



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

April 26, 2022

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

Staff: Jennifer Backhaus, Engineering Technician III
Justin Gericke, City Attorney
Brett Kelter, Senior Planner
Laura Weigel, Planning Manager

(00:01:25)

1.0 Call to Order — Procedural Matters*

Vice-Chair Edge called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:03:42)

2.0 Meeting Minutes

(00:03:42)

2.1 March 8, 2022 Meeting Minutes

The March 8, 2022 minutes were approved with a 5-0 vote.

(00:04:29)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:04:38)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:05:12)

5.0 Community Involvement Advisory Committee (CIAC)

Commissioner Hemer noted that the Island Station Neighborhood District

Association (NDA) has been successfully utilizing a hybrid meeting format by using a laptop and Zoom Video to allow online attendees to participate.

Commissioner Hemer suggested assigning a CIAC member to the NDA leadership meetings which occur quarterly. **Laura Weigel, Planning Manager**, noted potential conflicts if commissioners attended the meeting representing the Planning Commission but added that commissioners may attend representing the CIAC. **Commissioner Sherman** reiterated the importance of distinguishing involvement in the meetings as a CIAC member rather than as a planning commissioner. **Commissioner Hemer** stated he could not participate in the meetings due to a conflict of interest but suggested both Commissioner Massey and Khosroabadi as potential representatives. **Commissioner Khosroabadi** noted interest in representing the CIAC at the NDA leadership meetings. **Commissioner Massey** expressed interest in representing the CIAC as an alternate at the NDA leadership meetings. **Commissioner Sherman** asked what the expectations were regarding representing the CIAC during these meetings and reporting back to the committee. **Vice-Chair Edge** noted potential for a representative and alternate to attend each meeting and responded that Commissioners would only need to share what was discussed at each meeting informally with the committee. **Commissioner Hemer** suggested confirming with NDA leaders whether a CIAC representative would be beneficial to their meetings. **Weigel** noted that staff will discuss whether any official action is necessary to designate Commissioners Khosroabadi and Massey as representatives and follow up at the next Planning Commission meeting.

(00:20:37)

6.0 Hearing Items

(00:20:37)

6.1 R-2021-004, Subdivision Replat at 10586 & 10610 SE Home Ave

Brett Kelter, Senior Planner, shared the staff report for this continued hearing. The applicants are proposing to replat two existing lots to create eight new lots. The applicants are seeking a variance to reduce lot width and area for lots 1 and 4. The applicants propose an extension of Harrison Street (Harrison) through to Home Avenue (Home). In response to the public testimony received during the March 22 Planning Commission hearing, the applicants revised the roadway plan. The revised roadway plan includes a one-way westbound connection of Harrison through to Home, with a two-way bicycle/pedestrian connection on the south side of the roadway.

Vice-Chair Edge asked whether there was any review criteria for the proposed roadway. **Kelter** responded that review of the roadway plan is outside of the scope of the Commission's authority for this application.

Commissioners Hemer, Sherman, and Edge noted their support for the application package.

R-2021-004, 10586 & 10610 SE Home Ave, was approved by a 5-0 vote.

(00:42:00)

7.0 Planning Department Other Business/Updates

Weigel noted that City Council plans to adopt the middle housing code package on May 3, it will be effective June 3, 2022. The tree code package was adopted and will be effective May 19, 2022. **Commissioner Hemer** asked when the associated forms and handouts for the tree code will be available. **Weigel** responded that staff is currently creating the forms and they will be available May 19, 2022.

Weigel thanked the commissioners who attended the joint meeting with City Council.

Commissioner Sherman asked if there were any updates to Transportation and Growth Management grant to fund the Transportation System Plan. **Weigel** responded that staff is meeting with ODOT to discuss the different consultant packages the City's received.

(00:45:31)

8.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(00:47:49)

9.0 Forecast for Future Meetings:

May 10, 2022	Canceled
May 24, 2022	1. Public Hearing: VR-2021-012, 9285 SE 58 th Dr 2. Public Hearing: CSU-2022-003, 2301 SE Willard St

Meeting adjourned at approximately 7:30 p.m.

Respectfully submitted,

Will First, Administrative Specialist II



CITY OF MILWAUKIE

AGENDA

April 26, 2022

PLANNING COMMISSION

milwaukieoregon.gov

Hybrid Meeting Format: the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_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-94>) and follow the Zoom webinar login instructions.

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

- 1.1 Native Lands Acknowledgment

2.0 Planning Commission Minutes – Motion Needed

- 2.1 March 8, 2022

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 Community Involvement Advisory Committee (CIAC)

6.0 Hearing Items

- 6.1 10586 & 10610 SE Home Ave

Summary: Replat the 16 underlying subdivision lots and reconfigure the subject properties to create eight lots.

Applicant: Victoria Rystadt (represented by Mark Dane)

Address: 10586 & 10610 SE Home Ave

File: R-2021-004 (primary file), with VR-2021-019

Staff: Senior Planner Brett Kelter

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

May 10, 2022 Canceled

May 24, 2022 Hearing Item(s): VR-2021-012, 9285 SE 58th Dr
CSU-2022-003, 2301 SE Willard St (MHS condition mod)

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 an agenda item to a future date or finish the 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 Kelter, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Assistant Planner
Will First, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

March 8, 2022

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

Staff: Justin Gericke, City Attorney
Vera Kolias, Senior Planner
Laura Weigel, Planning Manager

Absent:

(00:13:16)

1.0 Call to Order — Procedural Matters*

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

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

(00:13:48)

2.0 Information Items

No information was presented for this portion of the meeting.

(00:13:58)

3.0 Audience Participation

No information was presented for this portion of the meeting.

(00:15:12)

4.0 Community Involvement Advisory Committee (CIAC)

Laura Weigel, Planning Manager, noted the Land Use 101 training taking place Thursday, March 31 via Zoom.

(00:16:48)

5.0 Work Session Items

(00:16:52)

5.1 Housing Capacity Technical Committee

Weigel provided background on the Housing Capacity Technical Committee, the committee will act in an advisory capacity to Planning staff as they conduct a Housing Capacity Analysis (HCA), buildable lands inventory, and identify housing actions and policies necessary to achieve housing goals. The HCA will identify the housing needs over the next twenty years and compare the identified needs with available buildable lands to show whether the City has adequate land supply to meet anticipated housing demand. Staff will determine what policies or actions are necessary to ensure the City can meet anticipated demand through a Housing Production Strategy. The City has contracted with ECONorthwest as a consultant to assist in developing the City's HCA and Housing Production Strategy.

Weigel continued, the technical committee will share first-hand knowledge of the city to ensure various perspectives are considered throughout the process. The committee is expected to meet nine times and will be composed of various community members, including a City Councilor, a Planning Commissioner, representatives from both DLCD and Metro, and three members from either the Comprehensive Plan Advisory Committee (CPAC) or Comprehensive Plan Implementation Committee (CPIC).

Chair Loosveldt asked whether regional coordination was happening to provide a regional context for the project. **Weigel** responded that staff will continue to work with other municipalities while developing the HCA but no other jurisdictions will have representatives on the committee, however regional partners are included on the technical committee.

Commissioner Massey asked what steps can be expected after the HCA is complete. **Weigel** responded that various tools including the Construction Excise Tax and the Urban Renewal Area can be used as tools in the HCA to create the opportunity for housing options across different income levels. sufficient housing is available within the City.

Commissioner Hemer asked staff to offer a position on the Committee to former Planning Commissioner Kim Travis. **Weigel** responded that staff will reach out to Kim and discuss a potential position on the Committee.

Vice Chair Edge noted interest in representing the Planning Commission on the Housing Capacity Technical Committee. **Chair Loosveldt** noted interest in serving as a backup to Vice Chair Edge. **Weigel** responded that staff will add Vice Chair Edge as a member and Chair Loosveldt as a backup.

(00:32:12)

6.0 Hearing Items

(00:32:15)

6.1 MHS Reader Board Sign at 2301 SE Willard St

Brett Kelter, Senior Planner, shared the staff report: the applicants are proposing to replace the current Milwaukie High School (MHS) monument sign on the southwest corner of the property with an electronic reader board sign. The proposed sign is one-sided and contains both an electronic and static element with approximately 17 square feet of electric display and 22.5 square feet of static display. Limits to Community Service Use (CSU) signs include a maximum of 40 square feet per display surface, illumination subject to base zone standards, and a limited message change rate of once every 10 seconds. The applicants previously applied for a variance to allow the reader board sign; the application was denied. A change in the sign code now permits electronic display signs at public high schools.

Commissioner Hemer asked for clarification regarding the change rate. **Kelter** noted that the electronic sign must display a message for no less than 10 seconds before transitioning to another message; no video or scrolling messages are permitted.

Commissioner Khosroabadi asked whether the electronic portion of the sign will run through the night. **Kelter** deferred to the applicant team.

Chair Loosveldt asked whether there are restrictions on the brightness level allowed for the electronic display. **Kelter** responded that electronic signs can be no brighter than 0.3 footcandles over ambient light.

Vice Chair Edge asked for clarification regarding the proximity to roadways approval criterion. **Kelter** responded that the code does not clarify how different levels of roadways and the nature of an individual street could affect application approval. **Justin Gericke, City Attorney**, added that the proximity to roadways approval criterion is designed to provide flexibility for the commission to consider a variety of factors.

The Applicant Team shared their presentation: the sign brightness will adjust and be no more than 0.3 footcandles over ambient light, and messages will comply with frequency and transition requirements outlined in the MMC. Various images of the proposed sign's features, location, and scale were shown.

Commissioner Khosroabadi asked whether the electronic reader board portion of the sign will be operating continuously through each night. **The Applicant Team** responded that no operating schedule has been set but the sign is capable of scheduled operating times; preferred operating hours are between 7AM and 10PM.

Commissioner Hemer asked whether the sign would be connected to a backup generator and used for emergency communications when necessary. **The Applicant Team** confirmed that was the case.

Commissioner Sherman requested more information regarding the ambient light control. **The Applicant Team** responded that the sign will automatically adjust as to not exceed the 0.3 footcandle requirement outlined in the MMC. **Chair Loosveldt** asked whether the applicant team could provide a technical description that proves compliance with the illumination requirements outlined in the MMC. **The Applicant Team** responded that they did not have specific illumination details at the time. **Chair Loosveldt** asked staff whether a technical description showing the sign's level of illumination is a submittal requirement. **Kelver** responded it is not.

Chair Loosveldt asked whether consideration was given to realigning the sign to face 23rd Avenue. **The Applicant Team** responded that they considered many orientations and chose to orient the sign facing Willard Street to broaden visibility for westbound traffic on Willard Street but would consider reorienting the sign to face 23rd Avenue.

Commissioners Sherman, Edge, and Massey expressed support for the application.

Chair Loosveldt requested that the applicants orient the sign to face 23rd Avenue and provide a photometric study. **Vice Chair Edge** asked if Chair Loosveldt would be satisfied with a condition of approval requiring staff review of a photometric study. **Commissioner Hemer** asked whether including a requirement for a photometric study in the conditions of approval would be necessary if the sign illumination will be reviewed regardless during the sign permitting process. **Kelver** responded that the sign's capability to automatically adjust its level of illumination will be reviewed during the sign permitting process. Due to the dynamic nature of ambient light, the brightness of the sign at a given time would only be reviewed as a performance measure if there is reason to believe the sign illumination is violating code by exceeding the 0.3-footcandle requirement.

Commissioner Hemer asked Chair Loosveldt to clarify the proposed condition of approval regarding sign orientation for staff. **Kelver** shared an image of the proposed site location and Chair Loosveldt explained the proposed orientation of the sign to face 23rd Avenue. **Commissioner Sherman** noted that the orientation proposed by the Chair may limit visibility for people coming from the building. **Chair Loosveldt** suggested that visibility would be improved for people exiting the school from the west-facing entrance. **Commissioner Massey** expressed concern that the commission might change the sign angle without getting more information, after the Applicant Team had indicated that they considered different sign angles and decided on the proposed orientation. **Chair Loosveldt** noted that the Applicant Team had indicated willingness to consider shifting the sign angle. **Vice Chair Edge** suggested that the group take a short

recess to allow staff and the Applicant Team to confer about prospective conditions. A motion was made and approved to grant a 10-minute recess.

After the recess, **The Applicant Team** clarified that the proposed sign is one-sided and that facing the sign towards 23rd Avenue would not allow members of the student body to view the sign when entering or exiting the building. The building across Willard Street from the proposed sign is an office building for Northwest Housing Alternatives and does not contain residential units. **The Applicant Team** would prefer a condition requiring the sign to shut off at 10 PM over one requiring the sign orientation to be rotated from the proposed angle.

Chair Loosveldt requested that a condition of approval be added to require the sign to be turned off after 10PM. **Commissioner Hemer** requested that additional language be added to the 10 PM shutoff condition providing an exception for emergency use.

CSU-2021-005, MHS Reader Board Sign, was approved by a 7-0 vote with the findings and conditions of approval presented in the staff report and an additional condition of approval that the reader board sign be shut off after 10PM except for emergency situations.

(01:48:54)

7.0 Planning Department Other Business/Updates

Commissioner Hemer noted a presentation on exclusionary practices and laws in the Oak Lodge area on March 12, 2022 for the Oak Lodge Governance Project.

(01:51:45)

8.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(01:51:47)

9.0 Forecast for Future Meetings:

- | | |
|----------------|--|
| March 22, 2022 | 1. Public Hearing: R-2021-004, 8-lot Subdivision Replat at 10586 & 10610 SE Home Ave |
| April 12, 2022 | 1. Public Hearing: VR-2022-001, Setback Variance at 2807 SE Sherrett St |
| | 2. Public Hearing: Senate Bill 458 Code Amendments |
| | 3. Public Hearing: VR-2021-012, 9285 SE 58 th Dr |

Meeting adjourned at approximately 7:23 p.m.

Respectfully submitted,

Will First, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Brett Kelter, Senior Planner

Date: April 19, 2022, for April 26, 2022, Public Hearing

Subject: **File(s):** R-2021-004 (principal), with VR-2021-019
Applicant/Owner: Victoria Rystadt
Address(es): 10586 and 10610 SE Home Ave
Legal Description(s) (Map & Tax Lot): 1S2E30CD10100 and 1S2E31BA00700
NDA: Hector Campbell

ACTION REQUESTED

Resume the public hearing on principal application R-2021-004, continued from the March 22 meeting. Approve R-2021-004 and adopt the revised recommended Findings and Conditions of Approval found in Attachments 1 and 2, respectively. This action would allow the subject properties to be replatted to establish eight distinct lots.

BACKGROUND INFORMATION

At the March 22 hearing, staff and the applicant each made presentations to explain the proposal and the Planning Commission took public testimony on the application. After the close of public testimony, the applicant proposed to revise the design for the connection of Harrison Street to Home Avenue and allow an opportunity for written public comment on the new proposal. A schedule was announced with deadlines for providing the revised design (by March 29—see Attachment 3), accepting written public comments on the design (by April 5—see Attachment 4), allowing a response from the applicant (by April 12—see Attachment 5), and resuming the hearing (on April 26). The public comment portion of the hearing was closed, with no additional public testimony to be taken after the April 5 deadline for written comments on the revised proposal.

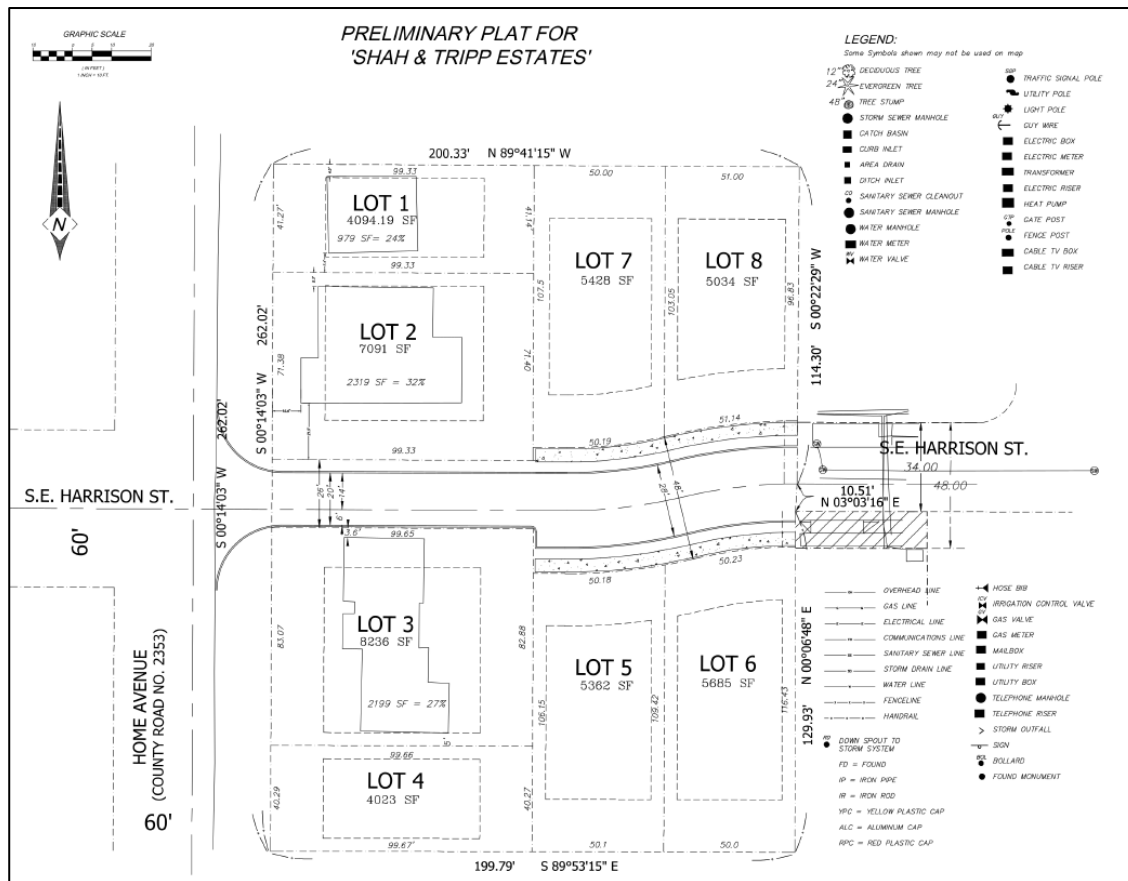
Proposal

The site consists of two properties that are comprised of 16 underlying lots from the Minthorn Addition subdivision (platted in 1890). Both properties are currently developed with single-unit houses, with one house on 10610 SE Home Ave and two houses on 10586 SE Home Ave. The

applicant has proposed to replat the properties, consolidating and reconfiguring the historical underlying lots to establish eight distinct lots. Three of the lots will contain the existing houses, while the other five lots will be vacant and developable.

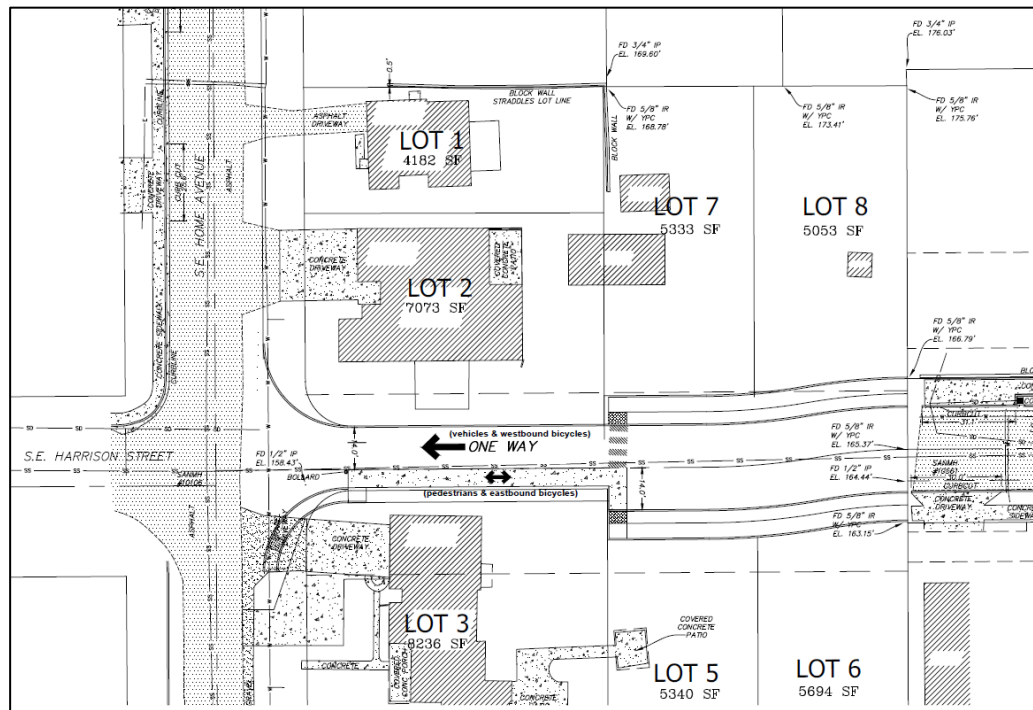
As shown in Figure 1, Lots 1-4 will front on Home Avenue; Lots 5-8 will have frontage on a full-width extension of Harrison Street from its current terminus within the adjacent Mission Park subdivision to the east. A narrower portion of Harrison Street between Lots 2 and 3 will connect to Home Avenue. The applicant has requested variances to reduce the lot width and lot area of Lots 1 and 4 below the minimum standards.

Figure 1. Proposed Lot Configuration



In response to public testimony in opposition to the proposed two-way street connection on Harrison Street to Home Avenue, the applicant provided a revised plan for the Harrison Street roadway (see Figure 2, next page). The revised roadway plan maintains bicycle and pedestrian traffic in both directions but allows only one-way (westbound) vehicle traffic. A concrete walkway is designated for pedestrian use, with bollards and/or removable signposts at the east and west ends of the narrower portion of the Harrison Street extension between Lots 2 and 3 that can be removed as needed to provide the required access for fire and emergency vehicles. The revised plan shifts the roadway alignment 5 ft to the north; this impacts the dimensions of Lots 2 and 3 but does not create the need for additional variances. See Attachment 6 for a revised version of the preliminary plat that reflects the realignment of the roadway and a more detailed survey of the subject properties.

Figure 2. Revised roadway plan (Harrison Street extension)



(Note: The applicant's revised roadway design does not necessarily represent the final construction plan, as it will be adjusted as needed to meet applicable Public Works standards as determined by the Engineering Department. For example, the applicant's revised design does not show a striped bicycle lane that will may be required to properly delineate the space where bicycles are expected to travel. It also shows only one bollard at the west end of Harrison Street, when at least one additional bollard or removable signpost at the east end of the narrower portion of the Harrison Street extension will also be required. Pavement markings, signage, and features such as a tactile warning strip will also be added to the final construction plan.

KEY ISSUES

In the staff report prepared for the March 22 meeting, staff identified two key issue(s) for the Planning Commission's deliberation:

- Are there any concerns with allowing the requested variances for lot width and lot area for Lots 1 and 4?
- The extension of Harrison Street through to Home Avenue for vehicle access.

In retrospect, it is more accurate to say that, while the Harrison Street issue reflects the most loudly voiced concern raised in the public comments and testimony, it is not an aspect of the replat application over which the Planning Commission has any authority. Indeed, had the subject property not contained three existing homes, the dedication/extension of Harrison Street to Home Avenue would have been required by the City as part of the development process. The same is true with respect to concerns raised in public testimony about the proposed removal of trees—there was no applicable code requirement related to tree protection on private property

in effect at the time this application was filed. The only key issue for Planning Commission deliberation is that of the variance requests, which were discussed at length in the staff report prepared for the March 22 meeting. But this report will address the street connection issue since it was the primary reason the hearing was continued.

Analysis

The approval criteria for land division are centered on a confirmation that the proposed lots meet the dimensional standards for the underlying zone, including lot width, lot depth, lot area, and setbacks for existing development. New lots must have frontage on a public street. Developable lots must also provide adequate access for fire vehicles, though how they do that is outside of the land division code.

As discussed in the staff report provided for the March 22 meeting, the Mission Park subdivision was platted in such a way as to continue Harrison Street west to Home Avenue at such time as the subject properties at 10586 and 10610 SE Home Ave were redeveloped. The existing development on Lots 2 and 3 has limited the City's ability to require dedication of a full-width public street connection, putting the applicant in the driver's seat for deciding how to provide the required fire access. Having determined that a turnaround would significantly impact the proposed lot configuration, the applicant has decided instead to dedicate a public street wide enough to meet the requirements for fire access.

The Planning Commission is not empowered to dictate how the fire access requirement is met. Whether or not Harrison Street connects to Home Avenue for vehicle access is not a question related to the approval criteria for the replat itself and has nothing to do with the variances requested for lot width and lot area. The applicant has proposed the street connection, which brings the street system into compliance with respect to the street design standards established in Milwaukie Municipal Code (MMC) Section 19.708 (including for maximum block perimeter). The City Engineer has determined that the revised roadway design is consistent with applicable standards. Staff has not identified any approval criteria for the proposed replat or requested variances that relate to the issue of street connectivity or that would otherwise give the Planning Commission discretion to address the issue.

Not surprisingly, the proposal to open the existing dead-end street system has generated strong feelings of apprehension among many residents of the Mission Park area. The City Engineer has responded to concerns about increased traffic and vehicle speeds based on experience and expertise related to transportation engineering principles. There is no basis for anticipating cut-through traffic or higher average vehicle speeds at this location or along 51st Avenue as a result of the proposed street connection.

For better functionality over the long term, the City's preferred design for the Harrison Street extension is for two-way vehicle traffic; however, the applicant's revised roadway plan allowing only one-way westbound vehicle traffic is an acceptable configuration. The one-way circulation plan maintains full access for bicycles and pedestrians, prevents the need for garbage trucks and delivery vehicles to turn around to exit the neighborhood, and provides an alternative route that should reduce the number of exit trips at the intersection of 51st Avenue

and King Road. The City Engineer will work with the applicant to confirm that the final detailed design meets all applicable Public Works standards.

Regarding the request in several of the latest public comments to prohibit construction traffic from using 51st Avenue, the City Engineer will not unilaterally implement such a restriction. The applicant may choose to direct construction traffic to use Home Avenue as the primary access point during construction of the roadway, since the one-way restriction will not become active until the new street is built. (That would of course transfer the burden of construction traffic entirely to the residents along Home Avenue.) Once the one-way restriction is in effect, however, it will not be safe to allow construction traffic to go the wrong way on Harrison Street.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the application for subdivision replat as proposed, including the requested variances for lot depth and lot area. This will allow the establishment of eight distinct lots, three with existing houses and five that are vacant and developable.
2. Adopt the attached Findings and Conditions of Approval, both of which have been revised from their March 22 versions to describe the revised roadway plan.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Title 12 Streets, Sidewalks, and Public Places
- MMC Title 17 Land Division, including:
 - MMC Chapter 17.12 Application Procedure & Approval Criteria
 - MMC Chapter 17.16 Application Requirements and Procedures
 - MMC Chapter 17.20 Preliminary Plat
 - MMC Chapter 17.28 Design Standards
 - MMC Chapter 17.32 Improvements
- MMC Section 19.301 Low Density Residential Zones (including R-5)
- MMC Chapter 19.500 Supplementary Development Regulations
- MMC Section 19.607 Off-Street Parking Standards for Residential Areas
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review
- MMC Chapter 19.1200 Solar Access Protection

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 four decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. 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 May 18, 2022, 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

As addressed at the end of the March 22 meeting, the applicant proposed to revise the Harrison Street roadway plan (see Attachment 3) and to provide an opportunity for public comment on it. The following is a summary of the responses received by the City on the revised plan. See Attachment 4 for further details. The applicant's response to these public comments is included as Attachment 5.

- **Tamara and Tom Wissbaum, owners/residents at 10450 SE 51st Ave:** Still strongly opposed to the proposal to open 51st Avenue and Harrison Street to through traffic, even as a one-way street for vehicles westbound to Home Avenue.
- **Cameron McKillop and Heather Buchanan, owners/residents at 5048 SE Harrison St:** Worried more about speeding than increased traffic, and the proposed one-way street will not address the speed concern. Recommend a hammerhead turnaround or a blocked-off connection accessible only for fire trucks and bicycles and pedestrians, with the existing sidewalk extending from its current end on Harrison Street all the way to Home Avenue.
- **Allison Kruse, owner/resident at 10449 SE 51st Ave:** Requests "Local Access Only" signage at the new corner of Harrison Street and Home Avenue. Requests that construction vehicles for future homes on the new lots be required to exit and enter only from Home Avenue via Harrison Street (not on 51st Avenue). Requests that trees not in the path of the roadway be preserved wherever possible, particularly trees large enough to be protected by the imminent tree protection rules that are nearing adoption by the City.
- **Axis Espinosa, owner/resident at 5025 SE Llewellyn St:** Does not believe that a through street is necessary or worth the trade-off of the peace of mind that a closed-street system provides. Would prefer a turnaround instead of any through connection.

- **Ley Garnett, owner/resident at 4928 SE Llewellyn St:** Encourages the Planning Commission to require maximum street-tree plantings on the Harrison Street extension.
- **Sandy Conley, owner/resident at 10434 SE 51st Ave:** Prefers to have 51st Avenue remain a dead-end street. The proposed one-way exit on Harrison Street will increase traffic in the rest of Mission Park because there will still be only one way into the subdivision. Requests that construction traffic use the new Harrison Street extension from Home Avenue and not use 51st Avenue. Hopes that the large fir trees on the site will not be cut as part of this development.
- **Amaya Blanco-Chapin and Phil Chapin, owners/residents at 10402 SE 51st Ave:** Concerned because the proposed one-way design will route all incoming traffic through the intersection of 51st Avenue and King Road. Propose instead that bollards be placed at the current end of Harrison Street so that 51st Avenue essentially remains a dead-end street, with the proposed new lots accessible from Home Avenue via the new Harrison Street as a two-way section.

ATTACHMENTS

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

	Public Copies	E-Packet
1. Recommended Findings in Support of Approval (revised from March 22)	☐	☒
2. Recommended Conditions of Approval (revised from March 22)	☐	☒
3. Applicant's Revised Roadway Design for Harrison Street (received March 29)	☒	☒
4. Public Comments on Revised Roadway Design (received by April 5)	☒	☒
5. Applicant's Response to Public Comments (posted April 11)	☒	☒
6. Revised Plat (based on more detailed survey—updated April 18)	☐	☒

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/r-2021-004>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-94>.

ATTACHMENT 1
Revised Recommended Findings in Support of Approval
PrimaryPrincipal File #R-2021-004
(Changes shown in ~~strikeout~~/underline format)

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

1. The applicant, Victoria Rystadt, has applied for approval to replat the properties at 10586 and 10610 SE Home Ave (“the subject properties”) to establish eight distinct lots. The proposal includes variance requests to adjust lot width and lot area standards for two of the lots. The subject properties are identified as Tax Lots 1S2E30CD10100 and 1S2E31BA00700 on the Clackamas County Tax Assessor map and are in the Residential R-5 Zone. The principal land use file number for the proposed subdivision replat is R-2021-004, with VR-2019-019 for the requested variances.
2. The subject properties are each approximately 26,000 sq ft in area (just under 0.6 acres each, or 1.19 acres total) and are comprised of 16 total underlying lots (25 ft wide by 100 ft deep) from Blocks 20 and 37 of the Minthorn Addition, platted in 1890. In addition, each property includes a 30-ft width of the Harrison Street right-of-way, which was vacated in 1926. Both properties are currently developed with single-unit houses and several detached accessory structures. There is one house on 10610 SE Home Ave and two houses on 10586 SE Home Ave (the second house is addressed as 10544 SE Home Ave). The proposed replat would consolidate and reconfigure the historical underlying lots to establish eight distinct lots. Three of the lots (Lots 1, 2, and 3) will contain the three existing houses (10544, 10586, and 10610 SE Home Ave, respectively); the other five lots will be vacant and developable.

Lots 1-4 will front on Home Avenue; Lots 5-8 will have frontage on a new extension of Harrison Street from its current terminus within the adjacent Mission Park subdivision to the east. A narrower fire lane access will be dedicated as public right-of-way between Lots 2 and 3 to connect Harrison Street to Home Avenue. The new street will have full improvements in front of Lots 5-8 (with a 48-ft right-of-way); the fire lane between Lots 2 and 3 (with a 2026-ft right-of-way) will be improved with a durable surface and clearance sufficient for fire and emergency vehicles. The applicant has requested variances to reduce the lot width and lot area of Lots 1 and 4 below the minimum standards.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Title 12 Streets, Sidewalks, and Public Places
 - MMC Title 17 Land Division, including:
 - MMC Chapter 17.12 Application Procedure & Approval Criteria
 - MMC Chapter 17.16 Application Requirements and Procedures
 - MMC Chapter 17.20 Preliminary Plat
 - MMC Chapter 17.28 Design Standards

- MMC Chapter 17.32 Improvements
- MMC Section 19.301 Low Density Residential Zones (including R-5)
- MMC Chapter 19.500 Supplementary Development Regulations
- MMC Section 19.607 Off-Street Parking Standards for Residential Areas
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review
- MMC Chapter 19.1200 Solar Access Protection

The applicant has been authorized by both property owners to initiate the application per MMC Subsection 19.1001.6.A. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing with the Planning Commission was held on March 22, 2022, as required by law, and was continued to April 26, 2022.

4. MMC Title 12 Streets, Sidewalks, and Public Places

a. MMC Chapter 12.08 Street and Sidewalk Excavations, Construction, and Repair

MMC 12.08 applies to all construction that is completed in the right-of-way that is eventually dedicated to the City.

As proposed, the applicant's public improvement process will follow the requirements MMC Section 12.08.020.

This standard is met.

b. MMC Chapter 12.16 Access Management

MMC 12.16 regulates access from private property onto public streets, with specific requirements and standards provided in MMC Section 12.16.040.

- (1) MMC Subsection 12.16.040.A requires that all properties be provided street access with the use of an accessway.

The proposed development is conditioned to be constructed in compliance with the City of Milwaukie Public Works Standards and is consistent with MMC 12.16.040.A.

- (2) MMC Subsection 12.16.040.C regulates accessway location, including the required minimum distance from the side property line of 7.5 ft.

The proposed development is conditioned to be constructed in compliance with the City of Milwaukie Public Works Standards and is consistent with MMC 12.16.040.C.

- (3) MMC Subsection 12.16.040.D establishes standards for the number of accessways, minimizing the number of accessways on arterial streets and limiting single-unit residential uses to 1 accessway each.

The proposed development is conditioned to be constructed in compliance with the City of Milwaukie Public Works Standards and is consistent with MMC 12.16.040.D.

A condition has been established to ensure that construction of curb cuts and accessways for new single-unit residential uses will be completed in compliance with the City of Milwaukee's Public Works Standards. As conditioned, these standards are met.

As conditioned, the Planning Commission finds that the applicable standards of MMC Title 12 are met.

5. MMC Title 17 Land Division

MMC Title 17 establishes the standards and procedures for land division and property boundary changes.

a. MMC Chapter 17.12 Application Procedure and Approval Criteria

MMC 17.12 specifies the process and procedures for lot consolidation, property line adjustment, partition, subdivision, and replat.

The subject properties are comprised of 16 existing underlying lots (each one 25 ft by 100 ft) and a 30-ft width of vacated right-of-way from the Minthorn Addition, a subdivision platted in 1890. The northern property is comprised of Lots 25-32 from Block 20 and the northern 30 ft of the vacated Harrison Street right-of-way. The southern lot is comprised of Lots 17-24 from Block 37 and the southern 30 ft of the vacated Harrison Street right-of-way.

The proposed reconfiguration would consolidate the underlying lots and vacated right-of-way and establish eight new lots and dedicated right-of-way for Harrison Street. This action constitutes a subdivision replat as per the definitions of MMC Chapter 17.08 and the guidance of MMC Table 17.12.020.

MMC Section 17.12.030 establishes the approval criteria for lot consolidation, property line adjustment, and replat. The proposed replat meets these criteria as described below.

(1) Compliance with MMC Titles 17 and 19.

As demonstrated by the applicant's submittal materials and evidenced by these findings, including the variance requests addressed in Finding 10, the proposed replat complies with all applicable standards of MMC Titles 17 and 19. As proposed, this criterion is met.

(2) The boundary change will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

The proposed replat will provide sufficient area on all proposed lots to accommodate future development in accordance with the standards of the underlying R-5 zone. To accommodate existing development on the subject properties, the applicant has requested variances to the lot width and lot area standards for Lots 1 and 4, as discussed in Finding 10. But each of the proposed lots will be developable or re-developable without the need for a variance. As proposed, this criterion is met.

- (3) Boundary changes must not reduce residential density below the minimum density requirements of the underlying zone.

Each of the subject properties is just under 0.6 acres (26,000 sq ft) in area, for a total of 1.19 acres (52,000 sq ft). The existing lots are zoned R-5, which has a minimum density requirement of 7.0 units/acre. Although the current limitations of the R-5 zone make it impossible to achieve the prescribed minimum density of 4 units per lot without partitioning (a duplex is the most dense form of residential development allowed on a single R-5 lot), the subject properties have a total minimum density requirement of 8.33 units, which rounds down to 8 units.

The proposed replat will create eight lots and includes the dedication of approximately 3,400 sq ft as public right-of-way. As per the measurement methodology established in MMC Subsection 19.202.2.4, the right-of-way dedication reduces the net area for calculating density to 1.16 acres, which still results in a required minimum density of 8 units. The proposed lots range in size from 4,023 sq ft to 8,236 sq ft, which, in accordance with the standards of the R-5 zone as discussed in Finding 6 and with the variances discussed in Finding 10, will allow one primary residential unit each. As proposed, this criterion is met.

As proposed, the Planning Commission finds that the preliminary plat meets the applicable criteria.

b. MMC Chapter 17.16 Application Requirements and Procedures

MMC Section 17.16.050 establishes the application requirements for replat, including completed application forms and checklists, applicable fees, a narrative describing how the proposal meets approval criteria, and the applicable information specified for preliminary plat on the City's Preliminary Plat Checklist and in MMC Chapter 17.20 Preliminary Plat.

The applicant's submittal materials include the necessary forms, checklists, and fees, as well as a narrative, preliminary plat document, and other information sufficient to demonstrate compliance with the applicable standards and criteria.

As proposed, the Planning Commission finds that the application meets the applicable requirements for replat submittal.

c. MMC Chapter 17.20 Preliminary Plat

MMC 17.20 establishes the information required for a preliminary plat, including general information to be shown on the plat and existing and proposed conditions.

The applicant's preliminary plat submittal is to scale and includes a map of existing conditions, contour lines, utilities, proposed street layout, and minimum required setbacks on all eight proposed lots.

As proposed, the Planning Commission finds that the proposed preliminary plat includes the relevant and necessary information as outlined in MMC 17.20.

d. MMC Chapter 17.28 Design Standards

MMC 17.28, particularly MMC Section 17.28.040, establishes standards for lot design for land divisions and boundary changes.

- (1) MMC Subsection 17.28.040.A requires that the lot size, width, shape, and orientation must be appropriate for the location and the type of use contemplated, as well as that minimum lot standards must conform to Title 19.

As discussed in Finding 6, the proposed lots meet the minimum area and dimensional requirements for the underlying R-5 zone, except where variances have been requested for the lot width and lot area of Lots 1 and 4 (discussed in Finding 10). As proposed, and with the variances approved as discussed in Finding 10, this standard is met.

- (2) MMC Subsection 17.28.040.B requires that lot shape must be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, must run at right angles to the street upon which the lots face. As far as practicable, the rear lot line must run parallel to the street.

The proposed lots are both rectilinear in shape and have frontage on public streets (Home Avenue for Lots 1-4 and an extension of Harrison Street for Lots 5-8. The side lines of all lots run at right angles to the streets they face, and the rear lot lines are parallel to those streets. As proposed, this standard is met.

- (3) MMC Subsection 17.28.040.C limits compound lot lines for side or rear lot lines. Cumulative lateral changes in direction exceeding 10% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911.

The proposed replat does not include any compound lot lines. This standard is met.

- (4) MMC Subsection 17.28.040.D allows lot shape standards to be varied pursuant to MMC 19.911.

No variance to the lot shape standards is requested in this application.

- (5) MMC Subsection 17.28.040.E limits double frontage and reversed frontage lots, stating that they should be avoided except in certain situations.

None of the proposed lots is a double frontage or reversed frontage lot.

- (6) MMC Subsection 17.28.040.F requires that, pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access. This standard applies when a lot has frontage on more than one street.

As proposed, Lots 2 and 3 are corner lots and take access from Home Avenue, where they both have well over the minimum 35 ft of public street frontage. All other lots have frontage on only one street. As proposed, this standard is met.

As proposed, and with the variances approved as discussed in Finding 10, the Planning Commission finds that the lots presented in the applicant's preliminary plat meet the applicable design standards established in MMC 17.28.

e. MMC Chapter 17.32 Improvements

MMC 17.32 establishes procedures for public improvements, including a requirement that work shall not begin until plans have been approved by the City.

As discussed in Finding 9, dedication to the public right-of-way and physical improvements are required to establish Lots 5-8 and the applicant has proposed additional improvements between Lots 2 and 3 to provide the required fire access. Conditions of approval have been established to ensure that all improvements are designed and constructed as required.

As conditioned, the Planning Commission finds that the applicable standards of MMC 17.32 are met.

As proposed, the Planning Commission finds that the proposed replat meets all applicable standards of MMC Title 17.

6. MMC Section 19.301 Low Density Residential Zones (including R-5)

MMC 19.301 contains standards for Low Density Residential zones, including the R-5 zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed in the R-5 zone, including single-family detached dwellings, duplexes, and accessory dwelling units (ADUs) as outright permitted uses.

As proposed, the existing houses will remain on Lots 1, 2, and 3. Lots 4-8 are large enough and dimensioned to allow development of single-unit houses, which is an allowed use in the R-5 zone. Future development on Lots 4-8 will be reviewed for compliance with the applicable standards of the R-5 zone and other relevant sections of the municipal code at that time.

By definition, accessory uses are allowed only when there is a primary use on the site, so the existing accessory structures that would be completely or partially on Lots 2 and 7 as well as on Lots 3 and 5 cannot remain without a conforming use being established on the site and cannot encroach across property lines if the various properties are under separate ownership. The applicant has proposed to remove the existing accessory structures, and a condition has been established to clarify the timing of that required action.

As conditioned, this standard is met.

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-5 zone. The applicable standards are addressed and met as described in Table 6-b (Applicable R-5 Development Standards) below.

Table 6-b Applicable R-5 Development Standards									
Standard	R-5 Requirement	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	5,000 sq ft	4,182 4,094 sq ft (see Finding 10 for discussion of requested variance)	6,222 7,091 sq ft	8,734 8,236 sq ft	4,017 4,023 sq ft (see Finding 10 for discussion of requested variance)	5,553 5,362 sq ft	5,716 5,685 sq ft	5,130 5,428 sq ft	5,042 5,034 sq ft
Lot Width	50 ft	41.9 41.27 ft (see Finding 10 for discussion of requested variance)	62.3 71.38 ft	87.8 83.07 ft	40.29 ft (see Finding 10 for discussion of requested variance)	50.1 ft	50.00 ft	50.00 ft	51.00 ft
Lot Depth	80 ft	99.7 99.33 ft	99.7 99.33 ft	98.8 99.65 ft	99.9 99.66 ft	128 107.79 ft	113.75 112.92 ft	102.3 105.28 ft	99.45 99.94 ft
Public Street Frontage	35 ft	41.9 41.27 ft	62.3 71.38 ft + 99.7 99.33 ft = 162 170.71 ft (corner lot)	87.8 83.07 ft + 98.8 99.65 ft = 186.6 182.72 ft (corner lot)	40.29 ft	50.1 ft	50.00 ft	50.00 ft	51.2 51.00 ft
Front Yard	20 ft	20 ft	11.2 10.9 ft (existing, no change proposed)	27.5 ft	Not Applicable until time of development (NA)	NA	NA	NA	NA
Side Yard	5 ft (interior yards) 15 ft (street-side yards)	4.0 4.5 ft (north side =	5.1 5.3 ft (north side)	8.2 3.6 ft (north/street-	NA	NA	NA	NA	NA

		existing, no change proposed) 7.4 ft (south side)	13.3 21.5 ft (south/street- side = see Finding 7 re: exception)	side = see Finding 7 re: exception) 5 ft (south side)					
Rear Yard	20 ft	c.45 ft	c.27 ft	c.32 ft	NA	NA	NA	NA	NA
Maximum Building Height	2.5 stories or 35 ft (whichever is less)	1 story, <20 ft	1 story, <20 ft	2 stories, <35 ft	NA	NA	NA	NA	NA
Side-Yard Height Plane Limit	20 ft (with 45° slope)	<20 ft	<20 ft	>20 ft (see Finding 7 re: exception)	NA	NA	NA	NA	NA
Maximum lot coverage	35%	27 24 %	36 32 %	24 27 %	NA	NA	NA	NA	NA
Minimum vegetation	25%	68 72 %	53 62 %	57 68 %	NA	NA	NA	NA	NA
Front Yard Minimum Vegetation	40%	74 82 %	62 67 %	58 74 %	NA	NA	NA	NA	NA
Density requirements	Total area of subject property is 1.19 acres Min. density = 8 units (@7.0 units/acre) Max. density = 10 units (@8.7 units/acre)	0.1 0.09 acres Min. & Max. density = 1 dwelling unit (existing single-unit house)	0.14 0.16 acres Min. & Max. density = 1 dwelling unit (existing single-unit house)	0.2 0.19 acres Min. & Max. density = 1 dwelling unit (existing single-unit house)	0.09 acres Min. & Max. density = 1 dwelling unit (sized for single-unit house)	0.13 0.12 acres Min. & Max. density = 1 dwelling unit (sized for single-unit house)	0.13 acres Min. & Max. density = 1 dwelling unit (sized for single-unit house)	0.12 acres Min. & Max. density = 1 dwelling unit (sized for single-unit house)	0.12 acres Min. & Max. density = 1 dwelling unit (sized for single-unit house)

As proposed, and as per the exceptions and variances discussed in Findings 7 and 10, respectively, the applicable development standards of MMC Subsections 19.301.4 and 19.301.5 are met.

As conditioned, and with approval of the variances discussed in Finding 10, the Planning Commission finds that the applicable R-5 zone standards of MMC 19.301 are met.

7. MMC Chapter 19.500 Supplementary Development Regulations

MMC 19.500 establishes various regulations for development in addition to those of the base zone, including by-right exceptions and standards for accessory structures, accessory uses, site design, building design, manufactured dwelling siting and design, home occupations, downtown site and building design, marijuana businesses, and green buildings.

Within those regulations, MMC Subsection 19.504.2 provides that lot area, yards and other open spaces, and off-street parking and loading areas are not to be reduced below the minimum requirements of the zoning code except when the reduction happens by dedication or conveyance for a public use.

Currently, along their shared boundary the existing houses on 10586 and 10610 SE Home Ave meet the R-5 minimum side yard setback standard of 5 ft (at approximately 41 ft and 10 ft, respectively). The proposed dedication of a 26 ft width as public right-of-way between Lots 2 and 3 not only reduces the setback for both houses but also converts what had been an interior yard into a street-side yard for both. The minimum R-5 street-side yard setback requirement is 15 ft. The house on Lot 2 will have a street-side yard setback of 13.3 ft; the street-side yard for the house on Lot 3 will be reduced to 8.2 ft, both well below the standard. However, the provision of MMC 19.504.2 allows such a reduction without need for a variance when the reduction is the result of a dedication.

Likewise, the proposed right-of-way dedication and the new designation of a street-side yard on the north side of Lot 3 push the existing structure out of compliance with the side-yard height plane limit. Again, however, MMC 19.504.2 allows the reduction without need of a variance.

The Planning Commission finds that the allowance of MMC 19.504.2 is applicable to the proposed replat and the newly nonconforming nature of the street-side yard and side-yard height plane limits for Lots 2 and 3, as applicable. This standard is met.

8. MMC Section 19.607 Off-Street Parking Standards for Residential Areas

MMC Subsection 19.607.1 establishes standards for residential driveways and vehicle parking areas, including a requirement for providing at least one off-street parking space for the property that is not located in the required front or street-side yard. The parking space must be at least 9 ft wide by 18 ft deep. No more than 50% of the front yard area can be used for parking, with no more than three parking spaces allowed in the front yard. In addition, the subsection does not allow parking spaces in the required front yard to be counted toward the minimum required parking.

As per MMC Subsection 19.602.3.B, existing off-street parking areas must be brought closer to conformance when new development or changes of use occur; conversely, new development cannot cause existing parking areas to fall out of compliance (or farther out of conformance). The applicant must demonstrate that the proposed replat does not make the existing development on Lots 1-3 nonconforming with the applicable standards of MMC 19.607; the compliance of Lots 4-8 with the applicable off-street parking standards will be evaluated at such time as development is proposed on each lot.

The existing houses at 10544, 10586, and 10610 SE Home Ave all have driveways leading to attached garages. None of the driveways occupy more than 50% of the front yard area nor provide room for more than three parking spaces. The required parking space for each house is counted within the garage for each, and only the garage for 10586 SE Home Ave is nonconforming with respect to meeting the front yard setback requirement of 20 ft. With the proposed replat, the three houses will be separated onto Lots 1, 2, and 3, respectively, and no aspect of the existing off-street parking situation will be affected for any of the three. Compliance of the other five lots with the standards of MMC 19.607 will be evaluated at the time of development for each.

As proposed, the Planning Commission finds that the existing development's compliance with the applicable standards of MMC 19.607 will remain unchanged. This standard is met.

9. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including land divisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to replat the subject properties to create eight distinct lots. The proposed replat triggers the requirements of MMC 19.700.

MMC 19.700 applies to the proposed development.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and establishing approval criteria.

The applicant had a preapplication conference with City staff on April 22, 2021. As stated in Finding 9-c, a Transportation Impact Study (TIS) is not required, therefore a Transportation Facilities Review application is not necessary.

This standard is met.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

The City Engineer has determined that a TIS is not required, as the impacts of the proposed replat on the transportation system are minimal. No change is proposed to the existing land

use of the subject properties (i.e., low-density residential). New impacts are estimated at an average PM peak hour trip generation of 1.0 trips per lot, the level established in the Institute of Transportation Engineers (ITE) Manual for single-unit detached dwellings.

This standard is met.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

The proposed replat would establish eight lots, with five new developable lots. Lots 1, 2, and 3 will retain three existing houses and so present no new impacts to the transportation system. Lot 4 fronts Home Avenue and is subject to a Fee In Lieu of Construction (FILOC) as noted in Finding 9-e. Lots 5-8 will have frontage on a new extension of Harrison Street that the applicant is responsible to construct. The requirements for this extension are discussed in Finding 9-e.

A condition has been established to ensure that the fire-lane segment of the Harrison Street extension between Lots 2 and 3 will be constructed to meet applicable fire and life safety requirements as well as to enable pedestrian, bicycle, and vehicle access. Lots 2 and 3 present no new impacts; however, the applicant is required to provide a minimum 20-ft wide fire access lane to connect the extension of Harrison Street (adjacent to Lots 5-8) to Home Avenue. Improvements to the Harrison Street extension and fire lane are required to be constructed as shown in the Proposed Improvement Plans (as submitted with this land use application and revised by the applicant in response to public testimony) and in conformance with the City's Public Works Standards. However, the City is opting to utilize surface treatments for the fire lane as shown in the adopted low-volume street concept plan and to connect the proposed new sidewalk on the south~~north~~ side to the fire lane and tie in the fire-lane pedestrian way to a curb ramp at Home Avenue. The costs of these additional bicycle and pedestrian improvements on the fire lane are reimbursable by the City to the developer.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements of the new portion of Harrison Street and FILOC for the Lot 4 frontage.

As conditioned, this standard is met.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications, including for arterial and local streets. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

All streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way (ROW) and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner. In addition, all signs, structures, or vegetation over 3 ft in height shall be removed from “vision clearance areas” at intersections of streets, driveways, and alleys.

The Milwaukie TSP and Transportation Design Manual (TDM) classify Home Avenue as a neighborhood route and Harrison Street as a local street. As established in MMC Table 19.708.2, the required ROW width for both a neighborhood street and a local street is between 20 ft and 68 ft, depending on the required street improvements.

The existing ROW on Home Avenue in front of the subject properties is 60 ft wide and has curb and curb-tight sidewalks on the west side north of Harrison. The frontage is substandard, but as noted in Finding 9-d, the creation of Lots 1, 2, and 3 would result in no new impacts to Home Avenue, which is the street where these three lots take access. The newly created Lot 4 will result in new impacts and is required to improve its frontage on Home Avenue; however, the required improvements are part of a larger approved capital improvement project for Home Avenue that is listed as a funded project in the City’s Capital Improvement Program. As allowed by MMC Section 13.32.020, the applicant has requested and the City will accept payment of FILOC instead.

The existing ROW on Harrison Street at its current terminus in the Mission Park subdivision to the east is 48 ft wide and has curb, gutter, and setback sidewalk on the north and south sides of the ROW. The creation of Lots 5-8 requires the extension of Harrison Street to provide access and the required public street frontage.

For the ROW of the Harrison Street extension in front of Lots 5-8, a 48-ft width is required, with each half-street improvement including a 13-ft minimum paved asphalt travel way, 6-in curb and 1-ft gutter, a minimum landscape strip width of 4 ft, and a minimum setback sidewalk width of 5 ft. The required full street width from curb-to-curb is 28 ft, including the gutter. Where landscape strips are required, street trees are required to be planted a minimum of every 40 ft in accordance with the Public Works Standards and Milwaukie Street Tree List and Street Tree Planting Guidelines. Type III barricades are required at the end of sidewalk adjacent to Lots 5 and 7, and asphalt transition ramps are required to connect the pedestrian route to the narrow extension of Harrison Street between Lots 2 and 3.

For the ROW of the Harrison Street fire-lane segment between Lots 2 and 3, a minimum width of 26 ft is required, with a 6-ft-wide water quality facility and a minimum paved width of 20 ft for shared vehicular and pedestrian access in line with a “woonerf” style of “Complete Street” design. A tactile warning strip and pavement markings delineating a 14-ft vehicular travel lane on the ~~north~~~~south~~ side and 6-ft pedestrian travel lane on the ~~south~~~~north~~ side are required as part of the design. The applicant is required to construct a curb ramp on the ~~southeast~~~~northeast~~ corner of Harrison Street and Home Avenue in compliance with all applicable requirements outlined in the Milwaukie Public Works Standards and the Americans with Disabilities Act (ADA); the western connection will be constructed by the

City as part of an upcoming capital improvement project on Home Avenue. An asphalt transition ramp connecting the pedestrian route from the ~~southeast~~^{northeast} corner of Home Avenue and Harrison Street to the Complete Street woonerf improvements is required.

As conditioned, and in accordance with the rough proportionality principles discussed above in Finding 9-d, the City will reimburse the applicant for actual costs to construct the ADA ramp at Home Avenue and Harrison Street, the three asphalt transition ramps, and the pavement markings and tactile warning strip on the narrow portion of the Harrison Street fire-lane segment between Lots 2 and 3.

As conditioned, the proposed replat meets all applicable standards of MMC 19.708.

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

The applicant is required to construct new 8-in ductile iron pipe (DIP) water main along the entire extension of Harrison Street to service Lots 5-8, with a new connection required at Home Avenue. Additionally, the applicant is required to upsize the existing 6-in water main line on Home Avenue to 8-in DIP for approximately 35 ft to meet with the existing undersized connection at Home Avenue and Harrison Street. This connection must be upsized by the applicant to accommodate the new 8-in line.

The applicant must provide engineered utility plans to the City Engineer for review and approval prior to construction to demonstrate compliance with all City Standards and requirements.

A condition has been established to require a 10-ft Public Utility Easement (PUE) along the frontage of each of the eight new lots.

As conditioned, the City will reimburse the applicant for actual costs to upsize the water line on Home Avenue, as the upsizing is not required for the proposed development itself but is required by the City to improve the existing system, including water pressure.

As conditioned, the proposed replat meets the applicable standards of MMC 19.709.

As conditioned, the Planning Commission finds that the proposed replat subdivision meets the applicable public facility improvement standards of MMC 19.700.

10. 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. 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 two variances: (1) to reduce the lot width of Lots 1 and 4 below the required minimum 50 ft to 41.27 ft and 40.29 ft, respectively; and (2) to reduce the area of Lots 1 and 4 below the required minimum 5,000 sq ft to 4,094 sq ft and 4,023 sq ft, respectively.

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 request for a 9- to 10-ft reduction from the 50-ft width requirement represents an 18-20% change, which is beyond the 10% allowance for Type II review. The lot area variance is not identified in MMC 19.911.3.B as being eligible for Type II review and so is subject to the Type III review process. Both variances must show compliance with the Type III approval criteria established in MMC Subsection 19.911.4.B.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4.B establishes approval criteria for Type III variance requests, including discretionary relief criteria and economic hardship criteria. The applicant may choose which set of criteria to meet based upon the nature of the request, the development proposal, and the existing site conditions.

The applicant has elected to address the discretionary relief criteria, which are provided in MMC Subsection 19.911.4.B.1. The requested variances for lot width and lot area are interconnected, so they are addressed together for Lot 1 and for Lot 4 below.

- (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.

Lot 1: Currently, the existing houses at 10544 and 10586 SE Home Ave are on the same lot; the proposed replat would put the 10544 house on its own lot (Lot 1). The 10544 house has a nonconforming side-yard setback of 4.0-4.5 ft on the north side and is almost 13 ft away from the 10586 house to the south, which allows up to a nearly 7.5-ft side-yard setback on the south side without requiring that Lot 2 get a variance for its side yard. However, the 10544 house is narrow enough (approximately 29 ft) that even the

maximum 7.5-ft setback leaves the lot width well under the 50-ft minimum (at ~~41.9~~ ~~41.27~~ ft).

Likewise, the proposed lot width of ~~41.9~~ ~~41.27~~ ft means Lot 1 would have to be deeper than the proposed ~~99.7~~ ~~99.33~~ ft to achieve the minimum 5,000-sq-ft lot area required for the R-5 zone. But making Lot 1 deeper impacts the width of Lot 7 and potentially that of Lot 8 as well, both of which are being created out of the large back yard of the 10544-10586 SE Home Ave property. As proposed, Lots 7 and 8 are at the 50-ft minimum width and very close to the minimum lot size. If Lot 1 is made wider and/or larger than proposed, it will require additional variances for one or more of the adjacent lots.

Lot 4: The size and location of the existing house at 10610 SE Home Ave create a similar situation for the proposed Lot 4. After preserving 5 ft on the south side of the 10610 house for the required side-yard setback, there are only ~~40.29~~ ft remaining along the Home Avenue frontage of the property to establish Lot 4. Making Lot 4 deeper than the proposed ~~99.9~~ ~~99.66~~ ft impacts the width and area of Lot 5 and potentially Lot 6, both of which are already close to the minimum standards. And it would introduce a compound line segment for Lot 5. Increasing the dimensions and area of Lot 4 will require additional variances for Lots 5 and 6. And with a minimum density requirement of eight units for the subject properties, eliminating Lot 4 will bring the proposed replat below the minimum required density standard, which will require another variance.

The Planning Commission finds that the analysis of the impacts and benefits of the requested variances compared to the baseline requirements is acceptable. This criterion is met.

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

Lot 1: As discussed in Finding 10-c-1 above, the requested variances for Lot 1 avoid the need for additional variances for Lots 2, 7, and/or 8. As proposed, the dimensions of Lot 1 capture the current practical boundaries of the property, minus the very deep back yard. The proposed configuration represents a reasonable and appropriate effort to put the 10544 house on its own lot while leaving room to create additional conforming lots and provide the minimum required residential density.

Lot 4: Similarly, the requested variances for Lot 4 avoid the need for additional variances for Lots 3, 5, and/or 6. The lot dimensions and area proposed for Lot 4 provide a reasonable and appropriate building footprint for this moderate density zone without impacting other proposed lots. They allow the creation of an eighth lot, which meets the minimum required density for the subject properties.

The Planning Commission finds that the requested variances are reasonable and appropriate and that they both meet 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.

Lot 1: The existing houses at 10544 and 10586 SE Home Ave are obviously in place and already impact each other and surrounding properties in the ways they do. Lot 1 exceeds the minimum required lot depth of 80 ft (proposed at 99.7 99.33 ft) and provides at least a 45-ft setback from the proposed common boundary with Lot 7, so there is adequate space as a buffer in the one area where there will be new development. The requested variances for Lot 1 do not present any new impacts that require mitigation.

Lot 4: Although more narrow and smaller than prescribed by the dimensional standards of the R-5 zone, new development on Lot 4 will be subject to the same development standards as other R-5 lots (i.e., setbacks, lot coverage limits, required vegetation, etc.). A developer will work within those parameters to construct a structure that will fit on the lot, with the same impacts as other R-5 lots. The narrower width provides less street frontage on Home Avenue, which translates to a little less room for on-street parking. But given that the existing driveways for the adjacent properties to the north (10610 SE Home Ave) and south (10618 SE Home Ave) are both located at the far north and south, respectively, of those two properties, there should be no noticeable impact to on-street parking. The requested variances for Lot 4 do not present any new impacts that require mitigation.

The Planning Commission finds that the requested variances would not result in measurable impacts to surrounding properties and that no mitigation is necessary. This criterion is met.

As proposed, the Planning Commission finds that the requested variances meet 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 variances are allowable as per the applicable standards of MMC 19.911.

11. MMC Chapter 19.1200 Solar Access Protection

A primary purpose of MMC 19.1200 is to orient new lots and parcels to allow utilization of solar energy. In particular, MMC Section 19.1203 establishes solar access provisions for new development.

- a. MMC Subsection 19.1203.2 establishes the applicability of MMC Subsection 19.1203.3 as extending to applications to create lots in single-family zones. Exceptions are allowable to the extent the Planning Manager finds that the applicant has shown one or more of the conditions listed in MMC Subsections 19.1203.4 and 19.1203.5 exist and that exemptions or adjustments are warranted.

The proposed replat will create new lots in the R-5 zone, which allows single-unit development. As discussed in Findings 11-b and 11-d, the solar design standards of MMC

19.1203.3 are applicable to Lots 5-8, while the Planning Manager has granted an adjustment for Lots 1-4.

- b. MMC Subsection 19.1203.3 establishes solar design standards, including basic requirements for north-south dimension (minimum 90 ft) and front-lot-line orientation with respect to a true east-west axis (within 30°). There are two other options for compliance, for either establishing a protected solar building line or demonstrating a particular level of performance with respect to protection from shading.

As proposed, Lots 5-8 all have a north-south dimension of at least 100 ft and front lot lines oriented within 30° of a true east-west axis. Lots 1-4 all have north-south dimensions of less than 90 ft and front lot lines oriented 90° from a true east-west axis. As discussed in Finding 11-d, the Planning Manager has found that an adjustment is warranted that would exempt Lots 1-4 from this standard.

As proposed and as discussed in these findings, the solar design standards are met for Lots 5-8 and are not applicable to Lots 1-4.

- c. MMC Subsection 19.1203.4 establishes exemptions from the standards of MMC 19.1203.3, including where an off-site structure and/or vegetation produces a shadow pattern that would affect allowable development on the site.

No exemptions from the solar design standards have been requested. This standard is not applicable.

- d. MMC Subsection 19.1203.5 establishes provisions for adjustments to the percentage of lots that must comply with the solar design standards of MMC 19.1203.3, including cases in which the application of the solar design standards would reduce the density or increase the on-site development costs.

The subject properties are developed with three existing houses, all of which are oriented toward Home Avenue, which has a north-south orientation. At 1.19 acres in total area, the subject properties are large enough for redevelopment and have a minimum density requirement of eight units. As noted above in Finding 11-b, four of the proposed eight lots are configured to meet the solar design standards of MMC 19.1203.3, but the location and orientation of the three existing houses make it impossible to capture them on new lots that meet the solar design standards. The proposed lot configuration is essentially the only one that will allow the subject properties to achieve the minimum required density through land division. Therefore, the Planning Manager has reduced the percentage of lots that must comply with the solar design standards to 50%, effectively exempting Lots 1-4 from the solar design standards.

The Planning Commission finds that Lots 5-8 meet the solar design standards of MMC 19.1203.3 and that an adjustment to exempt Lots 1-4 from the design standards is warranted. As proposed, the applicable provisions of the solar access standards established in MMC 19.1200 are met.

12. As noted in Finding 3, public notice of the application was posted on site and mailed as required by the Type III review process established in MMC 19.1006. The application was referred for comment to the following departments and agencies on February 4, 2022:

- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- Milwaukie City Attorney
- Hector Campbell Neighborhood District Association (NDA) Chairperson & Land Use Committee (LUC)
- Clackamas Fire District #1 (CFD #1)
- NW Natural
- North Clackamas School District

In addition, public notice of the application with an invitation to comment was sent on March 2, 2022, to property owners and residents within 300 ft of the subject property.

The responses received are summarized as follows:

- **Alex McGladrey, Deputy Fire Marshal, CFD:** The subject properties are in an area with public water supply and there are no site conditions that would prevent the applicant from constructing the proper access. Fire department access and water supply will be reviewed for compliance with the adopted edition of the Oregon Fire Code at the time of application for development permits.
- **Jeremy Lorence, East Metro Engineer, NW Natural:** No comments.
- **Sandy Conley, owner/resident at 10434 SE 51st Ave:** Concerns about cut-through traffic and decreased safety for residents if Harrison Street is extended through to Home Avenue. Not enough notice and information have been provided, and there has been some confusion about the details of the proposal. Urges the City not to push Harrison Street through to Home Avenue-if the connection is made, requests that the developer install two speed bumps on 51st Avenue.
- **Tom and Tamara Wissbaum, owners/residents at 10450 SE 51st Ave:** Strongly opposed to the proposal to open 51st Avenue and Harrison Street to through traffic, citing safety concerns. Amenable to a walking path from Harrison Street to Home Avenue as a compromise, but not a vehicle connection.
- **Kelsey Nealeigh and Jon O'Toole, owners/residents at 10458 SE 51st Ave:** Values the dead-end nature of the neighborhood and is concerned about cut-through traffic and decreased safety for residents if the street connection is made to Home Avenue. Cites clear vision issues with backing out of driveway near the corner of 51st Avenue and Harrison Street. Insufficient time and information for all neighborhood residents to adequately comment.

- **Allison Kruse, owner/resident at 10449 SE 51st Ave:** Insufficient information has been provided about potential safety and traffic impacts. Requests additional information about traffic impacts and proposed street design, with additional time for review.
- **Chris and Diane McKillop, owners/residents at 5101 SE Jackson St:** Concerns about tree removal, safety issues resulting from extending Harrison Street through to Home Avenue, apparent lack of proposed sidewalks along the street extension to Home Avenue, and impacts from cut-through traffic.
- **Axis Espinosa and Raju Reddy, owners/residents at 5025 SE Llewellyn St:** Concerns about cut-through traffic and decreased safety for residents, including that 51st Avenue is too narrow to be a through street.
- **Rolanne Stafford, owner/resident at 5017 SE Llewellyn St:** Concerns that no traffic study has been conducted for the proposed street extension, that there appears to be no sidewalk between Lots 2 and 3, and that the different widths of the Harrison Street extension do not meet design standards.
- **Ley Garnett, owner/resident at 4928 SE Llewellyn St and member of City Tree Board:** Opposes the project unless it is subject to the proposed tree code.
- **Allison Kruse (noted above):** Additional comments outlining possible compromises to the proposed through connection of Harrison Street to Home Avenue: (1) for the extension of Harrison Street to terminate in a cul de sac, with a connection to Home Avenue only for bicycles, pedestrians, and emergency vehicles (as needed); (2) designating 51st Avenue and Harrison Street as a “Local Access Only” system; (3) adding stop signs and speed bumps to Harrison Street to deter cut-through traffic; and (4) making the western section of Harrison Street to Home Avenue one-way. Advocates for preserving a particular dogwood tree on one of the subject properties that is proposed for removal.
- **Dylan Kruse, owner/resident at 10449 SE 51st Ave:** Questions the benefit of the street connection and suggests that a bicycle-pedestrian connection would be adequate for connectivity. Disappointed that more tree canopy will be removed for the new roadway.
- **Steve Adams, City Engineer:** Recap of the information and options for development that were shared with the owners of the subject properties. Response to public comments raising concerns about cut-through traffic resulting from the proposed street connection, with the conclusion that the new connection will actually reduce traffic within the Mission Park subdivision.
- **Wayne Houck, owner/resident at 5016 SE Llewellyn St:** Opposition to the proposed development because no traffic study has been done and variances have been requested for several development standards.

ATTACHMENT 2
Revised Recommended Conditions of Approval
Primary~~Principal~~ File #R-2021-004
(Changes shown in ~~strikeout~~/underline format)

Conditions

1. Prior to City approval of the associated final plat, the following must be resolved:
 - a. As per Finding 6-a, remove the existing accessory structures from Lots 2 and 7 as well as from Lots 3 and 5; or establish deed restrictions as needed to ensure that the existing accessory structures will be removed within 24 months of final plat approval unless one of the following conditions is satisfied:
 - (1) Building permits for primary dwellings to be sited on Lots 5 and 7 are applied for and obtained within the 24-month period, with construction commencing within three months of permit receipt and final inspection for the primary dwellings being concluded within 12 months of permit receipt.
 - (2) Lots 5 and 7 are maintained in mutual ownership with an adjacent lot containing a primary structure and will remain in mutual ownership with that adjacent lot, unless a primary dwelling is constructed per Condition 1-a-(1) above.
 - b. Submit full-engineered plans for construction of all required public improvements, to be reviewed and approved by the City of Milwaukie Engineering Department. Prior to construction of the improvements outlined in Condition 1-l, the developer is required to submit the contractor's bid for this extra work to the Engineering Department for review and approval.
 - c. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan must be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm systems if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - d. Obtain a right-of-way permit for construction of all required public improvements listed in these conditions of approval.
 - e. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - f. Provide a payment and performance bond for 130% of the cost of the required public improvements.
 - g. Provide an erosion control plan and obtain an erosion control permit prior to any earth-moving activities.

- h. Install 8-in ductile iron pipe (DIP) water main along the proposed extension of Harrison Street, connecting to the existing water main along Home Avenue with an 8-in by 8-in tee. Install approximately 35 ft of 8-in DIP water main along Home Avenue to the existing 8-in by 6-in connection tee at Harrison Street. Upsize the connection to an 8-in by 8-in tee. Upsized connections and new 8-in DIP water main on Home Avenue are subject to reimbursement by the City.
- i. Install all underground utilities, including stubs for utility service, prior to surfacing any streets.
- j. As per Finding 9-e, construct public improvements along the extension of Harrison Street along the frontage of Lots 5-8. Construction includes, but is not limited to, 5-ft setback sidewalks, 4-ft landscape strips, curb and gutter, 26-ft paved asphalt travel way, and driveways. Approved street trees must also be planted at a minimum 40-ft spacing.
- k. Install Type III barricades at the end of sidewalks by Lots 5 and 7 and install asphalt transition ramps to connect the pedestrian route to the Harrison Street fire-lane segment between Lots 2 and 3. The ~~southern~~^{northern} asphalt transition ramp is subject to reimbursement by the City.
- l. As per Finding 9-e, construct “woonerf”-style “Complete Street” improvements along the Harrison Street fire-lane segment between Lots 2 and 3. Construction includes, but is not limited to, a minimum 5-ft water quality facility with curb and gutter on the north side; and a 20-ft paved asphalt travel lane, with a tactile warning strip along the full length delineating a 6-ft pedestrian route and a 14-ft vehicle lane, pavement markings for pedestrians on the 6-ft portion, and sharrow pavement markings on the 14-ft portion. Tactile warning strip and pavement markings are subject to reimbursement by the City.
- m. Construct one Americans with Disabilities Act (ADA) compliant ramp at the northeast corner of Harrison Street and Home Avenue. The western connection will be installed by the City as part of an upcoming Capital Improvement Plan project. Install an asphalt transition ramp connecting the pedestrian route from the ~~southeast~~^{northeast} corner of Harrison Street and Home Avenue to the narrow portion of the Harrison Street extension between Lots 2 and 3. ADA ramp and asphalt transition ramp are subject to reimbursement by the City.
- n. Construct a driveway approach to meet all guidelines of the ADA to each new lot. The driveway approach aprons must be between 9 ft and 20 ft in width and at least 7.5 ft from the side property line.
- o. Remove all signs, structures, or vegetation in excess of 3 ft in height located in "vision clearance areas" at intersections of streets, driveways, and alleys fronting the subject property. Confirm the location of clear vision areas with the Engineering Department prior to removing any vegetation.
- p. Provide a 10-ft Public Utility Easement (PUE) for each of the eight new lots.

2. As per Finding 9-e, the applicant is required to pay a fee in lieu of construction (FILOC) for the entire length of the Lot 4 frontage on Home Avenue. The current 2022 FILOC rate is \$311/lineal foot, and the proposed frontage of Lot 4 is 40.29 ft; the current FILOC fee would be \$12,530.19. Actual FILOC rate may change depending on application date.

Additional Requirements

1. MMC Section 17.04.120 Recording

As per MMC Section 17.04.120, replats must be recorded by plat. An application for final plat must be submitted to both the City Planning Department and the County Surveyor within 6 months of the date of this approval. Once approved by the County Surveyor, a copy of the recorded final plat must be submitted to the City Planning Department.

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

Attachment 3

LOT 1

4182 SF

LOT 2

7073 SF

LOT 3

8236 SF

LOT 7

5333 SF

LOT 8

5053 SF

LOT 5

5340 SF

LOT 6

5694 SF

(vehicles & westbound bicycles)
← ONE WAY

(pedestrians & eastbound bicycles)
↔

BLOCK WALL
STRADDLES LOT LINE

ASPHALT
DRIVEWAY

CONCRETE
DRIVEWAY

COVERED
CONCRETE
PATIO

FD 5/8" IR
W/ YPC
EL. 168.78'

FD 3/4" IP
EL. 169.60'

FD 5/8" IR
W/ YPC
EL. 173.41'

FD 5/8" IR
W/ YPC
EL. 175.76'

FD 3/4" IP
EL. 176.03'

FD 5/8" IR
W/ YPC
EL. 166.79'

FD 5/8" IR
W/ YPC
EL. 165.37'

FD 1/2" IP
EL. 164.44'

FD 5/8" IR
W/ YPC
EL. 163.15'

FD 1/2" IP
EL. 158.43'

BOLLARD

S.E. HARRISON STREET

SANMH
#10106

ASPHALT

ASPHALT

S.E. HOME AVENUE

CURB CUT
25.6'

CONCRETE
DRIVEWAY

CONCRETE
SIDEWALK

CONCRETE
SIDEWALK

CONCRETE
SIDEWALK

CONCRETE
SIDEWALK

CONCRETE
SIDEWALK

CONCRETE
SIDEWALK

GRAVEL

GRAVEL
DRIVEWAY

CONCRETE

COVERED
CONC PORCH

COVERED
CONCRETE
PATIO

Attachment 4

Brett Kelter

From: TAMARA WISSBAUM <wissbaumtam@comcast.net>
Sent: Wednesday, March 30, 2022 1:51 PM
To: Brett Kelter
Cc: Laura Weigel; tom wissbaum
Subject: Re: revised roadway plan for Harrison Street is now available for review and comment

This Message originated outside your organization.

Mr Kelter:

In review of the drawing submitted by the developer for the Harrison Street project, we are still **STRONGLY OPPOSED**, to the street being opened, even as a one way, exiting west, towards Home Street.

It will still increase traffic in the Mission Park community, diminish the effects on our environment, diminish the safety of the neighborhood, our properties, our children, and our pets. There were numerous other reasons and facts given, at the last meeting on 3/22/2022, as to why making Harrison a through street wasn't beneficial.

The developer and maybe some of the people on the City Planning Committee seemed to be the most in favor of this project. But when the developer realized how much opposition he was facing he came up with this one-way exit idea.

If the City of Milwaukie is truly wanting to improve Milwaukie, and the surrounding areas, by making it a safer, and more livable community, then why would they add more roads, through or one-way? Why isn't a walking/ biking path even being considered for that area?

A Walking/Biking Path is a much more environmentally safe, family/pet friendly option, that would benefit the Milwaukie community far more than a through or one-way exit street.

None of the information provided by the developer gave us any reason to change our minds. I truly hope the City of Milwaukie takes into consideration the concerns of the Mission Park tax paying homeowners, and denies this Harrison Street proposal, to open Harrison Street to through or one-way traffic.

Sincerely,
Tamara & Tom Wissbaum
10450 SE 51st Ave
Milwaukie, OR 97222
Tamara Cell: (503) 936-2117
Email: wissbaumtam@comcast.net
Tom Cell: (503) 799-9000
Email: tom@wissbaum.com

Brett Kelter

From: Cameron McKillop <cameron.mckillop17@gmail.com>
Sent: Monday, April 4, 2022 9:33 PM
To: Brett Kelter
Cc: Heather Buchanan
Subject: Re: revised roadway plan for Harrison Street is now available for review and comment

This Message originated outside your organization.

Hi Brett,

We wanted to start off my feedback with a clarification of my point from the meeting. We are not worried that adding the through street is going to increase traffic dramatically. There is not much traffic on the street in general and we never have issues getting out onto King. What we are worried about is the speed at which cars will come through the neighborhood. Currently, there is a sharp right turn from Harrison onto 51st and the street is narrow. We do not anticipate that this new plan of switching to a one way street will alleviate this issue. It was frustrating that the developer and city employees had side conversations during the meeting and never really asked for input from the neighborhood on what alternatives we might be interested in. It is difficult to have meaningful input when we are not privy to all of the conversations and discussions about this project.

To add to our frustration, it was mentioned multiple times how the city was looking to limit impacts on the developer's budget by not requiring them to put in full sidewalks, but this was never a concern for the city when we were building our house. We had to pay for our own engineering of our sidewalks, development costs, high permitting costs and they even made us take out a public improvement bond on the project. It seems hypocritical that project costs were not a concern mentioned by the city during our project, but have been explicitly brought up as a concern for this project.

We would like the city and developer to reconsider this street design. Please use an alternative to a through street, like a hammerhead or blocked off road that can be opened for fire trucks and pedestrian/bike access, and allow for a safe walkway by requiring the extension of the sidewalk all the way through to Home from where ours ends. We do not feel at all comfortable with the city's proposal to have a two way, or even one way road with no sidewalk on one section.

We love this neighborhood, will have a new child also living in this neighborhood this fall, and are planning to stay here for years to come. We are glad that the city is adding more housing to Milwaukie as this is desperately needed and hope that this can add to affordable housing in this area. Our concern is for the safety of our current street and future street. We feel that the safest and best option for future and current homes in this area is to have the street extension be used for emergency vehicles and bikes/pedestrians only. If this is not possible, we strongly want the sidewalks to fully extend to Home Ave.

Thank you,
Cameron McKillop and Heather Buchanan

Brett Kelter

From: Allison McManus <mcmanusal@gmail.com>
Sent: Tuesday, April 5, 2022 9:33 AM
To: Brett Kelter
Cc: dkruse8@gmail.com
Subject: Comment for Harrison Street roadway

This Message originated outside your organization.

Hi Brett,

Thank you for all your collaboration with this project. My comments are as follows:

- A 'local access only' road sign is posted at the corner of Home and Harrison
- Construction trucks for the subsequent homes that will be built on the new lots are required to enter and exit from the Harrison extension only on Home avenue and do not drive down 51st Ave.
- Trees are preserved wherever possible, particularly ones over 6inch in diameter that will be subject to the Milwaukie tree code once it is published. There is no need to cut anything that is not directly affecting the construction of the road at this point in time.

Best,
Allison Kruse

Brett Kelter

From: axis espinosa <axisrn13@gmail.com>
Sent: Tuesday, April 5, 2022 11:14 AM
To: Brett Kelter
Subject: Letter to add to File# #R-2021-004
Attachments: We sent you safe versions of your files; City of Milwaukie letter.docx

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

Hello Mr. Kelter,

It was a pleasure meeting you and the team at the meeting back in March. This is my last attempt to make my last stand on our issue at Harrison St.

Thank you for everything.

Sincerely,
Axis Espinosa

Axis Espinosa
5025 SE Llewellyn St, Milwaukie, OR 97222
704-912-7260
Axis.X1.Espinosa@kp.org

Dear City of Milwaukie,
File # #R-2021-004

Thank you for taking time to review and consider our situation. I was present at the hearing back in March. It was interesting being part of a public forum. I enjoyed the process. I, however, was not impressed by the both the developer's demeanor and some of my neighbors' actions. The process was fast and I tried hard to pay attention. Below you will find my last attempt at making my stand on this issue.

Some supposed facts were mentioned during the hearing. I cannot remember all of them; But one that I do remember was the developer mentioning that more children die in cul-de-sacs due to people playing in them. As a researcher, in general, for all facts mentioned both by the engineer and developer, facts without references cannot be taken with validity. Unlike my previous reference of a study done of accidents on through streets mentioned in my previous letter.

The engineer mentioned multiple times that the through street was preferred by him and the fire department. I wonder if the engineer's preference is a temporary one benefiting him only during construction. If not, how does having a through street benefit him permanently?

It was also mentioned that the through street would be more convenient for the trash and mail. The trash comes once a week. They do fine using the hammer turn around. The mail car is so small that it maneuvers easily through our hammerhead also as our mailbox is lateral to my house on 51st street north of Llewellyn. The Amazon truck does not come every day and their truck is smaller than the trash truck. They have not had any problem zipping through.

As you all know, safety and peace of mind for our families is an unreplaceable sentiment. We buy insurance for peace of mind. We save money for emergencies for peace of mind. We spend more money and move to a safer location for safety of our families and a peace of mind. I know the goal of Milwaukie is to build more connectivity. We support this goal. But, connecting through our particular street does not benefit **enough** compared to the **permanent** peace of mind this project will be taking away from us. As mentioned in the meeting, it does not benefit bus takers as it is quicker to get to the stop via Home. The through street does not benefit bikers because anyone trying to get somewhere in that area via bike will choose to get to King as fast as possible to be able to really bike. Fifty-first street is not that close to any convenience and other options are available. The grocery store is 0.4 miles away and Linwood St. is 0.8 miles away. There are many avenues to get to King. Adding one small through street in the middle of these two places will not make large enough of a difference. As for the fire department, I agree it will be more convenient for them; but why make it a permanent convenience when their service we hope may never have to be used.

I move that we make it a circle or hammer ending, whichever the city/engineer agree on.
But please, for our permanent peace of mind, leave this street closed.

Sincerely,
Axis Espinosa

Brett Kelter

From: Ley Garnett <swifty6451@gmail.com>
Sent: Tuesday, April 5, 2022 12:45 PM
To: Brett Kelter
Subject: Harrison St

This Message originated outside your organization.

I encourage the Planning Commission to encourage/require maximum street tree plantings on the Harrison extension. Consider the vast recent canopy loss in the area, that this project seeks to remove 7 more trees, and is requesting multiple variances.

Ley Garnett, neighborhood resident and Tree Board member

Brett Kelter

From: Sandy Conley <slconley@msn.com>
Sent: Tuesday, April 5, 2022 2:40 PM
To: Brett Kelter
Cc: Laura Weigel; Steve Adams; Jennifer Backhaus; Justin Gericke
Subject: Re: Reminder: public comments for Harrison Street roadway are due by 5pm today (Tues 4/05)

This Message originated outside your organization.

Brett,

Thank you for providing additional comment. Ideally, we would like to have 51st remain a dead-end street. Emergency vehicles have not had any issues navigating our community and it was used frequently during construction for fire drills. I witnessed this on many occasions. Personally, I think one way traffic out of the Harrison St. development will increase traffic in our neighborhood as there is no in/out option for the short street. This one-way approach will force the 4-new homes and their deliveries and guests to drive through our community. I realize traffic could balance out since traffic now coming into our development has an exit. If I had a voice, I would ask that another alternative, such as the bollard be inserted at the end of the street. This way there is access for emergency vehicles and the current residents can maintain our little community we bought into.

The developer mentioned requiring all construction traffic be diverted to the Harrison St. development, keeping this traffic out of our community until after his construction is complete. This suggestion does not seem to be in the proposal presented by the developer. Our community would like this concession to be made. You can appreciate that all of us have lived through significant disruption, noise and literal movement in our homes as our development was under construction. There is no need initially to have all this traffic come through 51st.

One guest mentioned maintaining the current trees on the property. I looked at the property closely and do not see how this goal can be achieved on the road/sidewalk access, where most of the vegetation is located. It is a shame this canopy is disappearing, but it does appear the significantly large fir trees are on the property that is not being developed. We do hope a permit is not granted to cut these trees as part of this process. We all know that climate change begins with small steps. Our tiny lots with no vegetation will not help us in this goal to keep our area a healthy environment.

It was interesting to participate in a city planning meeting. I had no idea how they were conducted or how insignificant the community input is in the process. I was left with the impression the community's position was inconsequential to the overall City plan. To address one issue brought up at the meeting, the "connectivity" Milwaukie is seeking is not achieved by making Harrison a through street. The westbound section of Harrison is in bad disrepair, and I would never choose that route for driving or walking. Connectivity would make major thoroughfares such as King more open for walking, biking and driving traffic, and likely better achieve the goals in a way that serves more of the citizens of Milwaukie. King does not have sidewalks that can be traversed by people with special needs and the bus stops are along this road. Two people cannot walk side by side on this street and it is impossible access for persons with disabilities requiring adaptive equipment.

Thank you for your consideration and for adding my comments to the packet.

Sandy

From: Brett Kelter <KelterB@milwaukieoregon.gov>

Sent: Tuesday, April 5, 2022 8:51 AM

To: Brett Kelter <KelterB@milwaukieoregon.gov>

Cc: Laura Weigel <Weigell@milwaukieoregon.gov>; Steve Adams <AdamsS@milwaukieoregon.gov>; Jennifer Backhaus <BackhausJ@milwaukieoregon.gov>; Justin Gericke <GerickeJ@milwaukieoregon.gov>

Subject: Reminder: public comments for Harrison Street roadway are due by 5pm today (Tues 4/05)

Hello,

If you have not already submitted comments on the revised roadway plan for Harrison Street (land use file #R-2021-004), please remember that all public comments are **due by 5:00 pm today** (Tuesday, April 5). Send any comments directly to me (kelterb@milwaukieoregon.gov).

The revised roadway plan can be found under the "Supporting Documents" section of the webpage for this application = <https://www.milwaukieoregon.gov/planning/r-2021-004>.

Note that no further public comments will be accepted after today. The development team will provide any response or rebuttal to the comments by April 12.

Please let me know if you have any questions. Thank you,

Brett Kelter, AICP

Senior Planner

he • him • his

City of Milwaukie

p: 503.786.7657 | e: kelterb@milwaukieoregon.gov

6101 SE Johnson Creek Blvd | Milwaukie, OR 97206

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Brett Kelter

From: Amaya Blanco Chapin <amayablanc@gmail.com>
Sent: Tuesday, April 5, 2022 5:00 PM
To: Brett Kelter
Cc: Amaya Blanco; philmc333335
Subject: File No. R-2021-004, VR-2021-019
Attachments: We sent you safe versions of your files; Milwaukie Testimony Letter.pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

See attached. Thank you.

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Sincerely,

Amaya Blanco Chapin

City of Milwaukie, Planning Commission
Brett Kever, Senior Planner
Via email: kerverb@milwaukieoregon.gov

RE: File No. R-2021-004, VR-2021-019

Dear Planning Commission,

I am writing regarding the City of Milwaukie's plan to Replat the 16 underlying subdivision lots (from the Minthorn Addition, platted in 1890) and reconfigure the subject properties to create eight lots. My concerns are specifically with the City's plans to extend Harrison Street west and connect to Home Avenue, with full street improvements in front of Lots 5-8 and a narrower street width between Lots 2 and 3. We understand that when the plan was initially proposed there was a lot of concerns with connecting Harrison Street all the way to Home Street because opening 51st Ave to through traffic from both ends would inevitably lead to an increase in traffic of non-residents in Mission Park. Unfortunately we have some concerns with the current proposal which has led us to being opposed to the submitted application.

Regarding the revised plan submitted on March 29, 2022. I do not believe that it addresses all our concerns regarding the flow of traffic in our neighborhood. After attending the Planning Committee meeting on March 22, 2022, we were under the impression that the street bollards were to act as a barrier between Mission Park and the new development that would allow only for bicycle and foot traffic between the two communities. However, that is not reflected in the applicant's newly proposed design. Unfortunately, this newly revised proposal still increases traffic flow through our neighborhood, and it no longer feels like a compromise. In fact, it would increase traffic flow through our neighborhood because there will now be 4 new homes that now will need to enter through 51st and King Street instead of through Home Street. The City has made it clear that the developer does not want to include plans for Harrison Street to end in a cul-de-sac or a hammerhead turnaround because they do not want to lose Lots 6 & 8. Therefore, we propose placing bollards behind Lots 6 & 8 and leaving the extension of Harrison Street toward 51st Ave a two-way street. We understand that this would mean that the applicant would have to change their proposed applications, however we hope that the City denies the application as is unless there is a true compromise that satisfies both developments.

Amaya Blanco Chapin & Phil Chapin
10402 SE 51st Ave, Milwaukie, OR 97222

Attachment 5

Responding to public comments received on revised roadway plan (R-2021-004)

Brett. I believe after listening to the testimony at the hearing, we have prepared a very reasonable solution. We have made a good faith effort. In all the letters of opposition I do not see a single section of code cited to support the opinions expressed.

The existing development with the current dead-end street is longer than the maximum legal length of a cul-de-sac. Because the current dead-end street does not connect to any other public street, it does not satisfy the City's standard for circulation and block length. The existing street was always intended to be punched through as reflected in the previous development's circulation plan. The current dead end was always intended to be temporary, not permanent. We are finishing the intended connection.

By creating a one-way access out of the development, as well as pedestrian, and bicycle access, that this property is now in compliance with the circulation, and street block standards that were previously not met. It has also removed the issue of a dead-end street which exceeded the maximum length of cul-de-sac. Lastly the construction of the street is in line with the City's Transportation plan and follows the adjacent subdivisions future street plan that was part of their approval. It takes the existing sanitary main out of private property ownership, and into a public right-of-way.

For these reasons we continue to support our proposal from last week. If staff can prepare conditions, and if we need to make any final design changes necessary to obtain preliminary approval the applicant will work with staff to do so.

Thanks again for your time on this project

A handwritten signature in black ink, appearing to read 'Mark Dane', with a stylized, flowing script.

Mark Dane

UPDATED SITE PLAN

TAX LOT 10100, MAP 1S, 2E, 30CD
TAX LOT 700, MAP 1S, 2E, 3BA
LOCATED IN THE S.W. & N.W. 1/4 SECTIONS 30 & 31, T1S., R.2E., W.M.
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
DECEMBER 2, 2021 SCALE 1"=20'

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NAVD 88.

A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER THE PLAT OF "MISSION PARK", RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY ONE CALL TICKET NUMBER 21297221 DATED OCTOBER 22, 2021. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

LEGEND:

Some Symbols shown may not be used on map

- | | | |
|---|--|---------------------|
| 12" DECIDUOUS TREE | STORM SEWER MANHOLE | TRAFFIC SIGNAL POLE |
| 24" EVERGREEN TREE | CATCH BASIN | UTILITY POLE |
| DEAD TREE | CURB INLET | LIGHT POLE |
| GUY WIRE | AREA DRAIN | |
| ELECTRIC BOX | DITCH INLET | |
| ELECTRIC METER | SANITARY SEWER CLEANOUT | |
| TRANSFORMER | SANITARY SEWER MANHOLE | |
| ELECTRIC RISER | FIRE HYDRANT | |
| HEAT PUMP | WATER MANHOLE | |
| GATE POST | WATER METER | |
| CABLE TV BOX | WATER VALVE | |
| CABLE TV RISER | HOSE BIB | |
| OVERHEAD LINE | IRRIGATION CONTROL VALVE | |
| GAS LINE SHOWN PER N.W. NATURAL AS-BUILT WEBSITE | GAS VALVE | |
| ELECTRICAL LINE | GAS METER | |
| COMMUNICATIONS LINE | MAILBOX | |
| SANITARY SEWER LINE | UTILITY RISER | |
| STORM DRAIN LINE | UTILITY BOX | |
| WATER LINE SHOWN PER CITY OF MILWAUKIE AS-BUILT WEBSITE | TELEPHONE MANHOLE | |
| FENCELINE | TELEPHONE RISER | |
| HANDRAIL | STORM OUTFALL | |
| ARBORVITAE ROW | SIGN | |
| | BOLLARD | |
| | FOUND MONUMENT | |
| | DOWN SPOUT TO STORM SYSTEM | |
| | DOWN SPOUT TO SPLASH GUARD OR GROUND W/ PIPE DIRECTION | |
| | FD = FOUND | |
| | IP = IRON PIPE | |
| | IR = IRON ROD | |
| | YPC = YELLOW PLASTIC CAP | |
| | ALC = ALUMINUM CAP | |
| | RPC = RED PLASTIC CAP | |

SIGNED ON:

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. GOLDEN
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: D:\Users\Owner\Desktop\2022\10610 SE Home Ave\ONE WAY 3.29.22 5-FT NORTH.dwg

