



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

June 08, 2021

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Amy Erdt
Greg Hemer
Adam Khosroabadi
Robert Massey
Absent: Jacob Sherman

Staff: Laura Weigel, Planning Manager
Vera Kolas, Senior Planner
Janine Gates, Assistant Planner
Justin Gericke, City Attorney

(00:14:08)

1.0 Call to Order – Procedural Matters*

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

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

(00:15:15)

2.0 Minutes

The April 13, 2021 minutes were approved with a 6 – 0 vote.

(00:17:29)

3.0 Informational Items

No information was presented for this portion of the meeting.

(00:17:38)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:18:07)

5.0 Public Hearing Items

(00:18:11)

5.1 5840 SE Morris St Accessory Structure Spacing Variance

Vera Kolias, Senior Planner shared the staff report. The applicant and current owner of the residential property at 5840 SE Morris St, recently completed a renovation on the home consisting of a new front porch, deck, and adding living space to the ground floor. The site contained a mapped Water Quality Resource Area (WQR) and was nearly entirely covered by a mapped Habitat Conservation Area (HCA) and the 100-yr floodplain. During the project, the applicant constructed a new 192-sq ft shed designed to match the house and was underneath the deck at the rear of the home. The shed was not included on the building permit plans and was not discovered until the final inspection process. It was built to align with the edge of deck but closer than the minimum required 60 inches to the house. The shed did not increase land coverage or vegetation. The applicant knew the size of the shed was exempted from a building permit but was unaware of the minimum spacing requirement. The applicant was seeking a variance to allow the recently constructed 192-sq ft shed to remain with a 43-inch separation from the house rather than the minimum 60 inches required in MMC 19.502.2.A.1.b(3). A Type III variance was required.

The Planning Commission discussed the zoning standards for accessory structures. **Chair Loosveldt** asked, if the deck would have received approval with the structure below it and was that a safety concern? **Kolias** responded, based on their conversations with the Building Department the shed was not a safety hazard. **Commissioner Khosroabadi** asked, how would an owner know there was a 60 inch requirement since they did not need a building permit? **Kolias** responded, the Building Department would share their requirements and encourage the applicant to check with the Planning Department. Also, there was a document sharing the standards and approval criteria for sheds. The applicant needed to contact the Planning Department to learn that information.

The applicant shared, he was unaware of the setback requirement. They used the accessory structure worksheet and was unsure how the spacing requirement was missed.

The Planning Commission discussed the approval criteria for the applicant's accessory structure. **Commissioner Edge** shared, this was a reasonable request because the accessory structure did not further impact the Habitat Conservation Area and this was a technicality issue.

The proposal was approved with a 6-0 vote.

(00:41:56)

5.2 11503 SE Wood Ave Accessory Structure Size Variance

Janine Gates, Assistant Planner shared the staff report. The applicant and current owners of the residential property at 11503 SE Wood Ave, submitted a variance for an accessory structure to exceed the MMC Table 19.502.2.A.1. Residential Accessory Structure Height and Footprint Standards maximum requirement. The lot was developed with a single-family home, one car garage, and three accessory structures. The applicant wanted to use the older accessory structure as a garden accessory structure.

and artist's studio. In addition, they wanted to demolish two accessory structures and build the proposed accessory structure. The applicant proposed a 42' x 40' accessory structure that will be built on the western edge approximately 60' from the west boundary of the property, 296' from the street frontage, and 5' from the southern boundary. The applicant was aware that the proposed accessory structure exceeded the maximum size requirement and was requesting that the structure be similar in size to other accessory structures in their neighborhood.

The Planning Commissioners wanted to ensure the applicant did not go over maximum lot coverage. **The applicant** shared, based on the design and where the owners would like the new structure, the two sheds must be demolished. They would demolish the structures prior to constructing the new proposed structure.

The proposal was approved with a 6-0 vote.

(01:03:39)

6.0 Work Session

(01:03:48)

6.1 Comprehensive Plan Implementation - Draft Code / Map Amendments

Kolias shared an update about the Comprehensive Plan Implementation. The policy mandates were to increase the supply of middle housing, tree canopy and preserve existing trees, and manage parking to enable middle housing. Draft code and maps were under development. The Comprehensive Plan includes a policy to create an equitable distribution of housing choices throughout the city. Some of the key amendments were to:

- Consolidate the eight residential zones to two
- Allow lot size to determine permitted housing types
- Allow middle housing to be permitted as attached or detached units
- Require one parking space per unit and allow the space to be located in the driveway or setback
- Require tree preservation, protection, and replacement of removed trees on new development and private property

The code will still have development standards, such as maximum lot coverage, building height, minimum landscaping, and setbacks. There was a discussion to allow alternatives to parking locations, such as a car park or other creative solutions.

Staff met with the Neighborhood District Associations in June to provide an overview of the concepts going into the draft code and to outline the adoption process. Next steps included draft code and maps, meetings with the Comprehensive Plan Implementation Committee, Planning Commission, City Council, and continuing to engage with the public.

The Planning Commission discussed the opportunity for public meetings during the adoption process. **Commissioner Hemer** shared, there were probably members from the public without internet or access to cable who were interested in participating.

They would like to see meetings held in person. **Kolias** responded, the goal was to host public testimony in October and hoped it was safe enough to do in person activities.

The Planning Commission discussed a residential plan proposed by **Commissioner Hemer** who thought the Planning Department needed to create a residential plan to ensure the housing being built was the housing that was needed. He also thought housing types could be promoted based on an incentive program. **Chair Loosveldt** asked, if there was a plan that existed? **Vice Chair Edge** responded, the housing need analysis. **Kolias** added, the housing need analysis explained what type of housing was needed and how much of it was needed. **Commissioner Hemer** responded, there needed to be a multilayered City plan that included wastewater and other plans. **Laura Weigel, Planning Manager** shared, there was a wastewater management plan, sewer master plan, and transportation management plan. Those plans identified potential projects for 20, 30, and 50 years. While they did not address police and fire those departments will be triggered as more population comes.

The Planning Commission discussed the schedule of the adoption process. **Chair Loosveldt** shared, members of the plan believed it was fast paced. They asked, why the Planning Department was attempting to complete the plan by December 2021 instead of the State of Oregon's 2022 deadline. This would allow the community to engage in a post pandemic environment. **Kolias** responded, housing was a goal of City Council and they requested the Planning Commission to move forward with implementing a new code for middle housing. To respond to those inquiries, the Planning Department planned to engage with the community for the next six months. Those events will take place during several worksessions, community conversations, and written testimonies. The State of Oregon required the code to be in place and adopted by June 30, 2020. The City's code could be in place and adopted six months early. City Council wanted to move forward in hope of having new housing opportunities built sooner. By December 2021, the City would have worked on this project for almost 18 months.

The Planning Commission discussed how the new code would impact land division. **Commissioner Edge** asked, how would land division be impacted by the code updates? Would there be an opportunity for the commissioners to review that information before it was implemented? **Kolias** responded, a land division would still be possible with the updated code. There will probably be some additions to Milwaukie Municipal Code (MMC) Title 17: Land Division. The goal for this milestone was compliance with House Bill 2001 and that included ensuring Title 17 and the updated code were communicating.

(01:37:46)

7.0 Planning Department Other Business/Updates

No information was presented for this portion of the meeting.

(01:38:00)

8.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(01:40:25)

9.0 Forecast for Future Meetings

June 22, 2021: No Business is Currently Scheduled for this Meeting
July 13, 2021: Work Session Item: Comprehensive Plan Implementation – Draft
Code/Map Amendments
July 27, 2021: Work Session Item: Comprehensive Plan Implementation – Draft
Code/Map Amendments

Meeting adjourned at approximately 8:30 PM.

Respectfully submitted,

N. Janine Gates
Assistant Planner



CITY OF MILWAUKIE

AGENDA

June 8, 2021

PLANNING COMMISSION

milwaukieoregon.gov

Zoom Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfae3OnDWLQKSB_m9cAw) or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time. To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-74>) and follow the Zoom webinar login instructions.

1.0 Call to Order – Procedural Matters — 6:30 PM

2.0 Planning Commission Minutes – Motion Needed

2.1 April 8, 2021

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 Hearing Items

5.1 5840 SE Morris St Accessory Structure Spacing Variance

Summary: Accessory Structure Spacing Variance

Applicant: Stephen Klingman

Address: 5840 SE Morris St

File: VR-2021-007

Staff: Senior Planner Vera Kolas

5.2 11503 SE Wood Ave Accessory Structure Size Variance

Summary: Accessory Structure Size Variance

Applicant: Randolph and Cheryl Ford

Address: 11503 SE Wood Ave

File: VR-2021-008

Staff: Assistant Planner Janine Gates

6.0 Work Session Items

6.1 Summary: Comprehensive Plan Implementation - Draft Code/Map Amendments;
Code Adoption Process

Staff: Senior Planner Vera Kolas

7.0 Planning Department Other Business/Updates

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

9.0 Forecast for Future Meetings

June 22, 2021 No Business is Currently Scheduled for this Meeting

July 13, 2021 Work Session Item: Comprehensive Plan Implementation – Draft Code/Map Amendments

July 27, 2021 Work Session Item: Comprehensive Plan Implementation – Draft Code/Map Amendments

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 register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **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 attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

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.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

Milwaukie Planning Commission:

Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Greg Hemer
Robert Massey
Amy Erdt
Adam Khosroabadi
Jacob Sherman

Planning Department Staff:

Laura Weigel, Planning Manager
Vera Kolias, Senior Planner
Brett Kolver, Associate Planner
Mary Heberling, Assistant Planner
Janine Gates, Assistant Planner
Tempest Blanchard, Administrative Specialist II



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City Hall Council Chambers
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April 13, 2021

Present: Lauren Loosveldt, Chair
Greg Hemer
Adam Khosroabadi
Robert Massey
Jacob Sherman

Staff: Laura Weigel, Planning Manager
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

Absent: Joseph Edge, Vice Chair
Amy Erdt

(00:15:15)

1.0 Call to Order – Procedural Matters*

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(00:16:38)

2.0 Planning Commission Minutes

Commissioner Hemer mentioned the change to the format of the minutes. Previously, the commissioners' comments were written on separate lines and the February 23, 2021 minutes were phrased with "the group discussed." **Laura Weigel, Planning Manager** shared that she and a staffer were working with Scott Stauffer, City Recorder to understand how the Planning staff can efficiently and effectively take notes.

Chair Loosveldt asked, if the recordings of the meeting had closed captioning. **Mary Heberling, Assistant Planner** shared, the closed captioning was automatically generated by YouTube. **Weigel** shared, she would check with City Council to understand how they were handling closed captioning.

The commission approved the minutes with a 5 – 0 vote.

(00:21:24)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:21:35)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:22:27)

5.0 Public Hearings

(00:22:39)

5.1 VR-2021-002 Milwaukie High School (MHS) Sign Variance

Chair Loosveldt shared, the purpose of the hearing was a discussion of Milwaukie High School's sign variance application at the property located at 2301 SE Willard St.

Heberling shared the applicable provisions of the Municipal Code (MMC), which were:

- Chapter 14.32 Adjustments
- Section 14.09.090 Conditional and Community Use Signs
- Section 14.16.010 Residential Zone
- Section 19.1006 Type III Review

Commissioners Hemer, Massey, and Sherman visited the site and did not have contact with anyone from the site.

Heberling presented the staff report. The applicant proposed an electronic reader sign to share messages with the Milwaukie High School community and the neighborhood. The size of the electronic reader sign would be 18.56 square feet (sf) and the display size would be 16.93 sf. They would like to locate the electronic reader sign at the main parking lot entrance, which would be the northeast corner of Willard St and 23rd Ave. Previously, the applicant applied for a sign in 2006. This hearing was for a sign adjustment to the sign code for Community Service Uses. This proposal was a sign adjustment process to allow for an electronic reader sign in the underlying residential zone (R-2) where electronic signs were not allowed. The goal of the hearing was to determine if the proposal met the sign adjustment criteria and if strict application of Chapter 14.32 Adjustments was causing an undue or unnecessary hardship. The applicant provided some information, which the adjustment was based on special and unusual

circumstance related to the specific property and the specific electronic reader sign. The applicant also shared that this was the only high school in the district without this type of electronic reader sign and North Clackamas School District (NCSD) deemed the electronic reader sign an essential communication tool. Lastly, the applicant believed the electronic reader sign would be critical and essential in communicating natural disasters and emergencies. The Planning Department staff had some concerns regarding the applicant comparing themselves to other high schools in NCSD. Staff questioned how a lack of an electronic reader sign was causing an undue or unnecessary hardship. There was a concern if other schools and Community Service Uses in residential zones in Milwaukie wanted an electronic reader sign they could make the same case. The question was what was unique about the applicant to allow this adjustment. Lastly, the applicant did not show how a denial of an electronic reader sign would create an undue or unnecessary hardship related to their messaging functions as a school.

The applicant responded to staff's concerns, which was the electronic reader sign would allow the school to share more information, communicate important messages around emergencies, and their previously approved electronic reader sign from 2006 was not installed due to funding issues. **Heberling** shared the Planning Departments response to the applicant that it was difficult to determine if their proposal was defensible or causing an undue or necessary hardship. Staff asked about the high school's category 4 status, what did that entail, and why was that a reason for the school to have an electronic reader. The Planning Department also questioned if it was a requirement for Category 4 buildings to have an electronic reader. Based on the current information staff recommended denying the sign adjustment proposal for 2031 SE Willard St on the basis that it did not meet the approval criteria to grant an adjustment.

The group discussed the high school's category 4 building status.

Commission Sherman asked if the City of Milwaukie had a list or knew which buildings in the city had the same status. **Heberling** responded that Planning staff and the Events and Emergency Management Coordinator for the city were unaware of any other category 4 buildings in the area. **The applicant** shared, the school was established as a category 4 building after it was remodeled.

The Planning Commission discussed an intergovernmental agreement between the City of Milwaukie and NCSD. **Commissioner Sherman** asked, if the City would be able to post messages on the electronic reader? It seemed like that would be a public benefit. **Heberling** responded, that there was not an IGA between the City of Milwaukie and NCSD. They also shared, it was best to not use this as a condition of approval. **Justin Gericke, City Attorney** added, it would be difficult to negotiate an IGA because there was nothing to base it off of and a public benefit was not a criterion for this application.

The Planning Commission discussed the applications materials.

Commissioner Sherman mentioned, questions from page 15 section E about the hour of operations and the lighting from the electric and its effects on residents. **Heberling** responded, the hours of operation would be 7am to 9pm. They shared that they did not have any additional information regarding the lights and its impact on the nearby residents.

The applicant testified that the electronic reader sign will be in a high traffic area for individuals coming to and from the high school. The electronic reader sign would share messages in multiple languages and was a common feature at other high schools in the district. The electronic reader sign would be used to announce theatre dates and other events. Having an electronic reader sign would allow the school to share messages quickly and especially in an emergency. A static board would not allow the school to change messages quickly. A person must physically change the message on a static board, and it would limit what was or was not shared. The limitations of a static board would cause inequities. Milwaukie High School had been used as an emergency shelter in times of natural disasters and parts of the school were constructed to serve as an emergency shelter. The community may lose power, including access to cell phones and internet. The electronic reader sign would still be available to share emergency messages because it would be powered by a generator. In 2006, City Council approved an electronic reader sign for Milwaukie High School. The school struggled with finding funds to purchase and install the electronic reader sign due to the recession. During this time, the school had to lay off 25% of its staff and resources were needed in other areas. It took over ten years for the school to recover from the financial crisis. They were requesting an electronic reader sign to ensure the school would thrive.

The applicant invited **Cecilia Quintero**, a student to share their testimony. There were multiple clubs at the high school and the electronic reader sign would help with sharing the clubs' events and activities to students who did not have access to the internet and in various languages. She believed this would be the most efficient avenue to share the school's news.

The group discussed the operational activities of the electronic reader sign. **Commissioner Hemer** asked about the additional cost to operate the electronic reader. **The applicant** responded, they did not have exact costs. In some schools the static boards were maintained by a custodian or parent volunteer. It was not an efficient use of their time and the other electronic reader signs in the district were not changed often. **Commissioner Sherman** asked, how often would the messages rotate and how many messages would be shared at a given time? **The applicant** shared, on any given day they would not share more than three or four messages to ensure visitors could see the messages easily and not hold up traffic.

The group discussed the undue hardships if the applicant was not granted an approval. **Commissioner Sherman** asked, if having the custodian or parent changing the school's current reader in the district was an undue hardship. **The applicant** shared, they had to look up undue hardship and it appeared it was an undue hardship to ask staff to change their current static board. Also, they believed, it was unfair to determine which news was being shared or not. The electronic reader sign would grant the school an opportunity to share more messages and not leave any students out. They also shared that district wide they had sent 1,700 hotspots to students who were without internet and this was one of the reasons they believed an electronic reader sign was needed. **Commissioner Khosroabadi** asked, if the undue hardship was an equity concern, such as students without internet access and language barriers. **The applicant** agreed that equity was a barrier and the principal was trying to resolve their equity concerns.

The group discussed the high school being a category 4 building. **Chair Loosveldt** asked, how was that declaration made, when was it made, and how was the new construction of the school and potential new electronic reader sign different than other high schools in the area. **The applicant** responded, the district's structural engineer made that designation and designed areas of the school to respond to possible future disasters. As a category 4 building, the school had a massive generator to operate the refrigerator and freezer and would back up the electronic reader. This would be the only school to have a generator to back up the electronic reader. **Chair Loosveldt** stated, that was contingent on our decision. **The applicant** responded, yes.

The Planning Commission began deliberations. The first topic they discussed was a possible criterion to use for evaluating an electronic reader for Milwaukie High School. **Commissioner Sherman** shared, to ensure there was not an influx in electronic reader signs in the city the approval criteria could be based on whether the building was deemed category 4 or not. **Commissioner Massey** shared, the broader community used the high school and believed this was a possible reason to approve their electronic reader sign. They believed this was a burden to the school. **Commissioner Hemer** believed, approving the electronic reader sign based on the high school being a category 4 building and having the ability to serve as an emergency shelter were the reasons to approve the electronic reader sign. He did not believe this would create an influx in sign variances because the school was the only category 4 building in Milwaukie. **Chair Loosveldt** shared, the only possibility for approving the electronic reader sign was the school's designation as a category 4 building. Chair Loosveldt wanted this to be the only requirement the Planning Commission considered because this was the only valid option for approval.

The Planning Commission discussed the undue burden of the school not having an electronic reader. **Commissioner Khosroabadi** was not concerned more entities would apply for a sign variance. While the school was able to function, there was a hindrance to students who did not have

internet access and therefore, were unable to receive messages from the school. The hardship would fall on the students more than the school. Maybe the Planning Commission and staff needed to define undue hardship. **Commissioner Hemer** shared, the lack of an electronic reader sign would prevent the school from sharing important messages and allow staff to efficiently complete their job by changing the messages on the electronic reader sign from their desk. Currently, someone had to physically change the messages on their current static board. Based on MMC 14.32.030, the purpose of the sign ordinance was to get messages out quickly and that was the goal of the high school. This was depriving the high school of equity and inclusion of all students and people regardless of their race, ethnicities, and spoken languages. **Chair Loosveldt** believed, every high school could make the argument that they are different than other schools. They also shared, an equity argument could also be made for elementary school students.

The Planning Commission discussed how to proceed. **Chair Loosveldt** shared, the Planning Commission needed to continue the hearing because they did not have enough evidence to support the high school's status as a category 4 building. The applicant needed to provide more information. **Heberling** responded, more information would be helpful. **Weigel** shared, the Planning Commission needed to continue the hearing and understand the implications of being a category 4 building and if other buildings with the same status could potentially apply for an electronic reader sign. The group supported the applicant providing more information as well. **Gericke** shared, staff discussed precedent because the City needed to apply the code in a manner that was consistent. One way to avoid precedent was by distinguishing an application. In order for staff to distinguish this application from other CSUs, the applicant needed to provide additional information. **Chair Loosveldt** encouraged the commissioners to share what they needed clarification on in order to proceed. The commission stated they needed to understand what a category 4 building responsibilities were, if there were other category 4 buildings in the city, and why an electronic reader sign was needed? **Heberling** defined undue hardship and defensible use based on the code. Defensible was define as another community service use wouldn't be able to ask for the same thing as well. It needed to be unique to the particular applicant and another CSU would not be able to meet those particular criteria. **Chair Loosveldt** encouraged the group to connect the school's category 4 status to every criterion and let that be the focus of approval. The applicant needed to provide more information. Information about signage for category 4 buildings from the state would be helpful as well. **The Commissioners** agreed that the school being a category 4 building needed to lead the conversation for approval. **Commissioners Hemer** and **Massey** wanted to also share that their subset reasons needed to be part of the future discussion as well.

The Planning Commission voted 5 – 0 to continue the hearing to May 11, 2021.

(02:15:00)

5.2

CU-2021-001 Providence Supportive Housing

Chair Loosveldt shared, the purpose of the hearing was for the applicant to request a condition use for a vacant lot on the corner of Llewelling St and 34th Ave. The land use file for this hearing was CU-2021-001

Heberling shared the applicable provisions of the Municipal Code (MMC), which were:

- Section 19.905 Conditional Uses
- Section 19.1006 Type III Review

Commissioner Hemer shared a possible conflict of interest. He stated, he served as the Vice President of the Milwaukie Museum and the organization received \$300 from Providence for an event.

Commissioners Hemer, Khosroabadi, Massey, and Sherman visited the site and they did not have any contact with individuals from the site.

Heberling shared the staff report, the site consisted of three taxlots and was 13,504 sq ft (0.31 acres). The taxlots were zoned R-3. In the area, there were single-family and multifamily residential buildings, Providence Hospital, and office uses. The applicant was proposing three phases, which included phase 1: Conditional Use and Variance approvals, phase 2: seek funding, and phase 3: Development Review. The site was being proposed as affordable housing for very low-income seniors and clinic space on the bottom floor for services for the residents and community. The applicant was working with the federal government to receive funding to develop this project. Part of the criteria from the federal government was to receive approval for any decision that could delay the development activities. The applicant needed a conditional use approval to have the parking lot in the R-3 zone. The applicant was seeking a 17-space parking lot, outdoor space to serve the mixed-use building, and multi-family/commercial related uses. The goal of the hearing was to ensure the applicant met the criteria for a conditional use. The parking lot would be in the R-3 zone and used for residents only. Additional parking was proposed, and those spaces would be in the GMU zone for the clinic/office and employees. The parking lot would meet all of MMC standards. The proposed project aligned with the characteristics of the neighborhood, which was single family, multi-family, and commercial uses. The applicant proposed a buffer of open space from multi-use building to single-family use to mitigate any impacts from the new buildings. The applicant would improve the street frontage by implementing sidewalks and, if needed, bike lanes. The applicant ensured

the loading area was further away from the residential areas to mitigate any nuisance impacts from loud trucks. The proposal met all of the MMC standards, including design standards, street frontage improvements, and mixed-use buildings. The proposal also met many goals and policies from the Comprehensive Plan, such as housing affordability, equity, and sustainability. During the final phase, which would be the Development Review, the applicant would be responsible for completing a transportation impact study. If the study results included any transportation concerns, the applicant would be responsible for implementing any transportation mitigation activities. The proposed development would be near 32nd Ave, which had two bus lines. The Planning staff received two comments of support from Elvis Clark and Mary and Gene Zellharie. Staff recommended the Planning Commission to approve the application. Heberling invited the Planning Commissioner to ask any questions.

Commissioner Hemer asked if the parking lot met the minimum requirements for residential and commercial. **Heberling** shared, this was one of the parking lots and the other parking areas were in the GMU zoned properties.

The Planning Commission discussed the approval process. **Commissioner Sherman** wanted more information about the planning process and the sequence of things. The Planning Commission was tasked with approving part of a plan, the parking lot and not the residential building. They were seeking clarity. **Heberling** responded, this was a unique situation because the applicant was seeking funding from the federal government. The federal government required the applicant to receive approval of any Planning Commission review before submittal for funding. On May 5th, the applicant would be before the Planning Commission for another variance. A variance for the 5th story was needed. **Chair Loosveldt** wondered about the process and if it was fair. **Gericke** did not see any problems with proceeding with the variances hearings and issuing a decision.

Commissioner Sherman shared, we were issuing a decision for a parking lot and there was a possibility that the housing would not be built. **Heberling** confirmed that to be true and shared, the applicant could use the parking for the hospital, which was possible with a conditional use. **Commissioner Khosroabadi** clarified the applicant's process and shared, the applicant was getting all their ducks in a row prior to seeking funding from the federal government. **Heberling** and **Weigel** confirmed Commissioner Khosroabadi's statement.

The applicant shared a presentation. During their presentation, they stated, this was about them getting their ducks in a row prior to seeking 5 million dollars in funding from the U.S. Department of Housing and Urban Development (HUD). They were seeking funding through HUD's senior

housing program, which would guarantee that about 70 seniors would not pay more than 30% of their gross income towards rent. This was a significant public benefit. During the planning phases of the project, the applicant learned, there was a deep need for affordable housing for extremely low-income seniors. The average income of the residents would be between \$5,000 and \$15,000 per year.

The commissioner briefly deliberated, and **Commissioner Sherman** asked about the applicant's proposal and their connection to the Milwaukie bikeway proposal. **Weigel** shared, the applicant attended the meetings and were in support of the Milwaukie bikeway project. **The applicant** responded, they were completely supportive of the project and would continue to support it.

The commissioners approved the proposal with a 5 – 0 vote.

(03:00:48)

6.0

Planning Department Other Business/Updates

Weigel shared the joint meeting with City Council will be on April 20th to discuss the bylaws.

(03:00:48)

7.0

Planning Commission Committee Updates and Discussion Items

Commissioner Hemer shared, May 21st will be dogwood day. They encouraged the Planning Commissioners to participate in the City's picture contest. They also reminded the Commissioners to complete their OGC filing by April 15th.

Chair Loosveldt and **Commissioner Hemer** shared that Earth Day was coming up. They were unsure if the City had any festivities planned. There will be an event with Exceed Enterprise to teach others how to start a styrofoam cycling center.

(03:04:32)

8.0

Forecast for Future Meetings

April 27, 2021	Discuss Comprehensive Plan Implementation Committee (CPIC) housing standard findings
May 11	Joint meeting with the Neighborhood District Associations.

Meeting adjourned at approximately 9:23 PM

Respectfully submitted,

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of April 13, 2021

Page 10

N. Janine Gates
Assistant Planner



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Vera Kolas, Senior Planner

Date: June 1, 2021, for June 8, 2021, Public Hearing

Subject: **File:** VR-2021-007
Applicant: Stephen Klingman
Address: 5840 SE Morris St
Legal Description (Map & Tax Lot): 12E30AD03600
NDA: Lewelling

ACTION REQUESTED

Approve application VR-2021-007 and adopt the recommended Findings found in Attachment 1. This action would allow for the existing shed to remain in its current location less than the minimum required 60 inches from the primary structure.

BACKGROUND INFORMATION

Stephen Klingman, the applicant and current owner of the residential property at 5840 SE Morris St, recently completed a renovation on the home consisting of a new front porch, deck, and adding living space to the ground floor. During the project, Mr. Klingman constructed a new 192-sq ft shed designed to match the house design underneath the deck in the rear of the home. The shed was not included on the building permit plans and was not discovered until the final inspection process. It was built to align with the edge of deck but closer than the minimum required 60 inches to the house. The applicant knew that the size of the shed exempted it from a building permit, but was not aware of the minimum spacing requirement.

A. Site and Vicinity

The site is located at 5840 SE Morris St. The site is approximately 13,055 sq ft, contains a mapped Water Quality Resource Area (WQR) and is nearly entirely covered by a mapped Habitat Conservation Area (HCA) and the 100-yr floodplain (see Figures 1 and 2).

The surrounding area consists of single unit homes and a blend of unincorporated Clackamas County and annexed properties, with Johnson Creek creating the rear boundary of the property.

B. Zoning Designation

The property is zoned Residential R-7 with HCA and WQR natural resource overlays.

C. Comprehensive Plan Designation

Low Density (LD)

D. Land Use History

- **June 1, 2010:** The property was annexed into the city through land use file #A-10-01.
- Natural resources review not required because the home construction in 2010 predated the city's natural resources code.



Figure 1. Site and vicinity

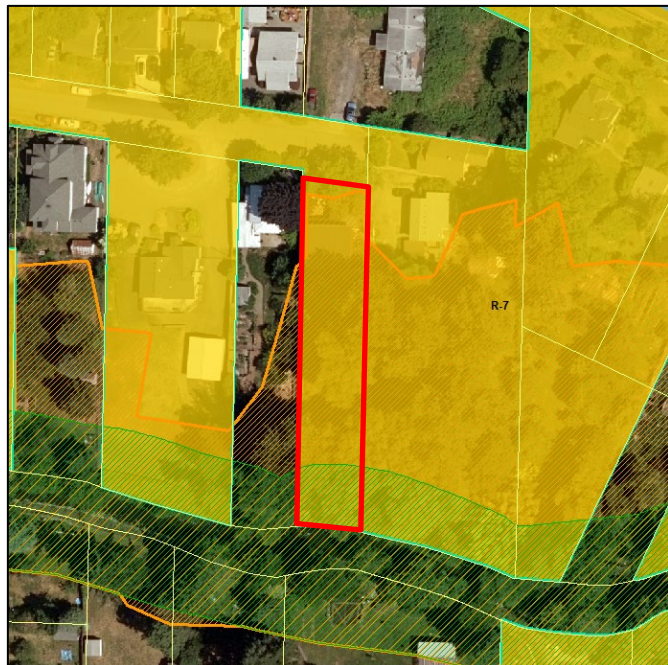


Figure 2. Zoning

E. Proposal

The applicant is seeking a variance to allow the recently constructed 192-sq ft shed to remain with a 43-inch separation from the house rather than the minimum 60 inches required in MMC 19.502.2.A.1.b(3). A Type III variance is required as the minimum separation required between accessory structures and other structures on the site is not listed as a Type II variance.

KEY ISSUES

Summary

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

Analysis

Would approval of the variance result in any negative impacts?

The purpose of the minimum spacing standard was to be consistent with building code requirements for minimum spacing between structures. Over time, the building code has changed and currently the building code only requires separation (or fire walls) between dwelling units. Because a building permit is not required for an accessory structure on a residential lot that is less than 200 sq ft, there is no opportunity to review a permit for compliance with this standard.

The shed was constructed underneath an existing deck, so does not increase lot coverage or disturbance in the mapped HCA (see figures 3 and 4).



Figure 3. New shed under the deck.



Figure 4. New shed under the deck.

Staff has not identified any impacts resulting from the reduction in the spacing standard from 60 inches to 43 inches.

CONCLUSIONS

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

1. Approve the variance to allow an accessory structure to be 43 inches from the house rather than the minimum required 60 inches.
3. Adopt the attached Findings.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.301 Low density residential zones (including R-7)
- MMC 19.402 Natural Resources
- MMC 19.502 Accessory Structures
- MMC 19.911 Variances

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.
- B. Approve the application with modified Findings of Approval. 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 August 20, 2021, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building and Engineering Departments; Lewelling Neighborhood District Association (NDA) Chairperson & Land Use Committee; Clackamas Fire District #1; and properties within 300 ft of the site.

No comments were received for this application.

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 Narrative and Supporting Documentation (stamped received April 19, 2021)				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Elevations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. As-built photos	<input checked="" type="checkbox"/>	<input 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-74>.

Findings in Support of Approval
File #VR-2021-07, Stephen Klingman – 5840 SE Morris St.

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, Stephen Klingman, has applied for a variance to allow a shed approximately 43 inches from the primary structure on the subject property, 5840 SE Morris St. The site is in the R-7 Zone. The land use application file number is VR-2021-007.
2. The subject property is approximately 13,055 sq ft (0.29 acres) in size, contains mapped natural resources and the 100-year floodplain, and is developed with a single unit home. The applicant recently completed a remodeling project on the house and constructed a 192-sq ft shed 43 inches behind the house underneath a second-story deck. The shed was not on the original building permit plans and was not discovered until the final inspection process. Although a shed less than 200 sq ft does not require a building permit, it is still subject to Milwaukie Municipal Code (MMC) 19.502.2.A.1.b (3) which requires a minimum of 5 ft (60 inches) between the exterior wall of an accessory structure and the exterior wall of any other structure on a site. The proposal to vary from this separation standard to allow a separation of 43 inches rather than the minimum 60 inches.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.301 Low Density Residential Zones (including R-7)
 - MMC Section 19.402 Natural Resources Off Street Parking Standards and Loading
 - MMC Section 19.502 Accessory Structures
 - MMC Section 19.911 Variances

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 June 8, 2021, as required by law.

4. MMC Section 19.301 Low Density Residential Zones (including R-7)

MMC 19.301 establishes standards for the low-density residential zones, including the R-7 zone. The subject property is zoned R-7.

MMC Subsections 19.301.4 and 19.301.5 provide applicable development standards for the R-7 zone, summarized in Table 5:

Table 5 R-7 Lot and Development Standards		
Standard	R-7 Requirement	Subject Property
Maximum lot coverage	30%	<10%
Minimum vegetation	30%	>80%

The Planning Commission finds that approval of the requested variance would not cause the subject property to fail to comply with the applicable R-7 development standards. This standard is met.

5. MMC Section 19.402 Natural Resources

- a. MMC Subsection 19.402.4.B establishes the limited exempt activities within a mapped HCA. Minor encroachments of up to 500 sq ft for accessory buildings and patios are permitted.

The work includes an enlarged deck and a shed with a total area of less than 250 sq ft.

As proposed, and with approval of the variance discussed in Finding 7, the Planning Commission finds that the applicable standards of MMC 19.402 are met.

As proposed, and with approval of the variance discussed in Finding 7, the Planning Commission finds that the applicable standards of MMC 19.402 are met.

6. MMC Section 19.502 Accessory Structures

- a. MMC Subsection 19.502.2 establishes the specific provisions for accessory structures on single-family properties.

The applicant has constructed a storage shed measuring 192 sq ft and less than 15 ft tall underneath the deck. As constructed, the shed is located 43 inches from the exterior wall of the primary structure, which is less than the minimum required 60 inches. A variance has been requested to allow the shed to remain in its current location.

As proposed, and with approval of the variance discussed in Finding 7, the Planning Commission finds that the applicable standards of MMC 19.502 are met.

7. MMC Section 19.911 Variances

MMC Section 19.911 establishes the variance process for seeking relief from specific code sections that have the unintended effect of preventing reasonable development or imposing undue hardship.

- a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. In addition, MMC Section 12.16.050 allows requests for relief from the City's access management requirements to be processed according to the procedures and criteria of MMC 19.911. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word "prohibited."

The applicant has requested a variance from the minimum spacing requirement between an accessory structure and any other structure on the property in MMC 19.502.2.A.1.b (3).

The requested variances meet the eligibility requirements established in MMC 19.911.2.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. Subsection 3-B establishes the Type II review process for limited variations to certain numerical standards. Subsection 3-C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The requested variance is not identified in MMC 19.911.3.B as being eligible for Type II review. Therefore, the requested variances are subject to the Type III review process and the approval criteria established in MMC Subsection 19.911.4.B.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests.

The applicant has elected to address the criteria of 19.911.4.B.1 Discretionary Relief Criteria.

MMC Subsection 19.911.4.B.1 provides the following approval criteria for Type III variances where the applicant elects to utilize the Discretionary Relief Criteria:

- (1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The applicant's submittal materials describe the conditions that led to the decision to construct the shed in its current location. It was not shown on the approved site plans, but because the shed is less than 200 sq ft, a building permit was not required, and the applicant did not inquire about any zoning requirements. The shed was constructed 43 inches from the house because that lined up with the break in the original deck and posts. Its design and location were carefully considered to minimize any disturbance to the property and to match the shed design to the house.

The only real alternative to the variance would be to shorten the shed by cutting it down by 17 inches. This would affect the vents, windows, and the door, and would require refitting the metal roof and gutter system. The cost to do this work would be approximately \$1,000.

There are no identified negative impacts related to the requested variance. The 43-inch spacing does not impact any other zoning requirements and is not in violation of the building code.

The Planning Commission finds that the applicant's submittal provides an adequate analysis of the impacts and benefits of the requested variance compared to the baseline requirements. This criterion is met.

- (2) The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

- (a) The proposed variance avoids or minimizes impacts to surrounding properties.
- (b) The proposed variance has desirable public benefits.
- (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The separation of the shed from the house less than 60 inches would not result in any identified impacts to surrounding properties. The shed is located directly under the deck and the separation distance does not affect the surrounding properties at all. The shed is located essentially within the built area of the property, keeping it as far away as possible from Johnson Creek and within the impacted area of the HCA – it does not expanded the disturbance area. The 43-inch separation does not impact the natural resources or vegetated area of the property and is not in violation of any other section of the code. Keeping the shed nested underneath the deck minimizes the disturbance area.

Allowing the shed to remain as is would not result in any identified impacts to surrounding properties.

Staff has not identified any impacts as a result of the variance.

The Planning Commission finds that the requested variance is reasonable and appropriate and that it meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b. This criterion is met.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

Currently, there are no identified impacts resulting from the requested variance.

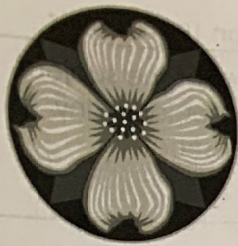
As proposed, the Planning Commission finds that the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911 and is therefore approved.

- 8. The application was referred to the following departments and agencies on September 18, 2019:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Lewelling Neighborhood District Association (NDA) Chairperson & Land Use Committee
- Clackamas Fire District #1

Notice of the application was also sent to surrounding property owners and residents within 300 ft of the site on May 19, 2021, and a sign was posted on the property on May 24, 2021.

**MILWAUKIE PLANNING**

6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

application
fee paid on
4/19 =
application

Application for Land Use Action

Master File #: VR-2021-007

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|---|--|
| <input type="checkbox"/> Amendment to Maps and/or Ordinances:
<input type="checkbox"/> Comprehensive Plan Text Amendment
<input type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Community Service Use
<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Development Review
<input type="checkbox"/> Director Determination
<input type="checkbox"/> Downtown Design Review
<input type="checkbox"/> Extension to Expiring Approval
<input type="checkbox"/> Historic Resource:
<input type="checkbox"/> Alteration
<input type="checkbox"/> Demolition
<input type="checkbox"/> Status Designation
<input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division:
<input type="checkbox"/> Final Plat
<input type="checkbox"/> Lot Consolidation
<input type="checkbox"/> Partition
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Replat
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Miscellaneous:
<input type="checkbox"/> Barbed Wire Fencing
<input type="checkbox"/> Mixed Use Overlay Review
<input type="checkbox"/> Modification to Existing Approval
<input type="checkbox"/> Natural Resource Review**
<input type="checkbox"/> Nonconforming Use Alteration
<input type="checkbox"/> Parking:
<input type="checkbox"/> Quantity Determination
<input type="checkbox"/> Quantity Modification
<input type="checkbox"/> Shared Parking
<input type="checkbox"/> Structured Parking
<input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Duplex
<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> Transportation Facilities Review
<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Use Exception
<input type="checkbox"/> Variance
<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Other: _____
<input type="checkbox"/> Use separate application forms for:
Annexation and/or Boundary Change
• Compensation for Reduction in Property
• Value (Measure 37)
Daily Display Sign
• Appeal
• Appeal |
|---|---|--|

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Stephen W. Klingman

Mailing address: 5840 SE Morris St. Portland, OR State/Zip: 97206

Phone(s): 541-556-9326 Email: kman2780@gmail.com

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: N/A State/Zip:

Phone(s): Email:

SITE INFORMATION:

Address: 5840 SE Morris St. Map & Tax Lot(s): 12E30AD03600

Comprehensive Plan Designation: LD Zoning: R7 Size of property: 13,055 sq ft

PROPOSAL (describe briefly):

Small shed (192sq') was built only 43" from house instead of 60"

I would prefer to not move it as it was built carefully & as a permanent structure.

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: [Signature] Date: 4-17-2021

IMPORTANT INFORMATION ON REVERSE SIDE

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

Attachment 2 Exhibit A

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

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

REVIEW TYPES:

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

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

****Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form.

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file		\$			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s):					
Notes:					

Application for Land Use Action
Variance

Steve Klingman
5840 SE Morris St.
Portland, OR 97206

Proposal

My small (192 sq') shed built only 43" from my house instead of the required 60". I would prefer to not move it as it was built for low impact on the site and my neighbors, and to match the quality of the house.

Detailed and comprehensive description of all existing and proposed uses and structures.

1. The Shed: A 12' x 16' structure built in a style to closely match the house. It was sized to nest exactly underneath a new top floor deck. Though it has no electricity, mechanical or plumbing it is a temperate space due to excellent natural-flow ventilation and the fact that it sits on a concrete slab that maintains an ambient temperature of around 52°F, and is the floor of the shed. It should never freeze in the shed, nor will it ever get too warm.

- Uses#1: **Storage** of garden stuff, wine, furniture, books, clothing, tires, a generator, tools, a bike, a mothballed home brewing system...the list goes on. It was built for storage of important items that would be put at risk in a more rustic shed.
- Use#2: **Aesthetic presence** for the garden-facing patio that I hope to add this summer. This house now is a pretty nice place, and I want the ground-level patio to have that same feel. The shed is designed to reinforce the built environment, the East side of the space.

2. The house: Originally a roughly 30' x 25' cedar shingled cracker box with a metal shed roof. It was built with all the living space on the top floor, and a garage on the ground floor.

- I carefully planned to upgrade the house by building out living space on the ground floor, bumping out the garage 5' and adding a 10' front porch, adding interest to the structure and utility to the home. This was a complex project for which I hired professionals (architectural designer and a builder) to advise and accomplish.
- My entire lot (or at least most of it) is located inside a Habitat Conservation Area next to Johnson Creek. It was overrun with weeds and invasive species when I bought it in 2015. I've invested a lot of time and money to clean it up and plant native vegetation. Siting the shed where I did (43" from the house) meant it would stay within the already construction-disrupted land. Moving it out further would have meant moving into that undisturbed zone.
- Why 43"? The original house structure included a narrow, 43" deep top-floor *deck*, supported by a series of 6"x6" posts across the back of the house. This formed a natural break between the house and the yard/garden. Siting the shed this same 43" distance from the house made sense for scale and aesthetics. And none of us knew about the

60" requirement, just about the basic rules for a shed that can be built without a permit, which we followed.

3. Discretionary Relief Criteria

a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The only real alternative to the variance would be to shorten the north end of the shed by 17". This would be done removing the corner trim pieces, cutting the walls from the roof and end, cutting 17" off both sides and hammering the north end south to meet those shortened sides. We would reattach it all as best we could. A window on the east side would need to be removed and either replaced with a smaller window or simply covered over. These alterations would ruin the symmetry (vents, windows, door) and some of the functionality (venting, size). We would hope to leave the metal roof and the slab in place, and use the new exterior space as covered storage. Removing them would create even more disruption to the aesthetic, not to mention jackhammering the slab and trying to re-fit the metal roof and gutter system. Cost to simply shorten the shed would be about \$1,000, which doesn't include my own labor or costs to store contents while all of this is happening. This would satisfy the 60" distance requirement, but the shed would lose its symmetry on both the east and west sides. It would look odd and reduce the aesthetic of the patio experience.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

- The proposed variance avoids or minimizes impacts to surrounding properties by allowing me to nest the shed perfectly under the deck. It is not close to either of my neighbor's properties, though in full view of both. The noise, dust, waste and expense of complying with the 60" rule would be forgone, making my neighbor's lives more peaceful. Also, informed design/build raises my neighborhood's profile, which also raises my neighbors' property values.
- The proposed variance has desirable public benefits because it keeps this building as far away as possible from Johnson Creek and the relatively undisturbed parts of my property.
- The proposed variance responds to the existing built or natural environment in a creative and sensitive manner by matching the style and aesthetic already present in the house, and by nesting it perfectly underneath the top floor deck. A lot of effort went into making it look like it belongs to the house - and my neighbors appreciate it.

c. Impacts from the proposed variance will be mitigated to the extent practicable. I take to heart my responsibilities to make the world a better place, and that begins with my little corner of the world...this skinny third-of-an-acre lot. I continue to restore it and be a good steward. My footprint is minimal and I intend to keep it this way. That was a big part of keeping the shed close to the house.

(N) Porch Railing
F.F. GARAGE
LEVEL
Grade

Attachment 2

Exhibit B

4
A2.0

PROPOSED WEST ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$

(E) Standing Seam
Metal Roof

(E) 1x Cedar Fascia
Board w/ Gutter
To Match (E)

(E) 1x Cedar
Bardge Board

(E) Cedar Shake

(E) 1x Cedar Door &
Window Trim

16'-0"
(N) Deck

4'-0"
(E) Deck

12
2

2'-0"

(N) Standing Seam Metal Roof
Match (E)

(N) 1x Cedar
Fascia Board w/ Gutter
To Match (E)

(N) 1x Cedar
Bardge Board Match (E)

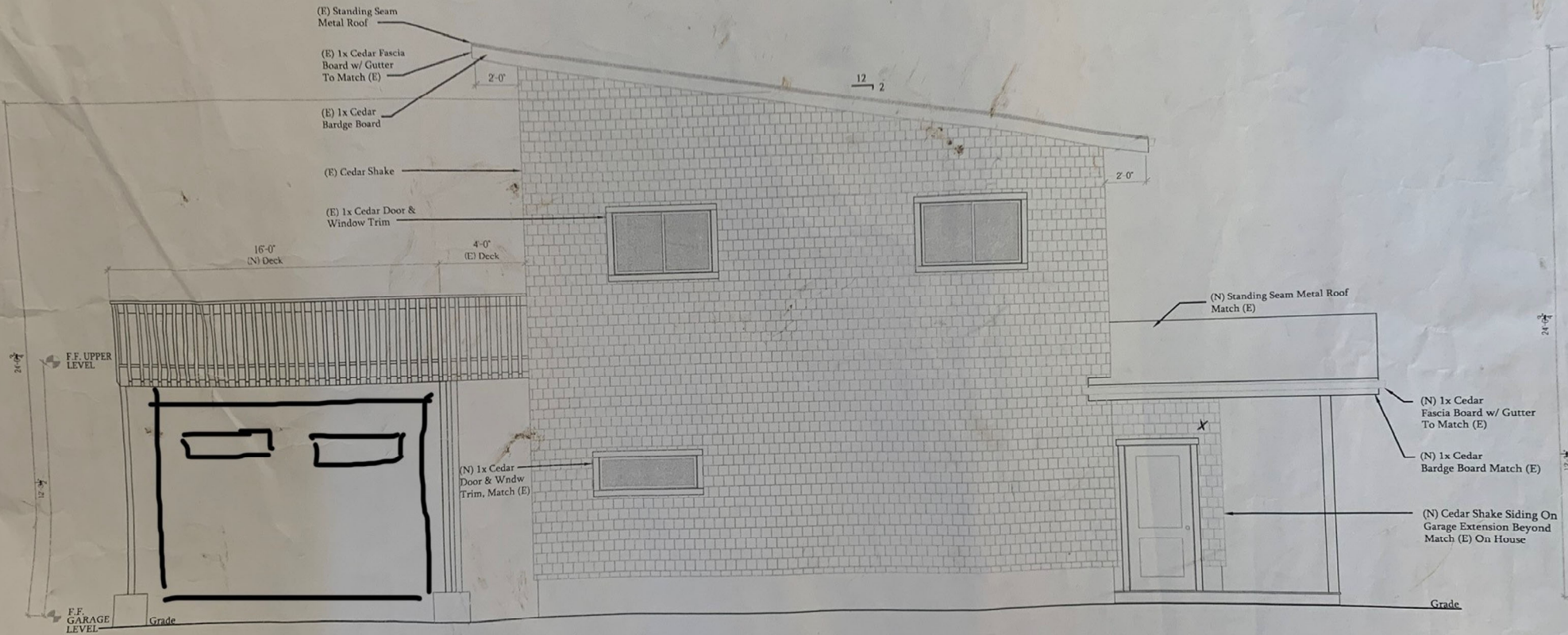
(N) Cedar Shake Siding On
Garage Extension Beyond
Match (E) On House

Grade

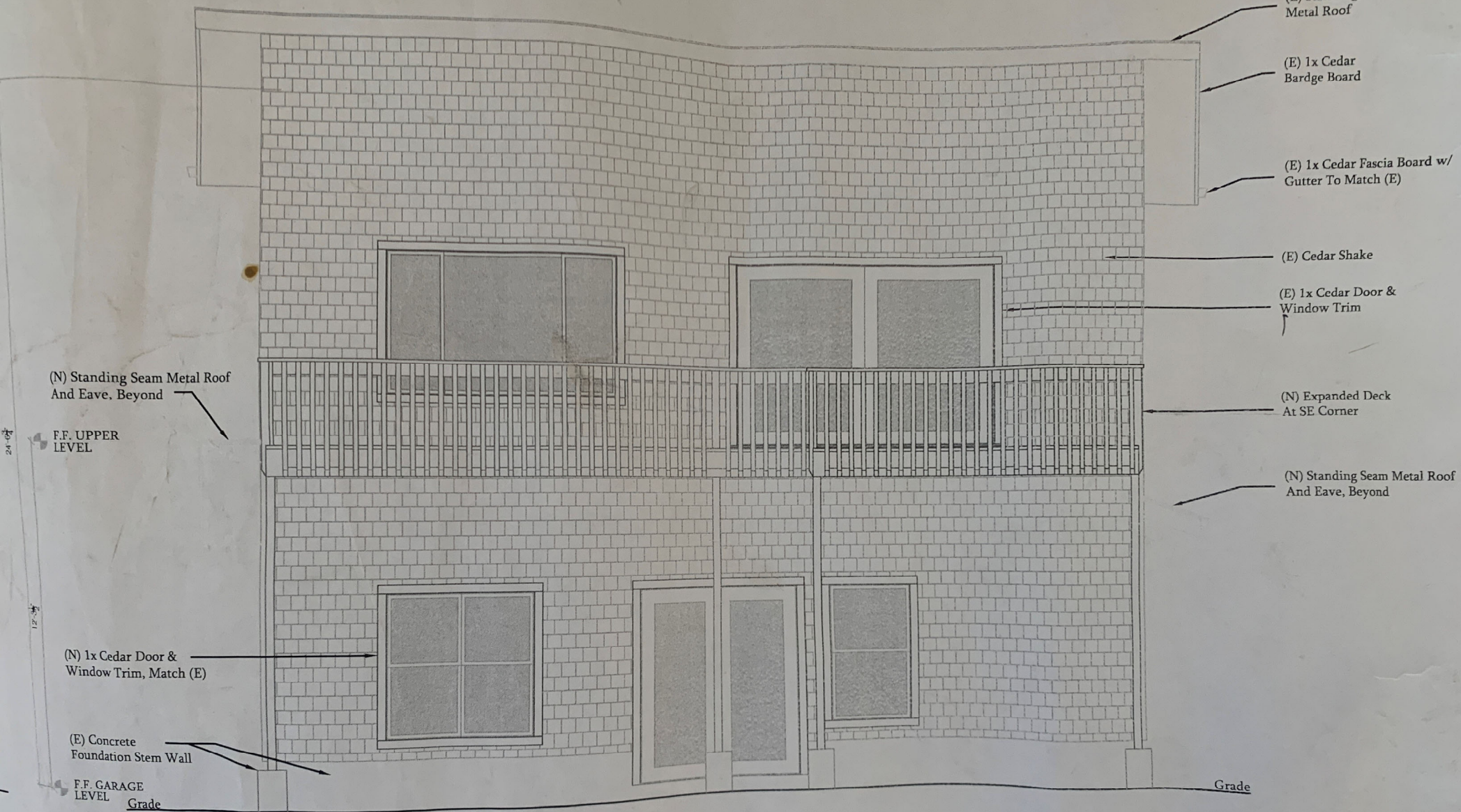
3
A2.0

PROPOSED EAST ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$

PROPOSED WEST ELEVATION
SCALE: $\frac{1}{4}'' = 1'-0''$



PROPOSED EAST ELEVATION
SCALE: $\frac{1}{4}'' = 1'-0''$



2
A2.0

PROPOSED SOUTH ELEVATION

SCALE: $\frac{1}{4}" = 1'-0"$ 5.1 Page 16

Attachment 2

Exhibit B
(E) Standing Seam Metal Roof

(E) 1x Cedar Barge Board

(E) 1x Cedar Fascia Board w/
Gutter To Match (E)

(E) Cedar Shake

(E) 1x Cedar Door &
Window Trim

(N) Expanded Deck
At SE Corner

(N) Standing Seam Metal Roof
And Eave, Beyond

(N) Standing Seam Metal Roof
And Eave, Beyond

F.F. UPPER
LEVEL

(N) 1x Cedar Door &
Window Trim, Match (E)

(E) Concrete
Foundation Stem Wall

F.F. GARAGE
LEVEL

Grade

Grade

2
A2.0

PROPOSED SOUTH ELEVATION
SCALE: $\frac{1}{4}" = 1'-0"$











CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Janine Gates, Assistant Planner

Date: June 1, 2021, for June 8, 2021, Public Hearing

Subject: **File:** VR-2021-008
Applicant: Randolph and Cheryl Ford
Address: 11503 SE Wood Ave
Legal Description (Map & Tax Lot): 12E31AC02600
NDA: Hector Campbell

ACTION REQUESTED

Approve application VR-2021-008 and adopt the recommended Findings found in Attachment 1. This action will allow the applicant to construct an accessory structure that is more than the maximum 1,500 sq ft accessory structure limit.

BACKGROUND INFORMATION

Randolph and Cheryl Ford, the applicant and current owners of the residential property at 11503 SE Wood Ave, submitted a variance for an accessory structure to exceed the MMC Table 19.502.2.A.1. Residential Accessory Structure Height and Footprint Standards maximum requirement. The lot is developed with a single-family home, one car garage, and three accessory structures. The applicant would like to use the older accessory structure as a garden accessory structure and artist's studio. In addition, they would like to demolish two accessory structures and build the proposed accessory structure. The applicant proposed a 42' x 40' accessory structure that will be built on the western edge approximately 60' from the west boundary of the property, 296' from the street frontage, and 5' from the southern boundary. The applicant is aware that the proposed accessory structure exceeds the maximum size requirement and is requesting one that is similar in size to other accessory structures in their neighborhood.

A. Site and Vicinity

The site is located at 11503 SE Wood Ave. The site is approximately 38,681 sq ft (0.89 acres) and contains a single-family resident, home, one car garage, and three accessory structures. The surrounding area consists of single-family units on all sides with a mix in lot sizes ranging from 7,000 sq ft to over 38,000 sq ft. This site is on the larger end in the area.



Figure 1. Site and vicinity

B. Zoning Designation

The property is zoned Residential R-7.

C. Comprehensive Plan Designation

Low Density (LD)

D. Land Use History

None.

E. Proposal

The applicant has three accessory structures on site. The applicant would like to use the older accessory structure as a garden accessory structure and artist's studio. In addition, they would like to demolish the two accessory structures and build the proposed accessory structure. The applicant is applying for a variance to allow a 1,680 sq ft accessory structure to exceed the maximum 1,500 sq ft accessory structure required in MMC 19.502.2.A.1.a. A Type III variance is required based on the maximum allowable size of an accessory structure.

KEY ISSUES

Summary

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

Analysis

Would approval of the variances result in any negative impacts?

As noted in the application summary, the applicant proposed to construct a 1,680 sq ft accessory structure and to remove two accessory structures that are not in the best of shape. The proposed accessory structure is 180 sq ft over the maximum requirement of 1,500 sq ft for any residential accessory structures. The applicant's proposal aligns with other oversized accessory structures in their neighborhood, which are below.



Figure 2. A neighbor's accessory structure to the North.



Figure 3. A neighbor's accessory structure to the North.



Figure 4. An accessory structure within a few houses of the applicant's.

Staff has not identified any impacts resulting from the addition in the size standard from 1,500 sq ft to 1,680 sq ft.

CONCLUSIONS

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

1. Approve the variance to allow an accessory structure to be 1,690 sq ft rather than the maximum 1,500 sq ft limit.
3. Adopt the attached Findings.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 19.301 Low density residential zones (including R-7)
- MMC 19.502 Accessory Structures
- MMC 19.911 Variances

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.
- B. Approve the application with modified Findings of Approval. 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 August 20, 2021, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building and Engineering Departments; Hector Campbell Neighborhood District Association (NDA) Chairperson & Land Use Committee; Clackamas Fire District #1; and properties within 300 ft of the site.

Clackamas Fire District #1 submitted comments, which included the applicant must submit an access and water supply plan for full review and approval.

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 Narrative and Supporting Documentation (stamped received April 21, 2021)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Preapplication Conference Report				

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-74>.

Findings in Support of Approval
File #VR-2021-08, Randolph and Cheryl Ford – 11503 SE Wood Ave

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, Randolph and Cheryl Ford, has applied for a variance to allow a 1,680 sq ft accessory structure, which exceeds the 1,500 sq ft maximum size of an accessory structure. The address of the site is 11503 SE Wood Ave and it is in the R-7 Zone. The land use application file number is VR-2021-008.
2. The subject property is approximately 38,681 sq ft (0.89 acres) in size and is developed with a single-family home, one car garage, and three accessory structures. The applicant would like to use the older accessory structure as a garden accessory structure and artist's studio. In addition, they would like to demolish two accessory structures and build the proposed accessory structure. The applicant proposed a 42' x 40' accessory structure that will be built on the western edge approximately 60' from the west boundary of the property, 296' from the street frontage, and 5' from the southern boundary.
3. The applicant will upgrade and relocate the north driveway 7 ft southward, as required by the Engineering Department. The applicant will submit a right of way permit and pay FILOC instead of completing the required street frontage improvements.
4. The applicant must submit an access and water supply plan as required by the Clackamas Fire District #1 for full review and approval.
5. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.301 Low Density Residential Zones (including R-7)
 - MMC Section 19.502 Accessory Structures
 - MMC Section 19.911 Variances

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 June 8, 2021, as required by law.

6. MMC Section 19.301 Low Density Residential Zones (including R-7)

MMC 19.301 establishes standards for the low-density residential zones, including the R-7 zone. The subject property is zoned R-7.

MMC Subsections 19.301.4 and 19.301.5 provides applicable development standards for the R-7 zone, summarized in Table 5:

Table 5 R-7 Lot and Development Standards		
Standard	R-7 Requirement	Subject Property
Maximum lot coverage	30%	14% (including the proposed accessory structure)
Minimum vegetation	30%	80%

The Planning Commission finds that approval of the requested variance meets the applicable R-7 development standards. This standard is met.

7. MMC Section 19.502 Accessory Structures

- a. MMC Subsection 19.502.2 establishes the specific provisions for accessory structures on single-family properties.

The applicant submitted a proposal to build a 1,680 sq ft accessory structure to store all their personal belongings. Their goal was to build an accessory structure that will allow them to remove two old accessory structures. With the proposed accessory structure, they will store their RV, equipment, tools, and boats. The accessory structure will not be seen from the front property line and will be more than the maximum size that would be outright permitted in the R-7 zone. The maximum size of an accessory structure is 1,500 sq ft. It is important to note that many of their neighbors on Wood Ave have similar sized accessory structures. The applicant provided photos. A variance has been requested to allow the accessory structure to exceed our maximum requirement.

As proposed, and with approval of the variance discussed in Finding 6, the Planning Commission finds that the applicable standards of MMC 19.502 are met.

8. MMC Section 19.911 Variances

MMC Section 19.911 establishes the variance process for seeking relief from specific code sections that have the unintended effect of preventing reasonable development or imposing undue hardship.

- a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. In addition, MMC Section 12.16.050 allows requests for relief from the City's access management requirements to be processed according to the procedures and criteria of MMC 19.911. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word "prohibited."

The applicant has requested a variance to exceed the maximum accessory structure size. The structure is allowed a maximum footprint of 1,500 sq ft, regardless of the footprint of the primary structure in MMC 19.502.2.A.1.b (3).

The requested variances meet the eligibility requirements established in MMC 19.911.2.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. Subsection 3-B establishes the Type II review process for limited variations to certain numerical standards. Subsection 3-C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The requested variance is not identified in MMC 19.911.3.B as being eligible for Type II review. Therefore, the requested variances are subject to the Type III review process and the approval criteria established in MMC Subsection 19.911.4.B.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests.

The applicant has elected to address the criteria of 19.911.4.B.1 Discretionary Relief Criteria.

MMC Subsection 19.911.4.B.1 provides the following approval criteria for Type III variances where the applicant elects to utilize the Discretionary Relief Criteria:

- (1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The applicant's submittal materials described the conditions that influenced their decision to propose a 1,680 sq ft accessory structure, which is 180 sq ft more than the maximum requirement. Its design and size were carefully considered to minimize any disturbance to the neighborhood. The applicant's proposed accessory structure will match the design of their home and is similar in size to accessory structures in their neighborhood.

There are no identified negative impacts related to the requested variance. The 1,680 sq ft accessory structure will not impact any other zoning requirements and will not be in violation of the building code.

The Planning Commission finds that the applicant's submittal provides an adequate analysis of the impacts and benefits of the requested variance compared to the baseline requirements. This criterion is met.

- (2) The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (a) The proposed variance avoids or minimizes impacts to surrounding properties.

- (b) The proposed variance has desirable public benefits.
- (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The size of the accessory structure will not result in any identified impacts to surrounding properties. As part of the applicant's discretionary relief explanation, they shared that the desirable public benefits as their current old buildings were unsightly with failing roofs and not aesthetically attractive. It would be a considerable improvement to constructing one matching well-built accessory structure.

Allowing the accessory structure to remain as is would not result in any identified impacts to surrounding properties.

The applicant responded to the current natural environment by not removing any of the trees and will plant two additional trees on their lot.

Staff has not identified any impacts as a result of the variance.

The Planning Commission finds that the requested variance is reasonable and appropriate and meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b. This criterion is met.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

Currently, there are no identified impacts resulting from the requested variance.

As proposed, the Planning Commission finds that the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911 and is therefore approved.

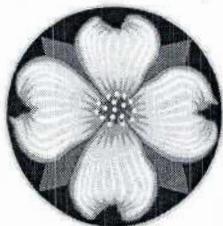
- 9. The application was referred to the following departments and agencies on April 27, 2021:
 - Milwaukie Building Department
 - Milwaukie Engineering Department
 - Hector Campbell Neighborhood District Association (NDA) Chairperson & Land Use Committee
 - Clackamas Fire District #1

Notice of the application was also sent to surrounding property owners and residents within 300 ft of the site on May 19, 2021, and a sign was posted on the property on May 18, 2021.

Question #1

App submitted on 4/19/21
Fee paid on 4/22/21
Attachment 2

Exhibit A



MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: VR-2021-008

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|---|--|
| <input type="checkbox"/> Amendment to Maps and/or Ordinances:
<input type="checkbox"/> Comprehensive Plan Text Amendment
<input type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Community Service Use
<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Development Review
<input type="checkbox"/> Director Determination
<input type="checkbox"/> Downtown Design Review
<input type="checkbox"/> Extension to Expiring Approval
<input type="checkbox"/> Historic Resource:
<input type="checkbox"/> Alteration
<input type="checkbox"/> Demolition
<input type="checkbox"/> Status Designation
<input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division:
<input type="checkbox"/> Final Plat
<input type="checkbox"/> Lot Consolidation
<input type="checkbox"/> Partition
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Replat
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Miscellaneous:
<input type="checkbox"/> Barbed Wire Fencing
<input type="checkbox"/> Mixed Use Overlay Review
<input type="checkbox"/> Modification to Existing Approval
<input type="checkbox"/> Natural Resource Review**
<input type="checkbox"/> Nonconforming Use Alteration
<input type="checkbox"/> Parking:
<input type="checkbox"/> Quantity Determination
<input type="checkbox"/> Quantity Modification
<input type="checkbox"/> Shared Parking
<input type="checkbox"/> Structured Parking
<input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Duplex
<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> Transportation Facilities Review
<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Use Exception
<input type="checkbox"/> Variance
<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Other: _____
<input type="checkbox"/> Use separate application forms for:
Annexation and/or Boundary Change
• Compensation for Reduction in Property
• Value (Measure 37)
Daily Display Sign
• Appeal
• Appeal |
|---|---|--|

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): **RANDOLPH + CHERYL FORD**

Mailing address: **11503 SE WOOD AVE, MILWAUKIE** State/Zip: **OR 97222**

Phone(s): **503-522-9162, 503-708-9162** Email: **cheryl.ford@comcast.net**

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above): **Mary Tongue, Construction Manager**

Mailing address: **SAME** State/Zip:

Phone(s): Email: **mary@homemakersoforegon.com**

SITE INFORMATION:

Address: **SAME** Map & Tax Lot(s): **12E31AC02600**

Comprehensive Plan Designation: Zoning: **R-7** Size of property: **.89ac**

PROPOSAL (describe briefly):

Build a 42' x 40' SHOP/RV STORAGE WITH 3/4 BATH

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: **Cheryl Ford**

Date: **4/15/21**

IMPORTANT INFORMATION ON REVERSE SIDE

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

Attachment 2

Exhibit A

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

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

REVIEW TYPES:

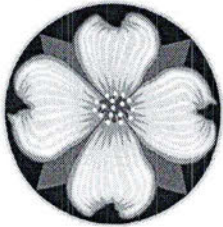
This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

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

****Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form.

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	VR-2021-008	\$ 2,000			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:	RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): Hector Campbell, Linwood					
Notes:					

**MILWAUKIE PLANNING**

6101 SE Johnson Creek Blvd

Milwaukie OR 97206

503-786-7630

planning@milwaukieoregon.gov

Submittal Requirements

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

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

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

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets the following:
 - A. All applicable development standards (listed below):
 1. **Base zone standards** in Chapter 19.300.
 2. **Overlay zone standards** in Chapter 19.400.
 3. **Supplementary development regulations** in Chapter 19.500.
 4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
 - B. All applicable application-specific approval criteria (check with staff).
These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness. Provide an electronic version, if available.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) CHERYL FORD, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: Cheryl Ford.

Date: 4/15/21

Official Use Only

Date Received (date stamp below):

Received by: _____



After recording return to:
Cheryl L.K. Ford and Randolph W.G. Ford
11503 SE Wood Avenue
Milwaukie, OR 97222

Until a change is requested all tax statements shall be sent to the following address:
Cheryl L.K. Ford and Randolph W.G. Ford
11503 SE Wood Avenue
Milwaukie, OR 97222

File No.: 7072-2974294 (cdj)
Date: November 21, 2017

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2017-083572

12/12/2017 10:15:01 AM

D-D Cnt=1 Stn=75 CONNIE
\$15.00 \$16.00 \$10.00 \$22.00

\$63.00

STATUTORY WARRANTY DEED

Samuel Peia, Grantor, conveys and warrants to **Cheryl L.K. Ford and Randolph W.G. Ford, as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

See attached legal

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is [REDACTED] (Here comply with requirements of ORS 93.030)

2974294-SS

FIRST AMERICAN

APN: 00087435

Statutory Warranty Deed
- continued

File No.: 7072-2974294 (cdj)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 11 day of December, 2017.

Samuel Peia
Samuel Peia

STATE OF Oregon)
County of Clackamas) ss.

This instrument was acknowledged before me on this 11 day of Dec, 2017
by **Samuel Peia**.

Jennie Engles
~~Christine Jensen~~ Jennie Engles
Notary Public for Oregon
My commission expires: 2/23/19

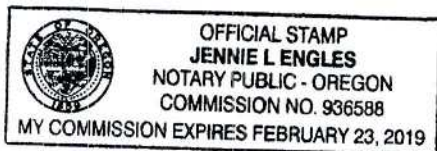


EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

THE NORTH ONE-HALF OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF THE JOHN D. GARRETT DONATION LAND CLAIM NO. 38, IN SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 2, HOMEWOOD PARK, A DULY RECORDED PLAT THEREOF AND RUNNING THENCE SOUTH 0° 48' WEST 450.00 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE CONVEYED; THENCE SOUTH 0° 48' WEST ON AN EXTENSION OF THE EAST LINE OF SAID BLOCK 200.00 FEET; THENCE NORTH 89° 17' WEST PARALLEL TO THE SOUTH LINE AT SAID BLOCK 385.87 FEET; THENCE NORTH 0° 31' 20" EAST 200 FEET; THENCE SOUTH 89° 17' EAST 386.82 FEET TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

Land Use Application Question 3.

Main house (1850sqft), front 1 car garage, older barn and assorted sheds are existing on the property. Please see existing site plan.

The proposed plan, please see proposed site plan, leaves the house and front garage alone. The north driveway will be moved 7' southward to comply with right of way permit and 20' will be surfaced according to that same permit. A 42' front by 40' deep RV shop will be built with the western edge being approximately 60' from the west boundary of the property and 296' from the street frontage. Per code it will be 5' from the southern boundary. There will be a 5' concrete pad poured along the north face, with gravel driveway accessing the roll up doors.

The existing old barn will be left in place to be used as a garden shed and artist's studio. There are two sheds, a large tarp shed and a camper port, all to be taken down as they will no longer be needed once the shop is in place.

Land Use Application Question 4.

- A. The residential property meets base zone standards, however, the size of the shop, 1680 sf exceeds the size for an auxiliary building under R7 zoning. The proposed and existing house and garage comply with other zone standards and development regulations, off street parking and loading standards and requirements.
- B. Regarding the public facility standards and requirements, a right of way permit is being submitted and the driveway is being moved and upgraded to comply with current requirements. A FILOC is being paid that replaces required street improvements of Ch 19.700.
- C. Please see the separate approval criteria being submitted with the request for a Type III variance.

Variance MMC 19.911 Discretionary Relief Criteria per PreApplication Report

1. The existing improvements are historic, quite ramshackle mixture of sheds, barn with lean to's off each end, a 12x20' tarp shed and a 20x24 camper port. None match and are some quite aged. We hope to build a Monitor style barn with residential siding, that will allow us to remove these old mismatched buildings and house the RV, equipment, tools, hobby machines and boats enclosed away from the elements. The two story old barn is in good shape and will remain, but the two lean-to's will be removed.
2. The baseline code requirements do not allow for a 1680sqft outbuilding, but this will protect all our personal stuff and make it less of an eyesore for the neighbors. Photos have been taken of the shops that surround us on Wood Ave, which are very common. It is the reason that these families have purchased ½ to 1 acre sites, to allow for hobby outbuildings.
3. The shop will be 296' back from the street with no line of sight. The neighbor to the immediate north, has two large outbuildings. The neighbor directly to the west, has 50' of our backyard, which is planned for vegetable gardens and 10' in from the boundary line, we have planted four Leland Cypress trees which will occlude view considerably. The neighbor to the south, has a duplicate acre site and the whole back area is in garden with a well house and another small outbuilding. There are no other houses abutting the back portion of the property.
4. The desirable public benefits are the fact that currently the hodgepodge of old buildings are unsightly with failing roofs and are not aesthetically attractive. It would be a considerable improvement to have everything taken care of under one matching well built Monitor style shop.
5. We are responding to the current natural environment by not removing trees. There is a massive walnut tree on the northern side of the shop which will be left. It has already been pruned in an appealing manner to allow for a driveway and shop construction. Immediately to the west of the shop is an approximate 75-100' tall Douglas Fir on our property which will remain. We have planted two more deciduous trees that are currently around 15' tall. In the front yard a 125' tall and 100' wide cottonwood tree is being left in the middle of the circular driveway.

These are our neighbor over the north side of our fence's two outbuildings.

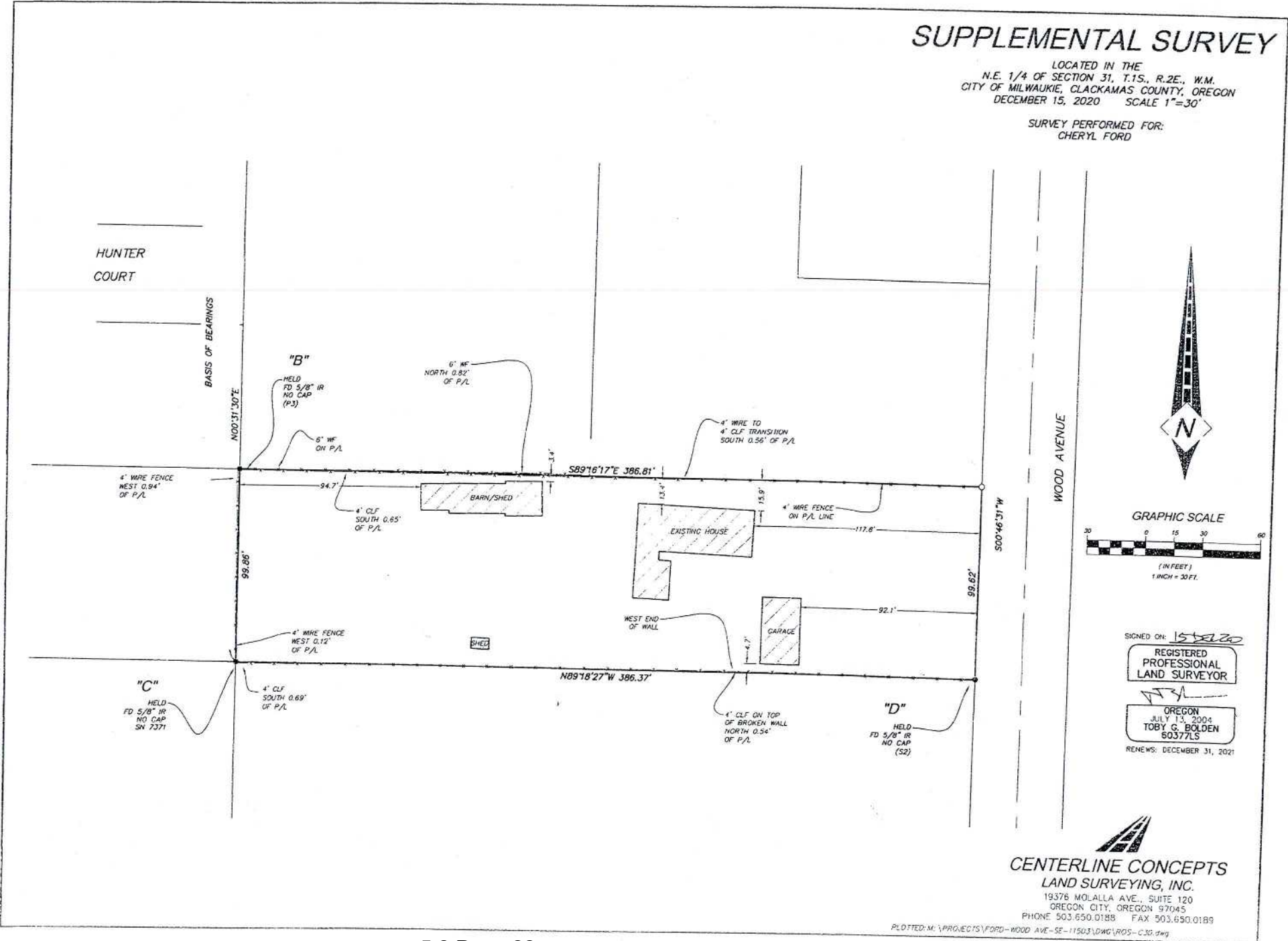


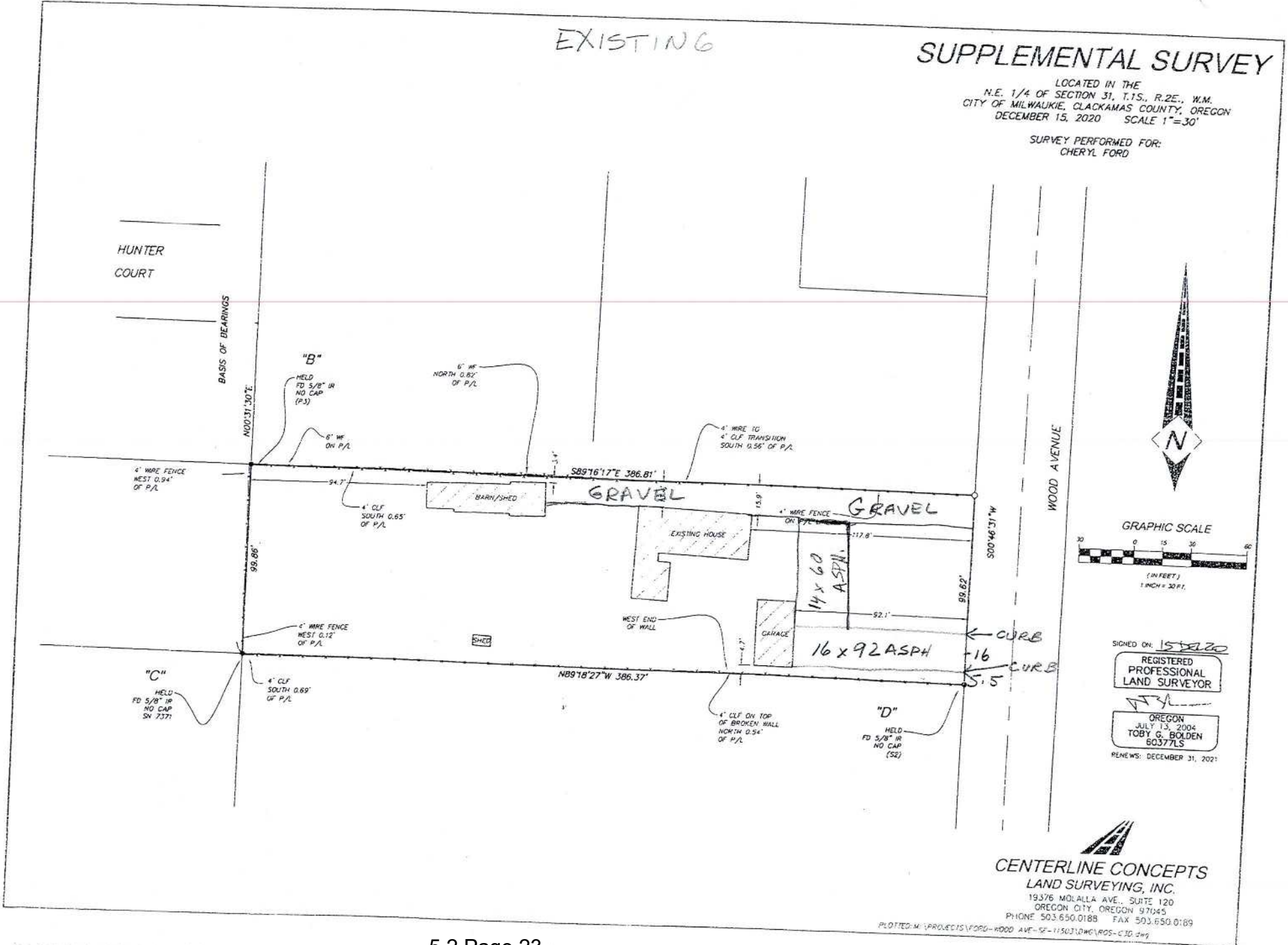


These are two shops within a few houses of us.



Question #5



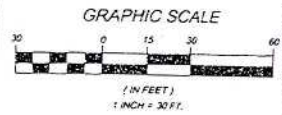
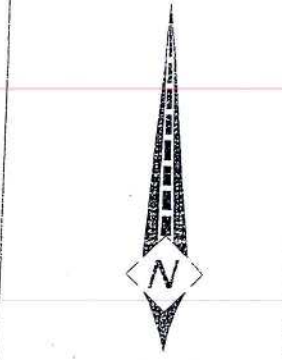
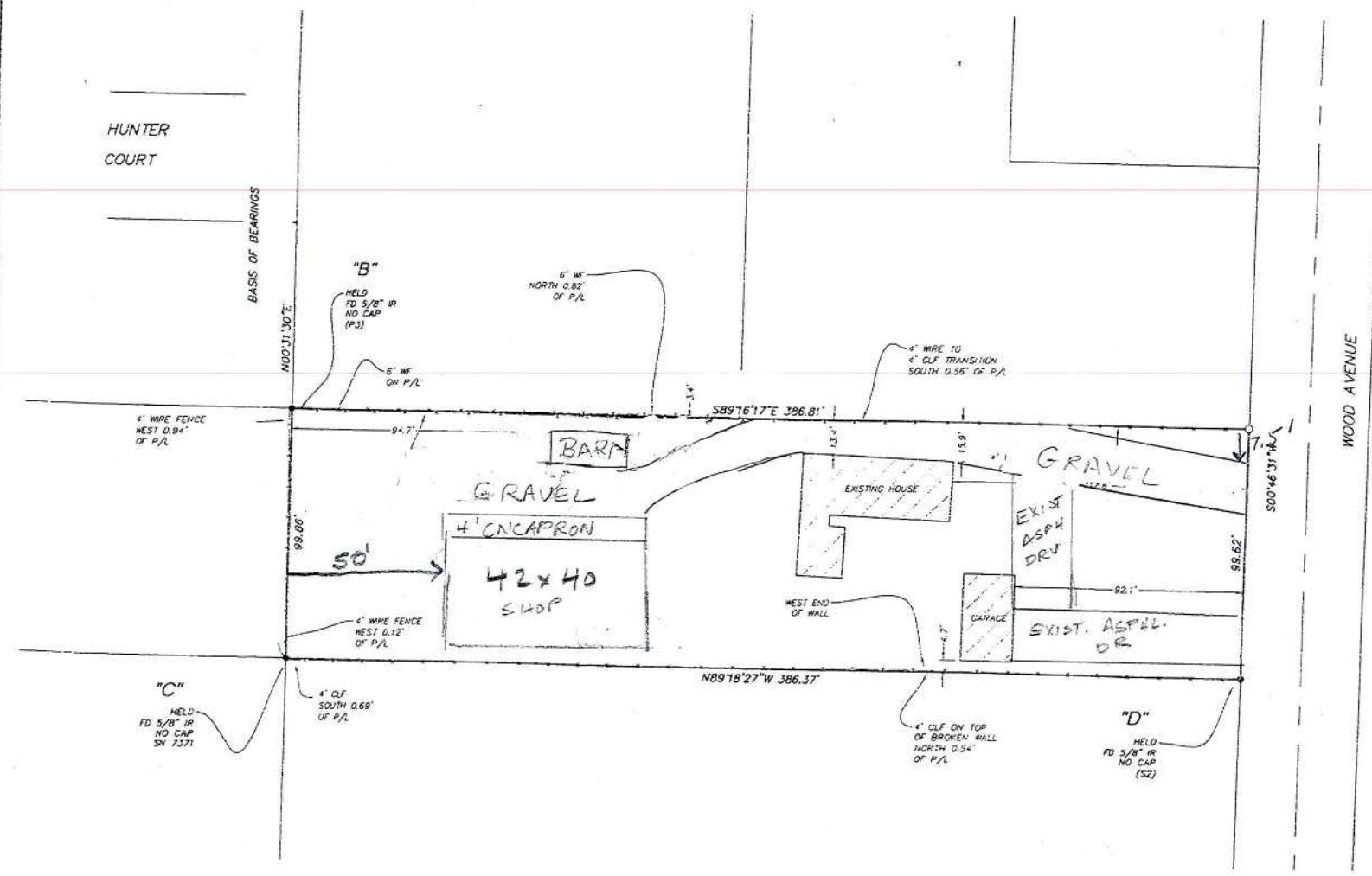


PROPOSED

SUPPLEMENTAL SURVEY

LOCATED IN THE
N.E. 1/4 OF SECTION 31, T.1S., R.2E., W.M.
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
DECEMBER 15, 2020 SCALE 1"=30'

SURVEY PERFORMED FOR:
CHERYL FORD

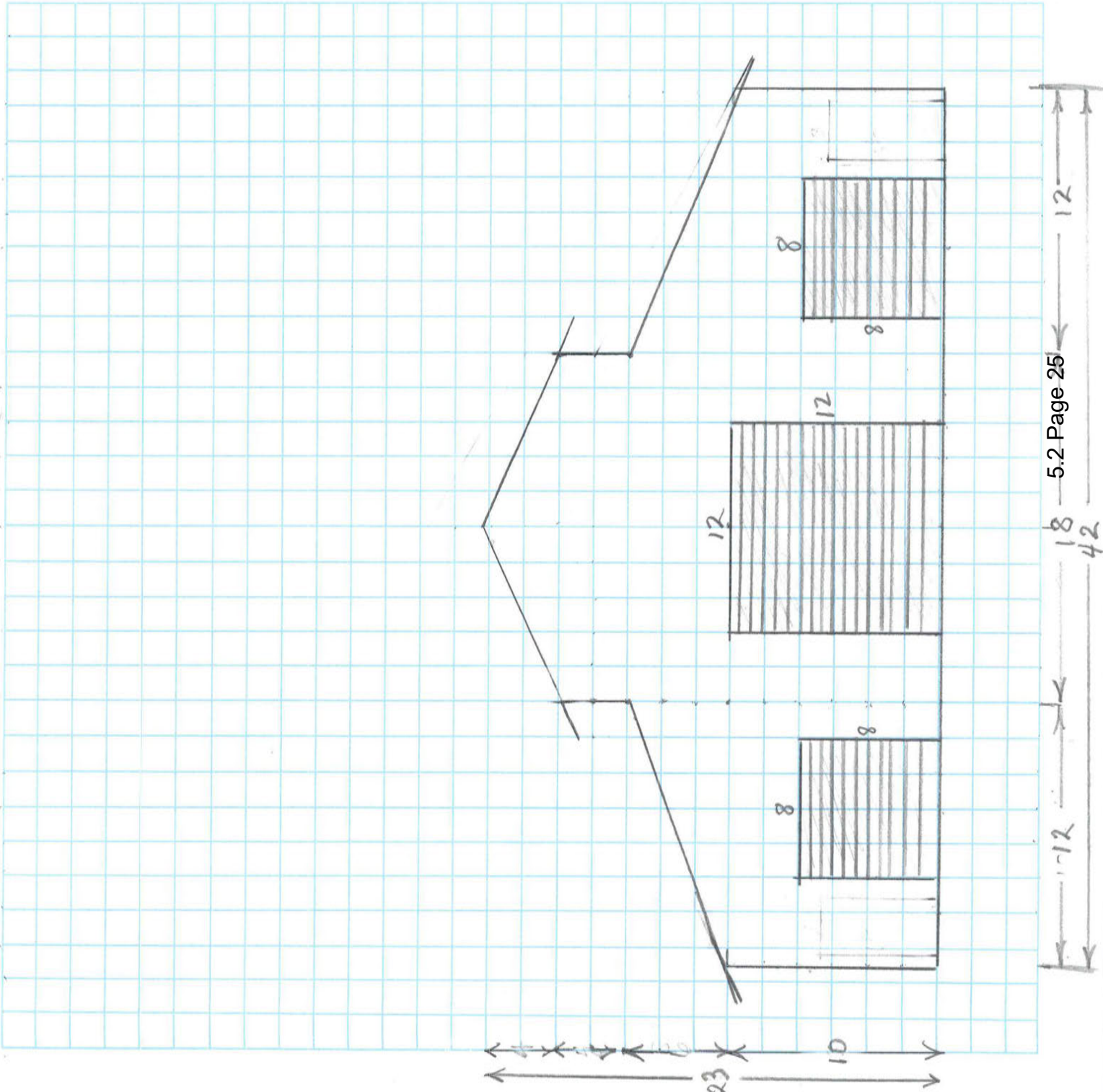


SIGNED ON: 12/15/20
REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS
RENEWS: DECEMBER 31, 2021

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189
PLOTTED IN: \PROJECTS\FORD-WOOD AVE-SF-1150310\WG\POS-C30.dwg

2' ⁹/₁₂ SQUARE
4/12 PITCH

SEE REVISIONS
4/17/2021





Job Name: FORD

By: RF

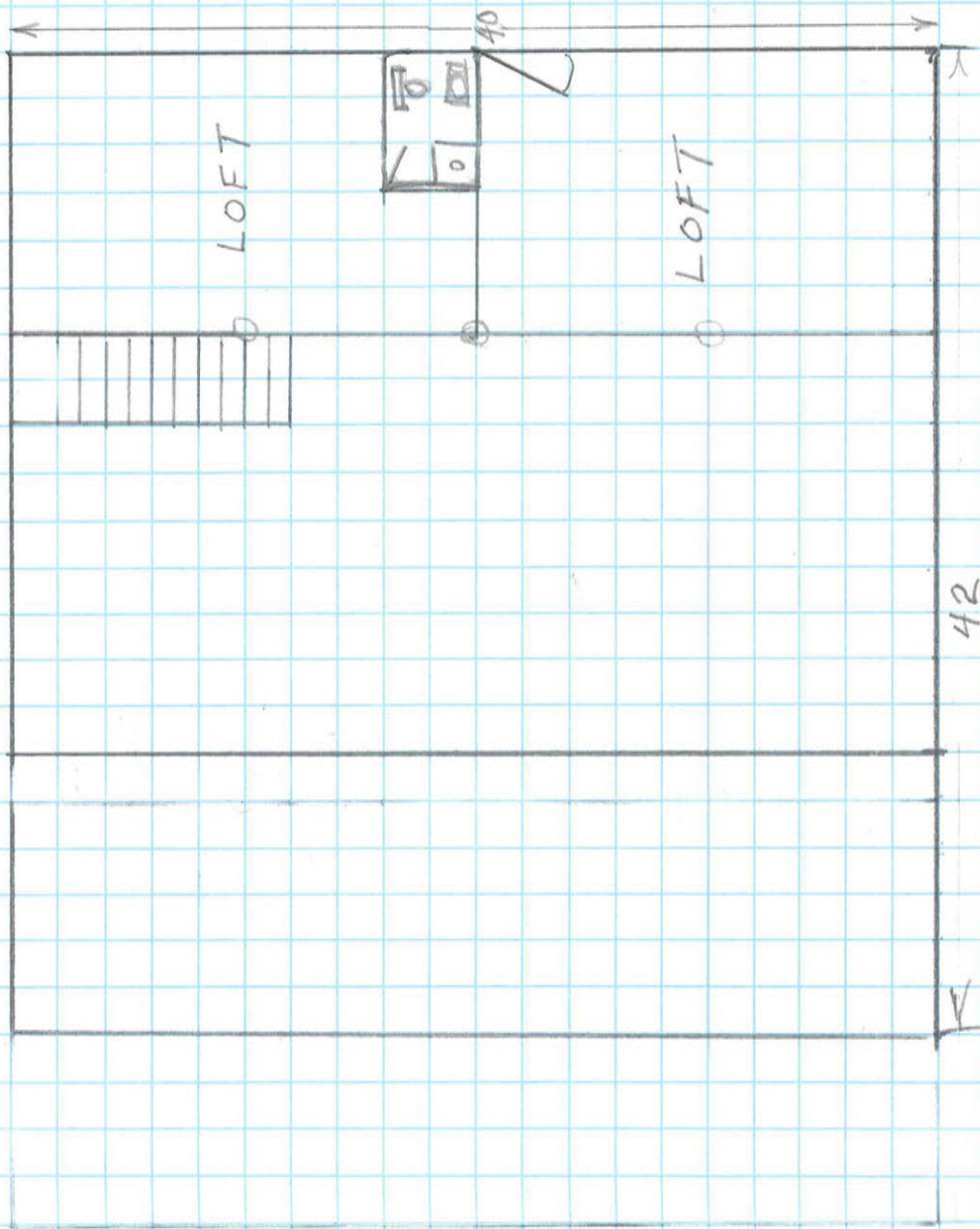
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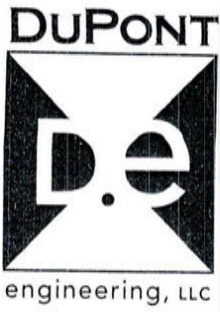
Job No.: _____

Revised
4/17/2021

PLAN VIEW

1/4" = 2'





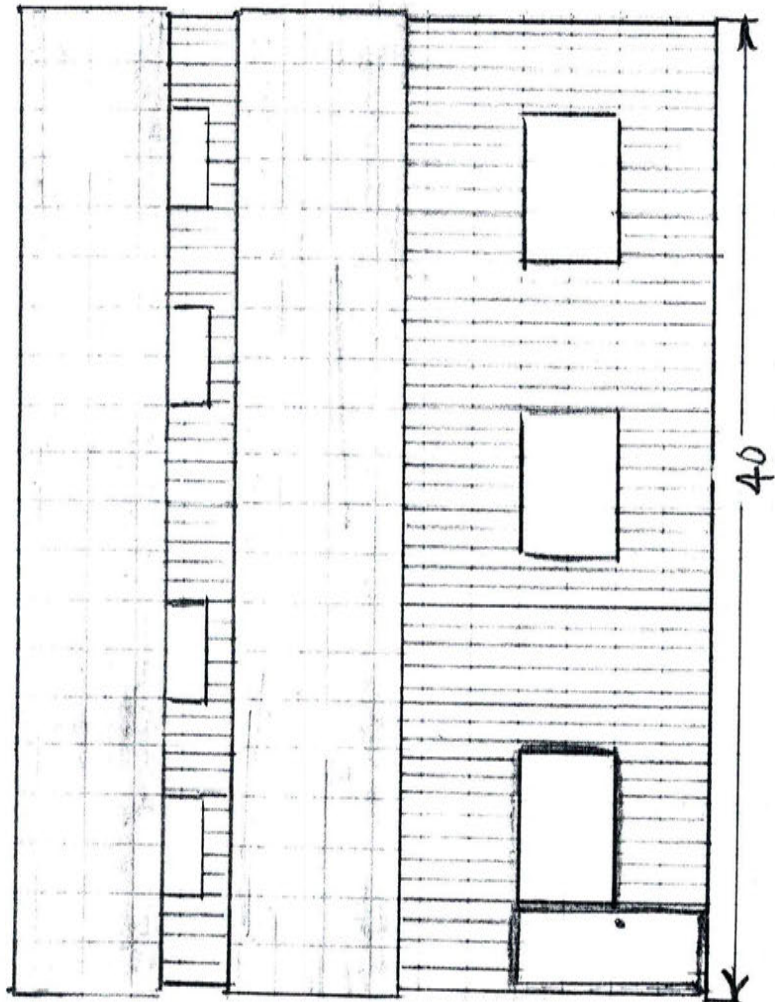
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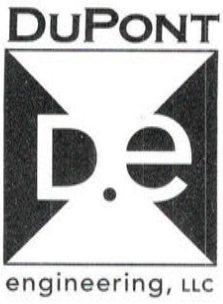
By: _____ Date: _____ Job No.: _____

REVISED
4/17/2021

$\frac{1}{4}'' = 2'$

WEST ELEVATION

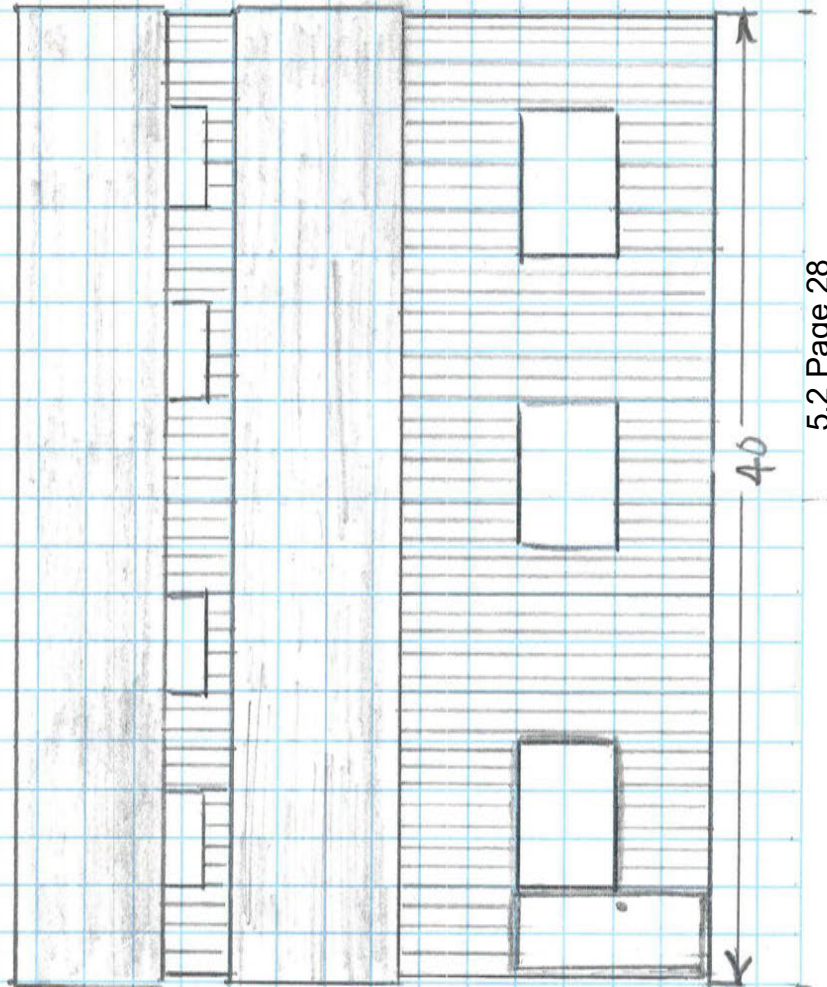


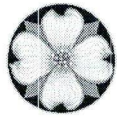


Job Name: FORD
By: _____ Date: REVISED Job No.: _____
4/17/2021

$\frac{1}{4}'' = 2'$

EAST ELEVATION





CITY OF MILWAUKIE

March 12, 2021

Cheryl Ford
11503 SE Wood Ave
Milwaukie OR 97222

Re: Preapplication Report

Dear Cheryl:

Enclosed is the Preapplication Report Summary from your meeting with the City on February 25, 2021, concerning your proposal for action on property located at 11503 SE Wood Ave.

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 Manager may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Manager may require a new preapplication conference.

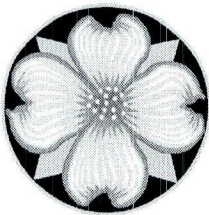
If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Tempest Blanchard

Tempest Blanchard
Administrative Specialist II

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
503-786-7600 | www.milwaukieoregon.gov



CITY OF MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7600
planning@milwaukieoregon.gov
building@milwaukieoregon.gov
engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 21-001PA

This report is provided as a follow-up to the meeting that was held on 2/25/2021 at 10:00 AM

The Milwaukie Municipal Code is available here: www.qcode.us/codes/milwaukie/

APPLICANT AND PROJECT INFORMATION		
Applicant: Cheryl Ford		Applicant Role: Property Owner
Applicant Address: 11503 SE Wood Ave, Milwaukie, OR 97222		
Company:		
Project Name: 11503 SE Wood Ave Shop and ADU		
Project Address: 11503 SE Wood Ave		Zone: R-7
Project Description: Construct a detached shop and ADU		
Current Use: Single-unit dwelling with detached shop/garage		
Applicants Present: Cheryl Ford, Mary Tongue, Randy Ford		
Staff Present: Vera Kolas, Jennifer Backhaus, Stephanie Marcinkiewicz, Jennifer Gqrbely		
PLANNING COMMENTS		
Zoning Compliance (MMC Title 19)		
<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	<p>ADU's are permitted by right on residential properties, per MMC 19.910. A detached accessory structure worksheet will be required with the application materials: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/41871/fillable_adu_detached_form.pdf. The proposed ADU includes an attached carport and a covered patio. The ADU is 792 sq ft plus the area of the carport and covered patio, so the total size of the ADU exceeds the maximum 800 sq ft. A Type III variance is required to allow the proposed ADU.</p> <p>Accessory structures are subject to MMC 19.502. A Type C accessory structure has the following limitations for maximum building footprint: Lesser of 75% of primary structure OR 1,500 sq ft (allowed at least 850 sq ft if lot area > 10,000 sq ft). The subject property is 38,681 sq ft in area and the proposed is 2,000 sq ft, which is greater than 1,500 sq ft for a Type C accessory structure. A Type III variance to the maximum size of an accessory structure is required.</p> <p>Design standards apply to the proposed shop:</p> <ol style="list-style-type: none">1. Metal siding is prohibited on structures more than 10 ft high or with a footprint greater than 200 sq ft, unless the siding replicates the siding on the primary dwelling or has the appearance of siding that is commonly used for residential structures.

		<p>2. A minimum 4/12 roof pitch is required for an accessory structure with a height over 10 ft.</p> <p>Please confirm compliance with these standards in the land use application materials.</p>
<input checked="" type="checkbox"/>	Dimensional Standards	<p>The property is zoned R-7. Please provide a completed R-7 zoning worksheet with the land use application materials: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/43721/r-7zonews_form.pdf.</p> <p>Accessory structures are subject to the dimensional standards outlined in this worksheet, which should be included with the land use application materials: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38351/residentialaccessorystructures_form0.pdf.</p>
Land Use Review Process		
<input checked="" type="checkbox"/>	Applications Needed	<p>The proposed ADU requires a Type III Variance and Type II ADU review</p> <p>The proposed shop requires a Type III Variance.</p>
<input checked="" type="checkbox"/>	Fees	<p>Type III Variance: up to 3 requests permitted under 1 application = \$2,000</p> <p>Type II ADU review: \$750 (25% discount for concurrent applications)</p>
<input checked="" type="checkbox"/>	Review Type: Type III Review Type: Type II	<p>The proposed detached ADU exceeds 600 sq ft, so is subject to Type II ADU review.</p> <p>A Type III variance is required to allow the shop to exceed 1,500 sq ft and for the ADU to exceed 800 sq ft.</p>
Overlay Zones (MMC 19.400)		
<input type="checkbox"/>	Willamette Greenway	
<input type="checkbox"/>	Natural Resources	
<input type="checkbox"/>	Historic Preservation	
<input type="checkbox"/>	Flex Space Overlay	
Site Improvements/Site Context		
<input checked="" type="checkbox"/>	Landscaping Requirements	<p>The R-7 zone requires that a minimum of 30% of the lot is vegetated.</p>
<input type="checkbox"/>	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	
<input type="checkbox"/>	Connectivity to surrounding properties	
<input type="checkbox"/>	Circulation	
<input type="checkbox"/>	Building Design Standards (MMC 19.505)	
<input type="checkbox"/>	Downtown Design Standards (MMC 19.508)	

Parking Standards (MMC 19.600)

<input checked="" type="checkbox"/>	Residential Off-Street Parking Requirements	Per MMC 19.607, parking and maneuvering areas within the front yard setback must be constructed of a durable, dust-free surface. Therefore, the first 20 ft of the second driveway cannot be constructed from gravel and must be replaced with pavement, cement strips/pavers, etc. Please confirm compliance with this section in the land use application materials.
<input type="checkbox"/>	Multi-Family/Commercial Parking Requirements	

Approval Criteria (MMC 19.900)

<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	
<input type="checkbox"/>	Conditional Use (MMC 19.905)	
<input type="checkbox"/>	Development Review (MMC 19.906)	
<input checked="" type="checkbox"/>	Variance (MMC 19.911)	<p>Applications for a Type III variance are subject to the approval criteria in MMC 19.911.4.B. The submitted application must provide a detailed narrative explaining how each variance request meets the approval criteria:</p> <p>Discretionary Relief Criteria</p> <p>a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.</p> <p>b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:</p> <p>(1) The proposed variance avoids or minimizes impacts to surrounding properties.</p> <p>(2) The proposed variance has desirable public benefits.</p> <p>(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.</p> <p>c. Impacts from the proposed variance will be mitigated to the extent practicable.</p> <p>http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_911&frames=on</p>

Land Division (MMC Title 17)

<input type="checkbox"/>	Design Standards	
<input type="checkbox"/>	Preliminary Plat Requirements	
<input type="checkbox"/>	Final Plat Requirements (See Engineering Section of this Report)	

Sign Code Compliance (MMC Title 14)

<input type="checkbox"/>	Sign Requirements		
Noise (MMC Title 16)			
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)		
Neighborhood District Associations			
<input checked="" type="checkbox"/>	Hector Campbell		
	Linwood		
	Choose an item.		
Other Permits/Registration			
<input type="checkbox"/>	Business Registration		
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)		
Additional Planning Notes			
<p>The Planning Department notes that there are a number of significant trees on the subject property in the area of the proposed shop and ADU. Staff reminds the applicant that the city has a tree canopy goal of 40% and the extent to which the site plan can accommodate the preservation of the property's trees would be extremely helpful in achieving the city's goal. If some trees must be removed for the development, staff recommends that the applicant replace the trees on site. The city can provide a list of suggested canopy trees to assist which species selection.</p> <p>It's not 100% clear from the plans if the ADU is connected to the shop or if it is a covered breezeway/covered space between them. Please confirm.</p>			
ENGINEERING & PUBLIC WORKS COMMENTS			
Public Facility Improvements (MMC 19.700)			
<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	MMC 19.702 establishes the applicability of MMC 19.700, including to new construction and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips. The development proposes establishing a new detached ADU, increasing the intensity of use on the subject property. MMC 19.700 applies to the proposed development.	
<input checked="" type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	No transportation impact study is required. See MMC 13.32 for FILOC	
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)		
<input type="checkbox"/>	Agency Notification (MMC 19.707)		
<input checked="" type="checkbox"/>	Transportation Requirements (MMC 19.708)	See MMC 13.32 for FILOC See MMC 12.16 for Access Management See MMC 12.24 for Clear Vision	

<input type="checkbox"/>	Utility Requirements (MMC 19.709)		
Flood Hazard Area (MMC 18)			
<input type="checkbox"/>	Development Permit (MMC 18.04.100)		
<input type="checkbox"/>	General Standards (MMC 18.04.150)		
<input type="checkbox"/>	Specific Standards (MMC 18.04.160)		
<input type="checkbox"/>	Floodways (MMC 18.04.170)		
Environmental Protection (MMC 16)			
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)		
<input checked="" type="checkbox"/>	Erosion Control (MMC 16.28)	An Erosion Control Permit is required for disturbed areas or exposed soils exceeding 500 square feet. This development exceeds that criteria. An Erosion Control Permit is required. An approved Erosion Control Permit is required prior to the issuance of grading or building permits, and prior to any placement of fill, site clearing, land disturbances (including but not limited to clearing, grubbing, excavation, etc.).	
<input type="checkbox"/>	Tree Cutting (MMC 16.32)		
Public Services (MMC 13)			
<input checked="" type="checkbox"/>	Water System (MMC 13.04)	Per MMC 13.04, for upgrading the meter size detailed drawings must be provided to the Engineering Department. These drawings must indicate the size and location of the existing City water main, the existing and proposed City service, meter location, and size, and the private service and size. This can be provided on the building permit site plan and/or with the Right of Way Permit. Additional fees and SDCs are required based on upgraded meter size. The provided SDC estimate is based on an upgrade to a 1" water service and meter. Higher sizes will incur higher fees/SDCs. The City Water SDC is \$1,366.00. An equipment fee for the water meter is \$370.00.	
<input checked="" type="checkbox"/>	Sewer System (MMC 13.12)	There are no sewer requirements triggered by this development. The ADU can utilize the existing sewer lateral. There will be a Milwaukie Sewer SDC of \$801.45, and a Clackamas County wastewater fee of \$6,404.00	
<input checked="" type="checkbox"/>	Stormwater Management (MMC 13.14)	On site stormwater will be handled through construction of a drywell or other approved storm facility.	
<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	Development is subject to system development charges (SDCs). SDCs for sewer, county sewer, transportation, water, and county parks must be paid prior to permit issuance.	
<input checked="" type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	Per the City Engineer, the Fee in Lieu of Construction (FILOC) rate will be \$80 per Linear Foot. At a lot width of 99.62 Linear Feet, the FILOC will be \$7,969.60	
Public Places (MMC 12)			

<input checked="" type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	A Right-of-Way Permit will be required to complete driveway improvements and upgrades to the water service. The assumed 1" water service upgrade will result in a Water Connection Service Fee of \$1,312 (long side connection).	
<input checked="" type="checkbox"/>	Access Requirements (MMC 12.16.040)	Existing northern driveway does not conform to 7.5-ft distance from side property line location. The driveway will be relocated further south while maintaining a minimum of 50' separation between the north and south driveways. The new driveway approach shall meet Asphalt Driveway Approach Standards and shall be paved (or installed with other acceptable durable dust-free surface), for an additional 20-ft behind the property line to prevent tracking gravel onto the roadway. The driveway may angle as proposed but may not widen without adhering to widening requirements outlined in 19.607. The southern driveway will not be upgraded and will remain as currently constructed.	
<input checked="" type="checkbox"/>	Clear Vision (MMC 12.24)	Clear vision areas must be maintained around driveway approaches. Coordinate with city staff prior to removing any vegetation in the right-of-way.	
Additional Engineering & Public Works Notes			
The provided SDC estimate assumes an upgraded water service size of 1". Higher service sizes will increase the SDCs and related fees. In the meeting you had inquired about site grading being greater than 10 cubic yards and whether this was in regard to cut, fill, or both. This number is regarding a total net cut or fill, but is part of MMC 18.04 and does not apply to this development.			
BUILDING COMMENTS			
All drawings must be submitted electronically through www.buildingpermits.oregon.gov New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx . All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at www.buildingpermits.oregon.gov . Each permit type and subpermit type are separate permits and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows. The grading plan submitted to the Engineering Department does not cover this review. If you have any building related questions, please email us at building@milwaukieoregon.gov .			
Additional Building Notes			
As discussed during the meeting, twelve (12) inch overhangs on each building are allowed due to the close proximity to each other. For larger overhangs, you can add additional separation or attach the buildings to make one.			
OTHER FEES			
<input type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *1% (.01)	
<input type="checkbox"/>	Metro Excise Tax	Calculation: Valuation *.12% (.0012)	

	Metro – Applies to any project with a construction value of over \$100,000.		
<input type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)	
FIRE DISTRICT COMMENTS			
Please see the attached memorandum for fire district comments.			
COORDINATION WITH OTHER AGENCIES			
Applicant must communicate directly with outside agencies. These may include the following: <ul style="list-style-type: none">• Metro• Trimet• North Clackamas School District• North Clackamas Parks and Recreation District (NCPRD)• Oregon Parks and Recreation• ODOT/ODOT Rail• Department of State Lands• Oregon Marine Board• Oregon Department of Fish and Wildlife (ODOT)• State Historic Preservation Office• Clackamas County Transportation and Development			
MISCELLANEOUS			
State or County Approvals Needed			
<input type="checkbox"/>	Boiler Approval (State)		
<input type="checkbox"/>	Elevator Approval (State)		
<input type="checkbox"/>	Health Department Approval (County)		
Arts Tax			
<input type="checkbox"/>	Neighborhood Office Permit		
Other Right-of-Way Permits			
<input type="checkbox"/>	Major:		
<input type="checkbox"/>	Minor:		
<input type="checkbox"/>	Painted Intersection Program Permits:		
	<input type="checkbox"/> artMOB Application		
	<input type="checkbox"/> Traffic Control Plan (Engineering)		

<input type="checkbox"/>	Parklet:		
	<input type="checkbox"/> Parklet Application/ Planning Approval		
	<input type="checkbox"/> Engineering Approval		
	<input type="checkbox"/> Building Approval		
<input type="checkbox"/>	Sidewalk Café:		
<input type="checkbox"/>	Tree Removal Permit:		
Infrastructure/Utilities			
Applicant must communicate directly with utility providers. These may include the following: <ul style="list-style-type: none">• PGE• NW Natural• Clackamas River Water (CRW)• Telecomm (Comcast, Century Link)• Water Environmental Services (WES)• Garbage Collection (Waste Management, Hoodview Disposal and Recycling)			
Economic Development/Incentives			
<input type="checkbox"/>	Enterprise Zone:		
<input type="checkbox"/>	Vertical Housing Tax Credit:		
<input type="checkbox"/>	New Market Tax Credits:		
<input type="checkbox"/>	Housing Resources:		
PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE			

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 a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. 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

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Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

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PLANNING DEPARTMENT

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Dan Harris	Administrative Specialist II	503-786-7600

CLACKAMAS FIRE DISTRICT

Mike Boumann	Lieutenant Deputy Fire Marshal	503-742-2673
Izak Hamilton	Fire Inspector	503-742-2660



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Vera Kolas, Senior Planner

Date: June 1, 2021, for June 8, 2021, Worksession

Subject: Comp Plan Implementation Project Update – Draft code and code adoption process

ACTION REQUESTED

The purpose of this staff report is to review the adoption process with the Commission.

ANALYSIS

This update and discussion relates to the code adoption process.

Project Background

Creating and supporting housing opportunities, primarily middle housing options in all neighborhoods, has been a key goal for Council and the community. The adopted Comprehensive Plan (Plan) policies call for expanded housing opportunities throughout the city and House Bill 2001 (HB 2001), passed by the state legislature in July 2019, requires the expansion of middle housing options throughout the state. In November 2019, Council discussed how to proceed with code amendments after the updated plan was adopted, setting the stage for the recently initiated implementation project.

The focus of this phase of plan implementation is housing, but it also includes related changes to parking requirements in residential areas and tree protection and preservation related to residential land. The outcome will be code amendments that balance the city's goal for a 40% tree canopy and implementation of the housing policies outlined in the plan in compliance with HB 2001.

The scope of work for this project includes the following tasks:

1. Public Engagement
2. Map and Code Audit and Analysis
3. Detailed Concept Development
4. Community Review and Testing
5. Draft Code Changes and Map Amendments

6. Code and Map Review and Reconciliation
7. Final Code and Map Changes and Adoption

Project Schedule

Project overview and timeline – Part 1			
September 2020	January – April 2021	March – May 2021	May - June 2021
Code Audit Identified existing policies and regulations that prevent implementation of the Comprehensive Plan.	Code Concepts Based on the code audit findings, described six multi-faceted approaches for amending Milwaukie's implementing ordinances.	Selected Proposed Code Amendments – community testing Specifically identifies which code sections will be amended to remove barriers associated with building middle housing, and residential parking. Open House #2	Milestone: Adoption-ready draft amendments Presentations to NDAs Open House #3
Code Adoption Process			
July – Aug 2021	September 2021	Oct - Nov 2021	December 2021
Planning Commission worksessions Engage Milwaukie Written comments–tracked in spreadsheet	Revised draft code and maps 35-day public notice Code posted Social media; postcards; Engage Milwaukie	Planning Commission public hearings Public testimony Spreadsheet tracking written comments Final Draft Code and Maps	City Council public hearings Public testimony Spreadsheet tracking written comments Adopted Code and Maps

A key element in the proposed schedule are the adoption ready draft amendments – this is a requirement of the grant the City received from DLCD. Staff and the consultants are preparing this draft set of amendments to submit to DLCD by June 18 to close out the grant and provide draft code that is compliant with HB 2001. The submittal package also includes the draft tree code for residential property. Staff sees this draft code package as a milestone in the project timeline – not the end product.

As shown in the timeline above, from the milestone forward is the code adoption process, which will include worksessions with the Planning Commission in July and August that will result in a

refined code amendment package for public hearings in October. This will then result in a recommendation package for City Council hearings in December. Throughout this adoption process, staff has built in a public comment process and engagement process to ensure that the public has access to the draft code discussions and can provide written comment as the Commission works through the details.

Staff is confident that this process will result in code that both implements housing policies found in the comprehensive plan as well as complies with HB 2001 while providing significant opportunity for public review and comment.

The presentation at the June 8 worksession will include key highlights from the draft code submitted to DLCD.

Does the Planning Commission have any questions about the proposed code adoption process?

The previous staff update to the Commission, City Council, and CPIC included a detailed discussion about:

1. HB 2001 and the model code
2. Less complex amendments
 - a. Parking
 - b. Accessory dwelling unit (ADU) and duplex standards and review process
3. Refined code concepts
 - a. Consolidated residential zones
 - b. Standards in the new zones
 - c. Definitions of housing types
 - d. Form based approach in consolidated Zone 2 (R-5, R-7, R-10)

Through discussions and presentations with each group, staff is getting direction and general consensus on some of these concepts and ideas. Staff will discuss these findings with the Commission at the June 8 meeting to see if there is agreement between the CPIC, Council, and the Commission.

Next Steps

- Draft code language that is HB 2001 compliant
- Finalize detailed code adoption process schedule
- Draft tree code
- June 17 CPIC meeting
- Project updates to NDAs