and improve off street and on street parking. TriMet service on SE King Road (line no. 33) will remain available for use by local residents, and new, higher residential density will have a miniscule impact on the demand for and use of local transportation facilities.

Goal 13 – Energy Conservation

Comment: Redevelopment of the subject site should result in greater energy conservation because the new structures to be built will be much more energy efficient than the existing structures. New appliances,

heating system, fixtures, etc. will all be more energy efficient. As a result, the redevelopment of the subject properties at a slightly higher density will be in compliance with this Goal.

Goal 14 – Urbanization

Comment: The site is already designated “urban” by virtue of the fact that the subject properties are within the Portland Metro UGB. The redevelopment of the subject properties will increase the level of actual urbanization through new structures at higher densities than has been the case for the properties. Therefore, the Zoning Map Amendment from R-3 to R-2.5, with the Plan designation of Medium Density Residential will continue to fully satisfy this Goal.

Goal 15 – Willamette River Greenway

Comment: This Goal does not apply because the subject properties are not within the designated Willamette River Greenway.

Goal 16 – Estuarine Resources

Goal 17 – Coastal Shorelands

Goal 18 – Beaches and Dunes

Goal 19 – Ocean Resources

Comment: These four Goals do not apply to the proposed Comp Plan Map Amendment because the subject properties are not located on the Oregon coast where these four Goals really apply.



July 14, 2017

Gene Dieringer
Dieringer Properties Inc.
10505 SE 44th Ave
Milwaukie OR 97222

Re: Preapplication Report

Dear Gene:

Enclosed is the Preapplication Report Summary from your meeting with the City on June 29, 2017, concerning your proposal for action on property located at 4401-4409 and 4411 SE Llewelyn St.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Pat Dieringer
Barry Sandhorst
file

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
P) 503-786-7600 / F) 503-774-8236
www.milwaukieoregon.gov

CITY OF MILWAUKIE

PreApp Project ID #: 17-014PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on **6/29/2017** at **10:00am**

Applicant Name: Gene Dieringer
Company: Dieringer Properties Inc.
Applicant 'Role': Owner
Address Line 1: 10505 SE 44th Ave
Address Line 2:
City, State Zip: Milwaukie OR 97222
Project Name: Llewellyn St Duplexes
Description: Zoning map amendment (R3-R2.5) and lot consolidation to build 2 duplexes.
ProjectAddress: 4401/4409/4411 SE Llewellyn St
Zone: Residential R-3, would go to R-2.5
Occupancy Group:
ConstructionType:
Use: Medium Density (Med. D), would go to High Density (HD)
Occupant Load:
AppsPresent: Barry Sandhorst, Gene Dieringer, Pat Dieringer
Staff Attendance: Brett Kelter, Samantha Vandagriff

BUILDING ISSUES

ADA:
Structural: Houses will need to be separated by a minimum of 6 feet.
Mechanical:
Plumbing:
Plumb Site Utilities:
Electrical:
Notes:

Dated Completed:

City of Milwaukie DRT PA Report

Page 1 of 9

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: Fire sprinklers don't appear to be needed with the proposed layout, but if the layout or design changes, they may need to be installed.

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: See attached.

PUBLIC WORKS ISSUES

Water: A City of Milwaukie 8-inch water main on SE Llewellyn Street provides service to the proposed development. The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued. One water meter may serve all residences if they are on the same lot. If the duplexes are on separate lots, then individual water meters will be required.

Sewer: A City of Milwaukie 8-inch wastewater main on SE Llewellyn Street provides service to the proposed development. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1,100 and the second component is the County's SDC for treatment of \$6,295 that the City collects and forwards to the County. Both SDC charges are per connection unit. The wastewater SDC will be assessed and collected at the time the building permits are issued. If there is one property, then one lateral can connect that property to the City main. If there are three separate properties, then each lot will need its own lateral. SDC's will be the same for both lot configurations.

Storm: Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Public Works Standards.
The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland 2016 Stormwater Management Manual for design of water quality facilities.
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 \$863 on 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 Llewellyn, a local street. The portion of SE Llewellyn fronting the proposed development has a right-of-way width of 60 feet and a paved width of approximately 20 feet unimproved on both sides of the road.

The proposed development fronts the east side of SE 44th Avenue, a local road. The portion of SE 44th Avenue Street fronting the proposed development has a right-of-way width of 61.5 feet and has full improvements on the west side of the road.

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 Llewellyn Street

The addition of two new dwelling units (credit is provided for previously demolished house and demolition of eastern existing house) establishes a nexus for frontage improvements to be constructed with the development. Full improvements will be required on the SE 44th frontage to match the sidewalk that is already in place to the north. The one difference is that the sidewalk constructed will be 6-foot wide, not 5-foot. Improvements will also include an ADA ramp at the south end of walk, and a receiving ramp on the west side of 44th Avenue. Engineering will conduct a proportionality analysis to determine the remaining improvement requirements. If one new dwelling unit was being constructed, then the 44th Avenue improvements alone would be proportional to the one new unit. With the addition of a second unit, additional improvements will be required. However, the Llewellyn frontage is over 200-feet long, and full improvements would not be proportional to the effect of one dwelling unit. The proportionality analysis will determine what portion of improvements are constructed. Some potential options would be sidewalk only, sidewalk and curb, or asphalt and curb.

If three lots are created, then the full improvements will be required on the Llewellyn frontage for the middle and eastern lots. The existing duplex would not require improvements. The local street cross section that has been established for Llewellyn includes the following:

- 10-foot travel lanes
- 6-foot parking strips with curb
- 8-foot landscape strips
- 5-foot setback sidewalks

Right of Way:

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

The existing right-of-way on SE 44th Avenue 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. Per MMC 12.16.040.D.4.b Driveway spacing for uses other than single-family is 150-feet. A variance to this requirement will need to be granted to construct more than 2 driveways on this lot. Driveways that are constructed will be shared with the adjacent building driveway resulting in a total count of 4 driveways. Maximum width for the driveways is 20-feet, even if it is shared between buildings. If wider driveways are wanted, then a variance will need to be approved for this change. Up to three variances can be completed under one variance application. If three individual lots are created, then each lot will get its own driveway without the need for a variance. A variance will be required for any of the lots to have more than one driveway. Shared driveways between adjacent properties will be considered one driveway (i.e. two half-driveways per lot).

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 will has determined that a traffic impact study will not be required.

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 \$1,963 per trip generated. Credits will be given for any demolished structures, if demolished within 10 years of application, which shall be based upon the existing use of the structures.

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 multi-family residence is \$3,608.00. 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.

REQUIREMENTS AT FINAL PLAT

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the required frontage of the proposed development.

- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.

- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.

- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of

Milwaukie prior to the final inspection.

- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks:

Yard requirements for the Residential R-2.5 zone are established in Milwaukie Municipal Code (MMC) Subsection 19.302.4. Minimum front and rear yards are 15 ft, side yards must be at least 5 ft (for other than rowhouse development), and street-side yards must be at least 15 ft (for corner lots).

For side yards, 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.

For any proposed accessory structures, yard setbacks are established in MMC Subsection 19.502.2 and depend on the size and height of the proposed structure, varying from 3 ft to 5 ft to the same standards as the base R-2.5 zone. Accessory structures must be located beyond the front yard of the primary structure, unless they are at least 40 ft from the front lot line. Utility apparatus, such as air conditioners, must be at least 3 ft away from side and rear property lines and are not permitted in any required front yard setback or street-side yard setback.

Landscape:

In the R-2.5 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 the 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). A maximum of 40% of the site may be covered by structures, including decks or patios over 18 in above grade. For duplexes, the maximum allowable lot coverage is increased by 20 percentage points to 60% in the R-2.5 zone.

Parking:

As per the off-street parking standards outlined in MMC Table 19.605.1, properties developed with single-family dwellings (including duplexes) must provide at least 1 off-street parking space per dwelling unit. This quantity standard would apply whether the project was developed as duplexes on 3 lots or duplex-style multifamily development on one lot. The standards for residential parking areas are established in MMC Section 19.607 and require that residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. Parking spaces located in a required front or street-side yard do not count toward meeting the minimum number.

Required parking spaces and vehicle parking and maneuvering areas within a required front or side yard (except for boat or RV parking), must have a durable and dust-free hard surface. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 5 ft of the right-of-way boundary. Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width : distance onto property), starting 2 ft behind the front property line. See the figures provided in MMC 19.607 for more information.

Transportation Review: The proposed new development triggers the requirements of MMC Chapter 19.700 Public Facility Improvements. See the Public Works notes or contact the City's Engineering Department for more information about the requirements of MMC 19.700, including potential street improvements and standards for driveways and driveway spacing.

Application Procedures: The proposed zone change requires amendments to both the Zoning Map (from R-3 to R-2.5) and the Comprehensive Plan map (from Medium Density to High Density). For amendments involving fewer than 4 properties or less than 2 acres of land, Comprehensive Plan map amendments are generally processed with Type IV review and Zoning Map amendments with Type III review. The proposed requests would be processed concurrently using Type IV review and the procedures outlined in MMC Section 19.1007, which includes a recommendation hearing by the Planning Commission and final decision by City Council.

In conjunction with the zone change and Comprehensive Plan amendment, there are two primary scenarios for the proposed redevelopment of the site (which includes maintaining the existing duplex, demolishing the existing single-family house, and establishing four new units):

Scenario 1 (one multifamily lot) = Consolidate the lots and construct two additional duplexes on the new, single lot

Scenario 2 (three duplex lots) Establish three distinct lots and construct two new duplexes, each on its own lot

Scenario 1 (one multifamily lot) = Even in duplex form, multiple dwelling structures on a single lot are considered multifamily units per the definition of "multifamily development" under the heading "Residential Uses and Structures." In the R-2.5 zone, a conditional use is required to establish multifamily units. The conditional use application requires Type III review and is subject to the provisions of MMC Section 19.905. With a overall lot area of approximately 16,745 sq ft (0.38 acres) and a maximum density allowance of 17.4 units per acre, up to 6 units could be established on the site. Multifamily housing is subject to the design standards established in MMC Subsection 19.505.3 and Table 19.505.3.D. Multifamily structures that can meet the specific standards can be processed with Type I Development Review; otherwise, the project must demonstrate compliance with the design guidelines and are subject to Type II Development Review.

Scenario 2 (three duplex lots) = The R-2.5 zone requires a minimum lot size of 5,000 sq ft for a duplex, and it appears that the site is large enough to accommodate three lots of at least 5,000 sq ft each. Duplexes are an outright permitted use in the R-2.5 zone and are subject to the single-family design standards established in MMC Subsection 19.505.1. Duplexes are not subject to the formal Development Review process, so no special land use review is required; compliance with the applicable standards is reviewed as part of the building permit review process.

Depending on the applicant's decisions about which scenario to pursue and then a proposed driveway configuration, a variance may be required to address the minimum spacing requirements of MMC Subsection 12.16.040.D. For multifamily development, a minimum of 150 ft is required between driveways; for duplex development, a minimum of 50 ft is required between driveways on the same lot. A variance to either standard will require Type III review.

See the Public Works notes for information related to possible street improvement requirements for both scenarios.

Prior to construction of any new structures on either of the subject properties, the underlying subdivision lots from Block 11 of the Minthorn Addition platted in 1890 must be consolidated, which

requires an application for replat. The land division process (including lot consolidation and replat) is established in MMC Title 17. As a partition replat resulting in 3 or fewer lots, the review process can be reduced from Type II to Type I, as per MMC Subsection 17.12.020. Preliminary approval of the necessary replat will be processed as a preliminary plat, with submittal requirements provided in MMC Section 17.16.060 and Chapter 17.20 as well as on the City's Preliminary Plat Checklist guide. Following approval of the preliminary plat, a final plat is required to complete the land division, subject to Type I review and the requirements of MMC Chapter 17.24.

To summarize, the following applications may be required, depending on the applicant's final proposal:

- * Comprehensive Map Amendment (Medium Density to High Density) = Type IV review
- * Zoning Map Amendment (R-3 to R-2.5) = Type III
- * Conditional Use (for multifamily units) = Type III
- * Variance (if needed for driveway spacing) = Type III
- * Development Review (for multifamily design) = Type I or II
- * Replat (for lot consolidation, either to 1 lot or 3 lots) = Type I
- * Final Plat = Type I

Applications can be processed individually or concurrently. The map amendments will be processed concurrently; the conditional use application (if needed) could be processed concurrently with the map amendments. Staff recommends that the replat be processed individually, and that the development review and/or variance applications (if needed) be processed concurrently.

Current application fees are \$5,000 for Type IV review, \$2,000 for Type III review, \$1,000 for Type II review, and \$200 for Type I review. For multiple applications processed concurrently, there is a 25% discount for all application fees after the most expensive one; there is no discount for applications processed individually. Concurrent applications will be processed with the highest review type, with a single decision issued.

For the City's initial review, the applicant should submit 5 complete copies of the application materials, including all required forms, checklists, narrative, and plans. (Note: Disregard the call for 12 copies noted in the code and on several checklists.) A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the Hector Campbell and Lewelling Neighborhood District Associations (NDAs), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For the Type IV review process, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Once the Planning Commission has issued a recommendation, a public hearing with City Council will be scheduled. Public notice will be provided to property owners and residents within 400 ft of the subject property, at least 20 days prior to each public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to each hearing.

Issuance of a final decision starts a 15-day appeal period for the applicant and any party who establishes standing. Building permit review would not commence until the City receives a complete application for the necessary replat; final inspection and occupancy of the new units will be deferred until the final plat is approved.

Following a determination that the application is complete (estimate at least 1 month for completeness review, as noted above), processing time to a final decision for Type IV review is approximately 3 more months to reach a final decision. For Type III review, the average timeline is approximately 2 months beyond completeness; for Type II review, the timeline is approximately 4 to 5 weeks; for Type

I review, the timeline is approximately 2 weeks. All timelines may vary somewhat depending on staff workload and the hearing schedule at the time the application is submitted and processed.

Prior to submitting the application, the applicant is encouraged to present the project at a regular meeting of both the Hector Campbell NDA (6:30 p.m. on the second Monday of most months at the Public Safety Building, 3200 SE Harrison St) and the Lewelling NDA (6:30 p.m. on the second Wednesday of most months at the Milwaukie Café and Bottle Shop, 9401 SE 32nd Ave).

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

Lot Geography: The subject properties are rectilinear. Tax lot 7500 is on the corner of 44th Avenue and Llewellyn Drive and is 150 ft wide by 75 ft deep. Tax lot 7400 is an interior lot fronting on Llewellyn Drive and is 55 ft wide by 100 ft deep.

Planning Notes: Rowhouses are an outright permitted use in the R-2.5 zone and require a minimum of 2,500 sq ft per unit. While it appears that there may be enough lot area to construct four rowhouses on the eastern portion of the subject property, the varying depth (75 ft to 100 ft) of that part of the property makes it difficult to create an approvable lot configuration for rowhouse development. There would likely be a compound lot line segment that could not meet the standards of MMC Subsection 17.28.040.C.

Regarding the Comprehensive Plan Map Amendment and Zoning Map Amendment application, the applicant's narrative should address the approval criteria lined out in MMC Section 19.902, including a demonstration of consistency with the relevant goals, objectives, and policies of the Comprehensive Plan. Particular attention should be directed to the following elements of the Comprehensive Plan:

Chapter 2 (Plan Review and Amendment Process) = Objective 1 (Amending the Plan)
Chapter 4 (Land Use) = Residential Land Use and Housing Element, Objective 2 (Residential Land Use: Density and Location), Objective 4 (Neighborhood Conservation), Objective 5 (Housing Choice)

Other approval criteria include demonstrating consistency with the Metro Urban Growth Management Functional Plan and the Statewide Planning Goals. The applicant is encouraged to engage a land use planner or similar professional to assist with this analysis and the preparation of the map amendment application.

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

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652
Alicia Martin - Admin Specialist - 503-786-7600

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605
Richard Nasiombe - Associate Engineer - 503-786-7694
Alex Roller - Engineering Tech II - 503-786-7695

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654
David Levitan - Senior Planner - 503-786-7627
Brett Kelter - Associate Planner - 503-786-7657
Vera Kolias - Associate Planner - 503-786-7653
Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673
Matt Amos - Fire Inspector - 503-742-2661

TITLE 17 LAND DIV.
NEED TO DO REPLAT
17.12
SUBDIV. REPLAT

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: 7/14/2017
Re: 4411 SE Llewellyn 17-014PA

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. The following items should be addressed by the applicant:

COMMENTS:

The Fire District has no comments for this proposal.

ATTACHMENT 3

Brett Kelter

From: BROOKING Joshua C <Joshua.C.BROOKING@odot.state.or.us>
Sent: Tuesday, June 26, 2018 4:33 PM
To: Brett Kelter
Cc: BROOKING Joshua C
Subject: RE: ODOT review for zone change in Milwaukie?

Hi Brett,

Thanks for looping us in. Assuming that the uses within the two zones are similar, I'd imagine that any additional trips are marginal. If I'm wrong about the differences within the zone, please let me know (a "flag" would be if the new zoned drastically increased trips, say, allowing commercial uses within the new zone). With that and the fact that the closest ODOT intersection, SE Harrison/OR 224, is three-quarters of a mile away ODOT has no comments on this proposal.

Again, I appreciate you sending this over, it's better that we review Zone Changes/CPA's early to identify if we are going to have a concern or not. Thanks!

Cheers!

Josh

Joshua Brooking
Associate Planner
Oregon Department of Transportation
503.731.3049
joshua.c.brooking@odot.state.or.us

Please note, starting May 1st my schedule will change to Monday to Thursday, with Friday out of office.

From: Brett Kelter <KelterB@milwaukieoregon.gov>
Sent: Monday, June 25, 2018 2:54 PM
To: BROOKING Joshua C <Joshua.C.BROOKING@odot.state.or.us>
Subject: ODOT review for zone change in Milwaukie?

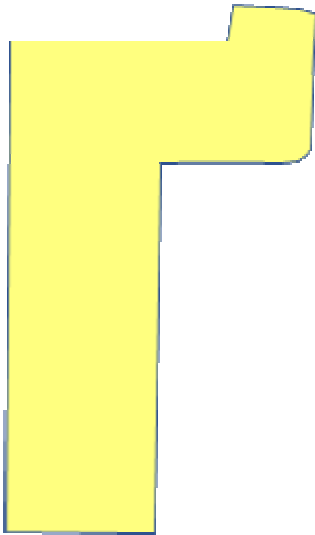
Joshua,

Hope you're doing well.

We've taken in an application for a zone change to rezone 4 lots from Residential R-3 to R-2.5 (both Medium Density zones). The sites are at 44th Ave and Llewellyn St, just east of the King Rd shopping center—addresses are 4401-09, and 4411 SE Llewellyn St; 10500 SE 44th Ave, and 4401 SE Harrison St. This is all fairly far from an ODOT facility, so my guess is that ODOT won't have any interest in or need to review and provide comment. But I'm checking to see. Can you let me know if ODOT would like to be included in the referral loop with an electronic copy, once the application is deemed complete?

Thank you!

BRETT KELVER
Associate Planner



Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

Brett Kelter

From: 2dasch@gmail.com
Sent: Tuesday, July 17, 2018 11:31 AM
To: Brett Kelter
Cc: Heather Ray; Melanie Bocek; Sarah Smith
Subject: Re: call for comments on proposed zone change to R-2.5 (Milwaukie file #ZA-2018-003)

The Hector Campbell NDA is in full support of the Dieniger zone change.

On Tue, Jul 17, 2018, 11:21 AM Brett Kelter <KelterB@milwaukieoregon.gov> wrote:

Hello,

I'm checking to see if anyone on the original referral list for file #ZA-2018-003 (see attached PDF), a zone change from R-3 to R-2.5 in the vicinity of Llewellyn St and 44th Ave (near King Rd), has any comments to provide. If so, please send them as soon as possible this week so they can be incorporated into the draft findings and staff report.

This item is scheduled for a hearing and decision by the Milwaukie Planning Commission on August 14, 2018.

Thank you!

BRETT KELTER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd.

Brett Kelter

From: Stephan Lashbrook <drampa82@gmail.com>
Sent: Tuesday, July 17, 2018 3:43 PM
To: Brett Kelter
Cc: Kent, Ken; Paulette.Copperstone@oregonmetro.gov; Wyffels, Michelle; Amos; Alex Roller; Peter Passarelli; dlasch@comcast.net; arkangel.architect@gmail.com; heather.ray78@gmail.com; Rebecca Hamilton
Subject: Re: call for comments on proposed zone change to R-2.5 (Milwaukie file #ZA-2018-003)

Hi Brett.

The Lewelling NDA land use guru remains in the hospital and is not likely to respond with comments. Also, our NDA will not have another regular meeting until September. Therefore, the Lewelling NDA has no comments to offer.

Thanks for the opportunity.

Stephan

On Tuesday, July 17, 2018, Brett Kelter <KelterB@milwaukieoregon.gov> wrote:

Hello,

I'm checking to see if anyone on the original referral list for file #ZA-2018-003 (see attached PDF), a zone change from R-3 to R-2.5 in the vicinity of Llewellyn St and 44th Ave (near King Rd), has any comments to provide. If so, please send them as soon as possible this week so they can be incorporated into the draft findings and staff report.

This item is scheduled for a hearing and decision by the Milwaukie Planning Commission on August 14, 2018.

Thank you!

BRETT KELVER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

MEMORANDUM

TO: Community Development Department

THROUGH: Charles Eaton, PE, Engineering Director

FROM: Alex Roller, Engineering Technician II

RE: ZA-2018-003 Staff Response
4401-09, 4411 SE Llewellyn St, 10500 SE 44th Ave, 4401 SE Harrison St

DATE: July 17, 2018

Although the zone change does present the opportunity to increase the trip generation of the properties that are part of the application, the zone change itself does not trigger any portion of MMC 19.700. Applicability of MMC 19.700 is determined by the building permits that are submitted for the sites.

Recommended conditions of approval:

none



CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: David Levitan, Senior Planner
Date: August 7, 2018, for August 14, 2018 Worksession
Subject: Comprehensive Plan Housing Scope Discussion

ACTION REQUESTED

Receive the Commission's input on topics that they would like to see addressed in the Housing section of the updated Comprehensive Plan, based on topics, plans and applications that they have reviewed during their tenure. The Comprehensive Plan Advisory Committee (CPAC) is scheduled to begin work on the Housing section in September as part of its Block 2 work.

BACKGROUND INFORMATION

History of Prior Actions and Discussions

- [July 25, 2017](#): Staff provided an update on the Community Vision and proposed framework for the Comprehensive Plan, and asked for a Planning Commission representative to serve on the Comprehensive Plan Advisory Committee (CPAC).
- [October 10, 2017](#): Staff presented the proposed work program for the Comprehensive Plan Update, which is centered around the sustainability filters and "super actions" that were developed as part of the Community Vision.
- [May 22, 2018](#): The Planning Commission reviewed and provided feedback on the Block 1 goals and policies (May 10, 2018 draft).
- [June 26, 2018](#): The Planning Commission finalized its review of the Block 1 goals and policies.

DISCUSSION

The City of Milwaukie is undertaking the first complete update to its Comprehensive Plan in nearly 30 years. The [project work plan](#) breaks the update into three distinct work blocks, each covering four to five topic areas. On August 7, the City Council adopted a resolution "pinning down" the goals and policies for the four Block 1 topic areas: Community Engagement, Urban Growth Management, Economic Development, and History, Arts and Culture.

Block 2 is comprised of five topic areas: Housing, Parks and Recreation, Energy/Climate, Hazards, and Willamette Greenway. Staff and its consultants are currently preparing the background reports for the five Block 2 topic areas, which will be discussed at the September 10 Comprehensive Plan Advisory Committee (CPAC) [meeting](#). The background reports will include a summary of existing Comprehensive goals and policies, relevant actions from the Community Vision's Action Plan, as well as other related City, regional, and statewide documents and programs.

Over the past two years, the City has dedicated significant time and resources on housing-related issues in Milwaukie, including the declaration of a [housing emergency](#) in April 2016 and the recent adoption of a Housing Affordability Strategy. In advance of the Comprehensive Plan Update, the City completed a Statewide Planning Goal 10 [Housing Needs Analysis](#) (HNA) in late 2016, which found that the City has adequate land supply to accommodate anticipated 20-year residential growth across the three major unit types: single family detached, medium-density attached, and multi-family. However, the HNA also found that the City has an existing deficit of housing units deemed affordable to its lower-income residents, and that deficit is anticipated to expand over the next 20 years if no action is taken. In response, the City developed a [Housing Strategies Report](#) in 2016 and the [Milwaukie Housing Affordability Strategy](#) (MHAS) in 2018, which was adopted by the Council on July 17.

The existing Comprehensive Plan's Residential Land Use and Housing Element (Attachment 1) includes a number of goals and policies that are still relevant today, while the City's recent community visioning effort provided significant community input and priorities that resulted in a number of housing-related Community Vision action items (Attachment 2). Language from the Community Vision does provide a significant departure from the City's existing land use framework, with the Action Plan calling for "a variety of housing types, price ranges, and subsidized units available in all neighborhoods" (Place 2.1) as well as for "allow(ing) more "missing middle" housing types.... in established neighborhoods" (Place 2.7).

The Comprehensive Plan Update provides an opportunity to establish clear and succinct goals and policies that will help shape residential growth and development in the City over the next 20 years. While the Commission did not provide specific direction to the CPAC as they developed policies for the four Block 1 topics, it did provide excellent feedback on the draft policies during May 22 and June 26 work sessions. Given the Commission's role in reviewing housing-related land use applications such as partitions, subdivisions, and planned unit developments, as well as individual commissioners' expertise in various aspects of the housing field, staff wants to ensure that they have an early opportunity to weigh in on the updated housing section. Chair Travis will continue to serve as the Planning Commission liaison to the CPAC, and will be able to brief the Commission periodically as Block 2 work commences.

Questions for Commission

1. Based on topics and applications that have come before you during your tenure, as well as feedback that you have received from the community, are there specific topics that you would like to ensure are covered as we develop goals and policies for the Housing section of the Comprehensive Plan?
2. How would Commissioners like to be involved in the Housing section discussion?

ATTACHMENTS

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

	PC Packet	Public Copies	E-Packet
1. Existing Comprehensive Plan Housing Goals and Policies	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Housing-Related Community Vision Items	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

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 <https://www.milwaukieoregon.gov/bc-pc/planning-commission-12>.

Comprehensive Plan Residential and Housing Element Existing Goals, Objectives and Policies

Goal Statement

To provide for the maintenance of existing housing, the rehabilitation of older housing and the development of sound, adequate new housing to meet the housing needs of local residents and the larger metropolitan housing market, while preserving and enhancing local neighborhood quality and identity.

Objective #1: Buildable Lands

To utilize lands in the City according to their relative measure of buildability, based on the following land type classifications.

Policy 1.1: Policies and standards found in the Historic Resources, Natural Hazard and Open Spaces, Scenic Areas, and Natural Resources Elements of the Environmental and Natural Resources Chapter apply, where applicable, throughout the City. Through its regular zoning, building and safety enforcement process, the City will implement those policies in Special Policies Classification areas and direct urban development toward more suitable areas through density transfer.

Policy 1.2: Prior to the approval of any building permit or other development approval, the developer of any vacant land within special policies classification areas must submit a report indicating how the applicable policies in the Environmental and Natural Resources Chapter are to be met. The report will describe the proposed type of site preparation and building techniques, how these techniques meet the applicable policies, and the mitigative measures, if any, proposed to lessen impacts during construction.

Objective #2: Residential Land Use: Density and Location

To locate higher density residential uses so that the concentration of people will help to support public transportation services and major commercial centers and foster implementation of the Town Center Master Plan, Downtown and Riverfront Land Use Framework Plan, and Central Milwaukie Land Use and Transportation Plan.

Policy 2.1: Residential densities will be based on the following net* density ranges:

Low Density (Zones R-10, R-7): up to 6.2 units per net acre

Moderate Density (Zone R-5): 6.3 to 8.7 units per net acre

Medium Density (Zones R-3, R-2.5, R-2): 8.8 to 21.1 units per net acre

High Density (Zones R-1, R-1-B): 21.2 to 24.0 units per net acre

Town Center: Downtown Mixed-Use Zone (Zone DMU) - 10 to 40+ units per net acre

Town Center: Outside of Downtown (Zone GMU) - 25 to 50 units per net acre

Commercial (Zone GMU) - 25 to 50 units per net acre

Policy 2.2: Areas may be designated Low Density residential if any of the following criteria are met:

- a. The predominant housing type will be single family detached.
- b. Low Density areas are residential areas which are developed at Low Density and little need for redevelopment exists.
- c. Within Low Density areas, transportation routes are limited primarily to collectors and local streets.
- d. Low Density areas may include sites where sensitivity to the natural environment or natural hazards necessitate a reduced density.

Policy 2.3: Areas may be designated Moderate Density Residential based on the following policies:

- a. The predominant housing types will be single family detached on moderate to small lots, and duplex units.
- b. Moderate Density areas are residential areas which are currently developed at Moderate Density and little need for redevelopment exists.
- c. Within Moderate Density areas, convenient walking distance to a transit stop or close proximity to major trip generators shall be considered.

Policy 2.4: Areas may be designated Medium Density residential based on the following policies:

- a. The predominant housing types will be duplexes.
- b. Medium Density areas are residential areas with access primarily to major or minor arterials. Siting should not result in increased traffic through Low Density Residential areas.
- c. Medium Density areas are to be located near or adjacent to commercial areas, employment concentrations or transit stops.
- d. Medium Density areas may include areas of deteriorating dwellings or structures in neighborhoods in order to stimulate private investment, infilling and redevelopment, provided one or more of the preceding policies apply.

Policy 2.5: Areas may be designated High Density Residential based on the following policies:

- a. The predominant housing types will be multifamily units.
- b. High Density Residential areas shall be located either adjacent to or within close proximity to the downtown or district shopping centers, employment concentrations and/or major transit centers or transfer areas.
- c. Access to High Density areas should be primarily by major or minor arterials.

Policy 2.6: High Density in Mixed-Use Areas will be based on the following policies:

- a. Within the Mixed-Use Area designated on Map 8, a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be required to implement these policies, and that single structures containing different uses will be the predominant building type.
- b. Commercial uses will be allowed at the ground floor level, and will be located relative to the downtown area so that pedestrian access between areas is convenient and continuous.
- c. Office uses will be allowed at the ground and first floor levels.
- d. High Density residential uses will be allowed on all levels.
- e. All parking must be contained within a project.

Policy 2.7: Town Center Areas will be designated based on the following policies:

- a. Town Center areas are those sites identified within the subareas depicted on the Subareas Map in the Town Center Master Plan as suitable for redevelopment. Within the Town Center areas designated on Map 8, mixed-use development combining residential high density housing with retail, service commercial, and/or offices is encouraged. For a very limited area within Central Milwaukie, as identified in the Central Milwaukie Land Use and Transportation Plan, some employee-intensive uses are also appropriate. This is intended to foster a Town Center environment in accordance with the Town Center Master Plan and Central Milwaukie Land Use and Transportation Plan. For properties in Central Milwaukie, the vision and policies in the Central Milwaukie Land Use and Transportation Plan supersede any specific site design schematics in the Town Center Master Plan.

- b. The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed Use Zone shall implement Subarea 1 of the Town Center Master Plan.
- c. The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area.
- d. A variety of higher density housing is desired in a designated Town Center Area, and the City shall work cooperatively with the private sector to provide a diverse range of affordable housing.

Objective #3: Residential Land Use: Design

To encourage a desirable living environment by allowing flexibility in design, minimizing the impact of new construction on existing development, and assuring that natural open spaces and developed recreational areas are provided whenever feasible.

Policy 3.1: New multifamily development projects will take measures to reduce potentially negative impacts on existing, adjacent single-family development and adjacent lower-density zones. Such measures may include reduced maximum heights, increased setbacks for large façades, building size limitations, and other design features to maintain privacy of nearby properties.

Policy 3.2: In all Planned Unit Developments, a density bonus up twenty percent (20%) over the allowable density may be granted in exchange for exceptional design quality or special project amenities.

Policy 3.3: All Planned Unit Developments will have area devoted to open space and/or outdoor recreational areas. At least half of the open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets.

Policy 3.4: All projects in Medium Density and High Density areas will have area devoted to open space and/or outdoor recreational areas. At least half of the open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets and parking areas, but may include private yards.

Policy 3.5: In all cases, existing tree coverage will be preserved whenever possible, and areas of trees and shrubs will remain connected particularly along natural drainage courses.

Policy 3.6: Specified trees will be protected during construction, in accordance with conditions attached to building permits.

Policy 3.7: Sites within open space, natural hazard or natural resource areas will be protected according to specifications in the Natural Hazard and Natural Resources Elements.

Objective #4: Neighborhood Conservation

To maximize the opportunities to preserve, enhance and reinforce the identity and pride of existing well-defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.

Policy 4.1: Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands. Identified historic resources will be protected as outlined in the Historic Resources Chapter. The predominant housing type will be multifamily.

Policy 4.2: Within Moderate and Medium Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. When projects involve destruction of older housing, it must be shown that rehabilitation is not justified because of structural, health or other important considerations.

Policy 4.3: Within Moderate and Medium Density areas, residential infill which maintains existing building heights, setbacks, yard areas and building mass will be encouraged. Of particular importance is the

maintenance of existing residential scale when viewed from the street. The predominant type of new housing in Moderate Density areas will be single family detached on moderate to small lots and duplexes. The predominant type of new housing in Medium Density areas will be duplex units. Multifamily housing may be allowed in Medium Density areas.

Policy 4.4: Within Low Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. The predominant type of new housing in Low Density areas will be single family detached. Duplex units will be allowed based on location criteria in the Zoning Ordinance.

Policy 4.5: Within Low Density areas, new projects will maintain a single family building bulk, scale and height when abutting existing single family areas, or when abutting a street where existing single family houses face the project.

Objective #5: Housing Choice

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

Policy 5.1: The City will encourage the development of infill housing that uses innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques may include the reduction of lot size standards in established neighborhoods; allowing duplex housing units in appropriate areas; and encouraging the construction of small housing units. The Milwaukie Zoning Code has development and design standards that help ensure infill development is compatible with its surroundings.

Policy 5.2: The City will encourage the development of larger subdivisions and PUDs that use innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques to reduce costs may include providing a variety of housing size, type, and amenities. The City may provide density bonuses, additional building height allowances, or other such incentives for the provision of affordable housing in residential development projects. Overall project density may not exceed the allowable density plus ten (10) percent, which may be added to the Planned Unit Development bonus.

Policy 5.3: Manufactured housing is encouraged and allowed wherever single-family housing is permitted in the city as long as density standards and other applicable policies are met. The City will encourage the provision of housing at types and densities indicated in the City's housing needs assessments summarized on Table 2.

Policy 5.4: Mobile home parks will be allowed in Low, Moderate, and Medium Density areas in zones allowing development at 6-12 units per acre, and will be subject to park design and appearance standards and review in a public hearing.

Policy 5.5: Although not all higher density and Town Center lands will immediately be zoned for maximum permissible densities, the rezoning of these lands will be approved when it can be demonstrated that adequate public facilities exist or can be provided in accordance with City plans and standards to support increased development.

Objective #6: Housing Assistance

To assist low and moderate-income households in obtaining adequate housing which is consistent with other housing objectives and policies.

Policy 6.1: Through its regular zoning, building and safety enforcement process, the City will identify substandard housing conditions.

Policy 6.2: The City will continue to participate in regional and county programs aimed at identifying housing need, allocating assistance responsibilities, administering state and federal housing assistance funds, and implementing housing assistance programs. The City will continue to participate in the Area-

wide Housing Opportunity Plan for allocating assisted housing.

Policy 6.3: Through its own, or county coordinated programs, the City will continue to identify and assist qualified individuals and residential areas in obtaining funds for housing rehabilitation and improvement, neighborhood public facilities and parks, improvements, and rental assistance. The primary City role will be to provide staff assistance in matching resident needs with possible programs and in identifying the procedures for residents to use in obtaining assistance.

Policy 6.4: The City will encourage the provision of housing for senior and handicapped citizens, and will work with nonprofit and public organizations to create quality housing opportunities at a reasonable cost. Special characteristics and needs of senior citizens such as income, household size and auto ownership will be considered in reviewing senior housing development proposals.

Policy 6.5: Incentives for permanent senior and handicapped housing will be provided. Within residential areas, such housing will be allowed which meets the conditions of the next highest density range. Applicable residential design policies must be met, and a public hearing held.

2017 Community Vision Action Plan Housing-Related Items

Goal Statements

Place 2: Milwaukie invests in housing options that provide affordability, high quality development and good design, promoting quality living environments. It maintains the small neighborhood feel through creative use of space with housing options that embrace community inclusion and promote stability.

Super Actions

Super Action 3: Create Complete Neighborhoods that Offer a Range of Housing 3 Types and Amenities and Enhance Local Identity and Character

Action Plan Action Items

Place 2.1: 1 Aim to provide improved housing affordability and stability for all City residents, with a variety of housing types, price ranges, and subsidized units available in all neighborhoods.

Place 2.2: Streamline permitting and examine ways to adjust system development charges to encourage creative uses of space such as Accessory Dwelling Units, Tiny Homes, and Cottage Clusters.

Place 2.5: Create neighborhood plans that define neighborhood character, identify community needs and priorities, and develop strategies for better integrating infill housing into neighborhoods.

Place 2.7: Update the Development Code to allow more “missing middle” housing types (duplexes, triplexes and cottage clusters, tiny houses) in established neighborhoods, and permit mixed-use buildings in neighborhood hubs.

Appendix Supplemental Action Items

Place 2.3: Create city programs that encourage more affordable housing, such as land banking and the collection of a construction excise tax, and continuously evaluate their impacts on housing costs

Place 2.4: Annex land within the City’s Urban Growth Management Area land that helps meet the Milwaukie’s housing and employment needs

Place 2.6: Ensure quality housing design standards that include energy efficiency, shared greenspace and community garden development

Place 2.9: Support the development of more senior, veterans and special needs housing, including Aging in Place Villages and transitional and safe-house communities