



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, June 9, 2015, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Winsor Ct Addition
Applicant/Owner: Jeff and Shauna Walker
Address: 5256 SE Winsor Ct
File: NR-2015-001
Staff: Li Alligood
 - 5.2 Summary: Moving Forward Milwaukie Central Milwaukie Plan and Code Amendments #4 *continued from 5/26/15*
Applicant: City of Milwaukie
File: CPA-2015-001/ZA-2015-001
Staff: Vera Koliass and Denny Egner
- 6.0 Worksession Items**
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - June 23, 2015
 - 1. Public Hearing: CSU-2015-004 Spring Park Natural Area Restoration *tentative*
 - 2. Worksession: Land Use Training Agenda Review
 - July 14, 2015
 - 1. Public Hearing: MFM Central Milwaukie Plan and Code Amendments #5 *tentative*

Milwaukie Planning Commission Statement

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

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

Public Hearing Procedure

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

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

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

Milwaukie Planning Commission:

Sine Bone, Chair
Shaun Lowcock, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer

Planning Department Staff:

Denny Egner, Planning Director
Li Alligood, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Alicia Martin, Administrative Specialist II



To: Planning Commission

Through: Dennis Egner, Planning Director

From: Li Alligood, Senior Planner

Date: June 2, 2015, for June 9, 2015, Public Hearing

Subject: **File:** NR-2015-001, VR-2015-002
Applicant/Owner: Jeff and Shauna Walker
Address: 5256 SE Winsor Ct
Legal Description (Map & Tax Lot): 1S2E30DB 03107
NDA: Lewelling

ACTION REQUESTED

Approve application NR-2015-001, VR-2015-002 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for disturbance of a mapped Water Quality Resource (WQR) and a variance to construct an addition to a single-family home.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is located at 5256 SE Winsor Ct. It is Lot 20 of the original Winsor Place subdivision, which was approved in 1989. The site is approximately 0.15 acres and contains a single-family dwelling. The surrounding area consists of single-family dwellings and undeveloped wetlands. The site is located adjacent to wetlands on the west and south. The wetland to the west is "Tract A" of the Winsor Court subdivision, and is owned and maintained by the Wetland Conservancy. The wetland to the south is privately owned. The subject site is separated from the wetlands to the west and south by a 6 ft fence and is landscaped with lawn. See Figure 1.

Figure 1. Site and Vicinity

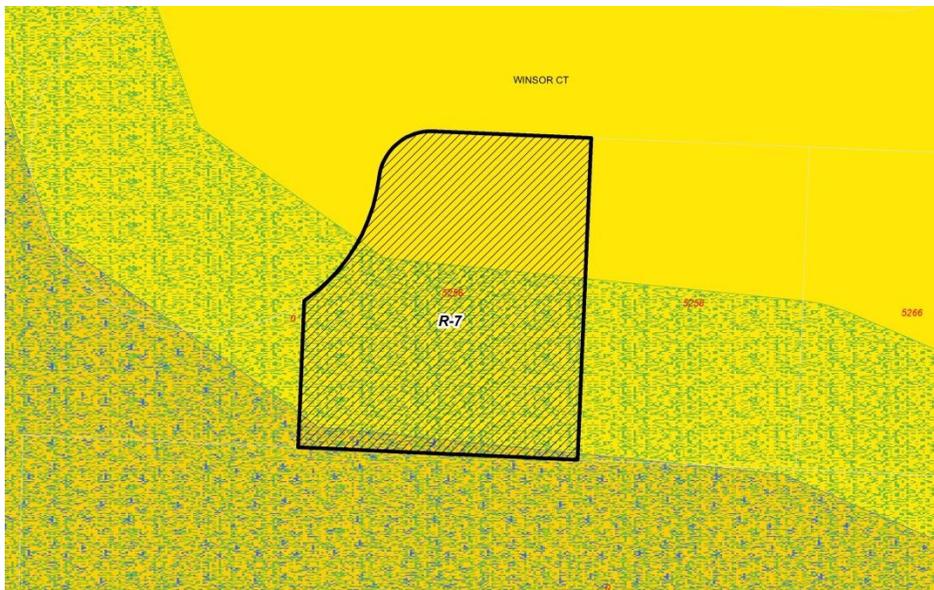


Source: City of Milwaukie

B. Zoning Designation

The site is zoned Residential Zone R-7. Approximately 2/3 of the site is covered by a mapped Water Quality Resource (WQR) area and a small portion of the site is covered by a mapped Habitat Conservation Area (HCA). See Figure 2 and Attachment 3.f.

Figure 2. Zoning and Overlays

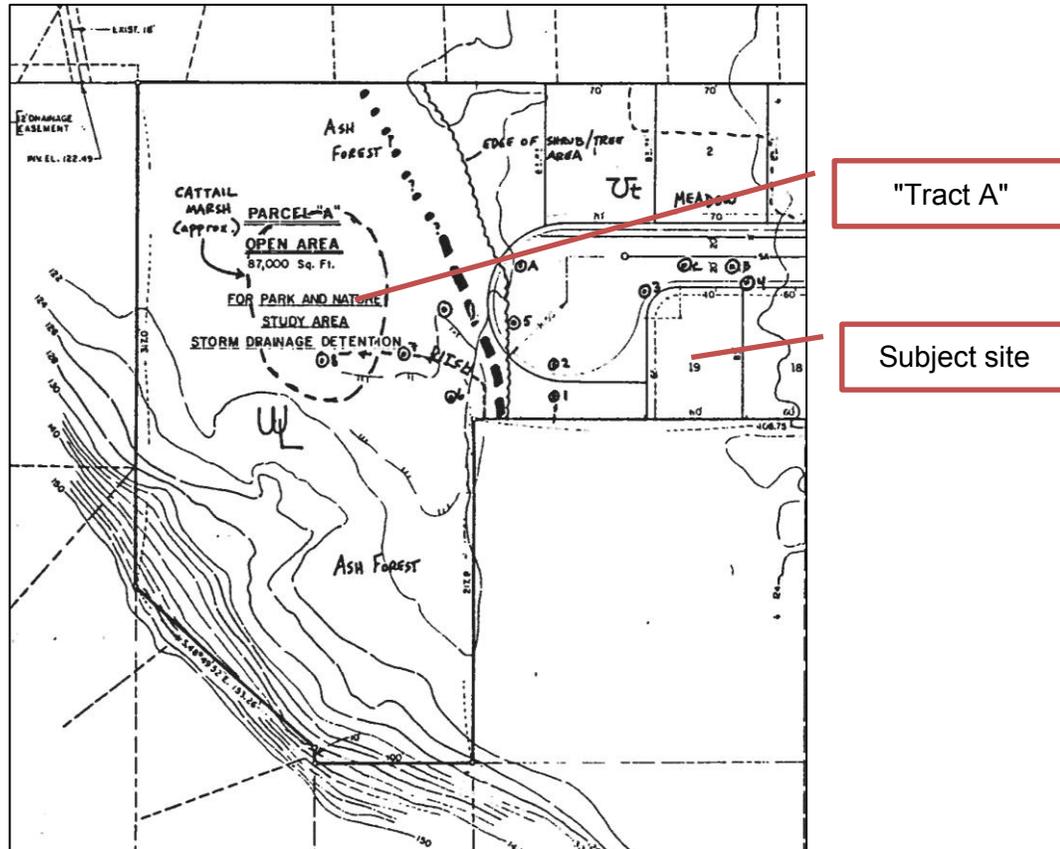


Source: City of Milwaukie

C. Comprehensive Plan Designation

LD Low Density

- **1989:** S-89-05, Winsor Place subdivision platted, with Tract A (west of the subject site) to be dedicated to natural habitat and stormwater management.



E. Proposal

The applicant is seeking land use approvals for a development within a mapped natural resource area and variance review. See Attachments 3.a-f. The proposal includes the following:

1. A 280 sq ft addition to the west of the house, within a mapped water quality resource (WQR) area.
2. Reduction of the street side yard setback from 20 ft to 14.76 ft.

The project requires approval of the following applications:

1. Natural Resources

The proposal requires natural resource review because it affects Water Quality Resource (WQR) areas.

2. Variance

The proposal requires Type III variance review because the requested variance to the street side yard setback exceeds 25%.

KEY ISSUES

Summary

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

- A. Are there other practicable alternatives with less impact to the WQR than the proposed addition?
- B. Does the proposed variance have any negative impacts?

Analysis

A. Are there other practicable alternatives with less impact to the WQR than the proposed addition?

Most of the applicant's street side yard and the entire rear yard are located within the mapped WQR. Although the site is within a mapped WQR, it does not itself contain a protected water quality resource. The mapped wetland resource is located on Tract A to the west and on a vacant property to the south, and the 50 ft vegetated corridor extends into the development site. However, the vegetated corridor on site consists of grass lawn and does not benefit wildlife.

The applicant proposes to construct a 10 ft by 28 ft addition (280 sq ft) to the west side of the house. The addition would run the full length of the house. See Attachments 3.b-e. The applicant has identified 4 alternatives:

- Reducing the size of the addition to reduce impact to the WQR
The applicant states that the full size of the addition is necessary to maintain the aesthetics of the property and to allow for the addition of a dining room and den. The applicant states that this addition will add to the neighborhood's property values.
- Locating the addition in the rear yard rather than the side yard
This location is nearer to the mapped wetland than the proposed street side yard location.
- Locating the addition outside of the mapped WQR
This would require placing the addition in front of the house, which would require significant interior renovation and a variance to the front yard setback.
- Adding another story to the dwelling
The maximum height in the R-7 Zone is 35 ft or 2.5 stories. The existing home is almost 2 stories tall; adding an additional story would not be permitted in this zone.

The existing WQR area is degraded and planted with grasses. The applicant is proposing to mitigate the disturbance by replacing the grass with wild strawberry, shrubs, and trees from the Native Plant list. Minimal disturbance for the foundation is proposed, with a crawl space and raised foundation rather than a slab foundation.

Staff believes that the proposed project is the most practicable and that the proposed mitigation will improve the severely degraded condition of the mapped WQR area.

B. Does the proposed variance have any negative impacts?

The existing structure located on a cul-de-sac. The site is technically a corner lot, as it has street frontage on the front and the side, and is subject to street side yard setback requirements.

The street side yard setback requirement in the R-7 zone is 20 ft, which is equal to the front yard setback. The intent of this standard is to encourage a uniform "street wall" in the public realm.

In this case, the site abuts an undevelopable wetland tract, and reduction of the minimum street side yard setback would not have negative impacts on the "street wall" along Winsor Ct.

Staff believes that the current proposal is neutral in its impacts and does not require mitigation.

CONCLUSIONS

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

1. Approve NR-2015-001 for an addition within the WQR mapped vegetated buffer. This will result in permanent disturbance of approximately 280 sq ft within the WQR and mitigation of that disturbance.
2. Approve VR-2015-002 for reduction of the street side yard setback from 20 ft to 14.76. This will allow the applicants to construct the addition as proposed and will establish a legally nonconforming situation on the site.
3. Adopt the attached Findings and Conditions of Approval.

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

- Implement the final mitigation plan for disturbances to the WQR.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.301 Low-Density Residential Zones
- MMC Section 19.402 Natural Resources
- MMC Section 19.911 Variance

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

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.

- 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 to June 16, 2015.

The final decision on these applications, which includes any appeals to the City Council, must be made by September 4, 2015, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering and Building, Lewelling Neighborhood District Association (NDA), and Clackamas Fire District #1. The following is a summary of the comments received by the City. See Attachment 4 for further details.

- **Matt Amos, Clackamas Fire District #1:** No comments.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation dated March 12 and May 21, 2015.				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Elevation (Attachment A)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Site Plan (Attachment B)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Mitigation Plan (Attachment C page 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Boundary Survey (Attachment C page 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Natural Resource Overlays	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

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

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

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-128>.

**Recommended Findings in Support of Approval
File #NR-2015-001, VR-2015-002, Walker**

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

1. The applicants, Jeff and Shauna Walker, have applied for approval to build a 280 sq ft addition to their home. The expansion will disturb the water quality resource (WQR) and the proposed location of the addition requires a variance to the minimum street side yard setback.
2. The applicants propose to build a 10 ft by 28.7 ft (287 sq ft) addition to the west façade of the existing house. The site is located adjacent to mapped wetlands to the west and south, and these wetlands, along with an associated 50 ft vegetated corridor, are designated Water Quality Resources (WQR). The proposed addition would be located 14.76 ft from the street side yard setback, which is less than the required street side yard setback of 20 ft, and a variance the street side yard setback standard is required. The land use application file numbers are NR-2015-001 and VR-2015-002.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.301 Low-Density Residential Zones
 - MMC Section 19.402 Natural Resources
 - MMC Section 19.911 Variance
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on June 9, 2015, as required by law.
5. MMC Section 19.301 Low-Density Residential Zones
 - a. MMC 19.301.4 establishes standards for development in the R-7 Zone. Table 1 summarizes the existing and proposed conditions on the subject property with respect to the standards relevant to this proposal.

Table 1. Compliance with relevant R-7 standards

Residential Zone R-7 Development Standards			
Standard	Required	Existing	Proposed
1. Minimum Setbacks	20 ft (front, rear, street side)	22.16 ft (front) 24.76 ft (street side) 27.64 ft (rear)	No change (front) 14.76 (street side) No change (rear)
2. Height Restriction	2½ stories or 35 ft	20 ft	20 ft
3. Lot Coverage	30% max.	20%	24%
4. Minimum Vegetation	35% min.	69%	65%

Upon approval of the variance requests, the Planning Commission finds that the proposal complies with the applicable standards of the R-7 zone.

6. MMC Section 19.402 Natural Resources

- a. MMC 19.402 establishes regulations for designated natural resource areas.

The standards and requirements of MMC 19.402 are an acknowledgment that many of the riparian, wildlife, and wetland resources in the community have been adversely impacted by development over time. The regulations are intended to minimize additional negative impacts and to restore and improve natural resources where possible.

- (1) MMC 19.402.3 establishes applicability of the Natural Resource (NR) regulations, including all properties containing Water Quality Resources (WQRs) and Habitat Conservation Areas (HCAs) as shown on the City's NR Administrative Map. Specifically, MMC 19.402.3.G requires the submittal of a construction management plan for projects that will disturb more than 150 sq ft of WQR and/or HCA.

The project area is adjacent to mapped wetlands to the west and south. As per MMC Table 19.402.15, the wetlands are primary protected water features and their associated vegetated corridor constitutes a WQR on the site. The City's Natural Resource (NR) Administrative Map also shows a small amount of designated HCA on site, though not within the project area.

As evidenced by the applicant's submittal materials, the proposed development will disturb approximately 280 sq ft of WQR area. The proposed development is not listed as exempt according to the standards outlined in MMC 19.402.4.

The Planning Commission finds that the requirements of MMC 19.402 are applicable to the project area, including the requirement to provide a construction management plan according to the standards of MMC 19.402.9.

- (2) MMC 19.402.8 establishes that certain activities within a designated WQR and/or HCA, including development activities allowed in the base zone, are subject to Type III review (MMC 19.1006) and the general discretionary review criteria provided in MMC 19.402.12.

The proposed expansion of an existing building within a WQR is not exempt from the provisions of MMC 19.402, nor is it permitted as a Type I or Type II activity.

The Planning Commission finds that the proposed development is subject to Type III review according to the procedures provided in MMC 19.1006. The Commission finds that the general discretionary review criteria of MMC 19.402.12 apply to the proposed disturbance of the WQR.

- (3) MMC 19.402.9 establishes standards for construction management plans, which are required for projects that disturb more than 150 sq ft of natural resource area. Construction management plans must provide information related to site access, staging of materials and equipment, and measures for tree protection and erosion control.

As noted in Finding 6.a.1, a construction management plan is required prior to commencement of the proposed development activity. A construction management plan was included with the application submittal.

The Planning Commission finds that this standard is met.

- (4) MMC 19.402.11 establishes development standards for projects that impact a natural resource.

- (a) MMC 19.402.11.A provides standards for protecting natural resource areas during development, including requirements to mark work areas, flag WQRs and HCAs that are to remain undeveloped, and conduct all work in accordance with an approved construction management plan.

The proposed project is subject to all relevant standards in MMC 19.402.11.A. A condition is established to ensure that all project work is performed in accordance with the approved construction management plan.

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

- (b) MMC 19.402.11.B establishes general standards for required mitigation, including requirements related to items such as plant species, size, spacing, and diversity, as well as location of mitigation area, removal of invasive vegetation, and plant survival.

The applicant has provided a mitigation plan for the proposed disturbance to the WQR within the project area. The plan includes information about species, size, spacing, and survival within the designated mitigation area. As proposed, the existing lawn within the development area will be removed and mitigation plantings will be installed along the perimeter of the site and maintained for 2 years as required. Bare or open soil areas will be planted with wood strawberry ground cover during the next planting season after construction. A condition has been established to ensure that all mitigation plantings are installed and maintained per the mitigation plan.

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

- (c) MMC 19.402.11.C establishes mitigation requirements for disturbance within WQRs. The requirements vary depending on the existing condition of the WQR, according to the categories established in MMC Table 19.402.11.C. For Class C "Poor" WQR conditions, MMC Table 19.402.11.C requires that the applicant submit a plan to mitigate the disturbance with the vegetative composition that would naturally occur on the site.

Aerial photos show that there is no tree, shrub, ground cover, or canopy coverage on the site. MMC Table 19.402.11.C categorizes any area with less than 80% trees, shrubs, and ground cover and/or less than 25% canopy coverage as Class C "Poor."

Within the WQR, the proposed development will permanently disturb approximately 287 sq ft. The applicant has not identified any temporary disturbance area, as excavation for a foundation will not be conducted. As mitigation for permanent disturbance to the WQR, the applicant has proposed to restore approximately 360 sq ft within or adjacent to the WQR area on the subject property.

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

The Planning Commission finds that, as conditioned, the proposed development meets the applicable standards of MMC 19.402.11.

- (5) MMC 19.402.12 establishes a discretionary process for analyzing the impacts of development on WQRs and HCAs.

- (a) MMC 19.402.12.A requires a report presenting an evaluation of impacts and analysis of alternatives for the proposed development. The report must be prepared and signed by a qualified natural resource professional. At the Planning Director's discretion, the requirement to provide such a report may be waived for small projects that trigger discretionary review but can be evaluated without professional assistance.

Given the small scale of the project, the degraded condition of the mapped WQR on site, and the actual location of the protected resource off-site, the Planning Director has waived this requirement.

- (b) MMC 19.402.12.B establishes criteria for approving disturbances to the WQR and/or HCA.

- (i) MMC 19.402.12.B.1.a requires that the proposed development avoid intrusion into the WQR and/or HCA to the extent practicable and that it be the least impactful alternative.

The applicant has analyzed 5 alternatives:

- A. *Proposal: add a 287 sq ft addition to the west side of the house*

The proposal would have minimal impact to the WQR, as the protected wetland is located off-site. The addition would disturb existing lawn.

- B. *Reducing the size of the addition to reduce impact to the WQR*

Reducing the size of the addition would not reduce impact to the WQR, as the protected wetland is located off-site.

- C. *Locating the addition in the rear yard rather than the side yard*

This location is nearer to the mapped wetland than the proposed street side yard location.

- D. *Locating the addition outside of the mapped WQR*

This would require placing the addition in front of the house, which would require significant interior renovation and a variance to the front yard setback.

- E. *Adding another story to the dwelling*

The maximum height in the R-7 Zone is 35 ft or 2.5 stories. The existing home is almost 2 stories tall; adding an additional story would not be permitted in this zone.

Alternatives A and B are equally impactful, though Alternative A is the most practicable. Alternative C would be more impactful. Alternatives D and E are not practicable.

As proposed, this criterion is met.

- (ii) MMC 19.402.12.B.1.b requires that the proposed development minimize detrimental impacts to the WQR and/or HCA to the extent practicable.

No grading will be required for the foundation, which will be a raised foundation rather than a slab. The soil disturbed by the construction of

the foundation will be distributed on site. There are no anticipated impacts on water resources as they are located off site and any erosion or runoff from the development will be managed on site. Access to the site will be restricted to the existing paved driveway.

The proposed development is subject to all applicable development standards, including measures to protect areas within the WQR and HCA that will not be disturbed by the proposed development. A condition is established to ensure that all project work is performed in accordance with the approved construction management plan.

As conditioned, this criterion is met.

- (iii) MMC 19.402.12.B.1.c requires that the proposed development mitigate for detrimental impacts to the WQR and/or HCA. Mitigation shall be on site, use native plants, be done in accordance with allowable windows for in-water work, and follow a mitigation maintenance plan.

As proposed, the applicant will mitigate for permanent impacts to the WQR by restoring a portion of the remaining WQR within the project area per MMC 19.402.11.B-C. The total disturbance area is approximately 287 sq ft, and the area proposed for mitigation is approximately 360 sq ft.

All existing trees will remain. The mitigation plantings will consist of selections from the Milwaukie Native Plant List: 160 sq ft of Wild Strawberry ground cover along the northern fence line; 200 sq ft of Wild Strawberry ground cover along the east side of the house; and 1 Bitter Cherry tree in the southwestern corner of the site.

As proposed, this criterion is met.

The Planning Commission finds that, as conditioned, the proposed development meets the approval criteria established in MMC 19.402.12.B.

The Planning Commission finds that, as conditioned, the proposed development meets the applicable standards of MMC 19.402.12.

- (6) MMC 19.402.15 establishes standards for verifying the boundaries of WQRs and HCAs and for administering the City's Natural Resource (NR) Administrative Map. The Planning Director may waive the requirement for official wetland delineation, depending on the specific circumstances of the site and the proposed activity.

The site is located within the 50-ft vegetated buffer of mapped wetlands to the west and south of the site. Because the site itself does not contain any wetlands, the Planning Director has waived this requirement.

The Planning Commission finds that, as conditioned, the proposed development meets all applicable standards of MMC 19.402.

7. MMC Section 19.911 Variances

- a. MMC 19.911.3 establishes the review process for variance applications.

The applicant has requested a variance to extend the western façade of the house by 10 ft and to reduce the street side yard setback from 20 ft to 14.76 ft. The request for the variance to the minimum street side yard width standards exceed 25%, and must be processed through Type III review.

The Planning Commission finds that the application is subject to and Type III review for the proposed addition to the house.

- b. MMC 19.911.4.B establishes criteria for approving Type III Variance applications.

An application for a Type III Variance shall be approved when all of the criteria in either 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

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

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

Neither staff nor the applicant has identified any negative impacts of the variance proposal.

The Planning Commission finds that this criterion is met.

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

- (a) The proposed variance avoids or minimizes impacts to surrounding properties.

The proposed variance will affect the western façade of the home, which is not adjacent to any other property.

The Planning Commission finds that this criterion is met.

- (b) The proposed variance has desirable public benefits.

"Public benefits" are typically understood to refer to benefits to be enjoyed by members of the general public as a result of a particular project, or preservation of a public resource. Aesthetic improvements of a specific and limited nature do not typically constitute a public benefit.

The Planning Commission finds that this criterion is not applicable.

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

This criterion encourages flexibility in site planning and development when the existing built or natural environment provide challenges to standard development or site planning. The site is flat and rectilinear and is developed with a conventional single-family dwelling.

The Planning Commission finds that this criterion is not applicable.

The Planning Commission finds that the applicant has demonstrated that the project meets criterion 2.a within this subsection, and therefore this subsection is satisfied.

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

As noted in Finding 7.b.1, neither staff nor the applicant has identified any potential negative impacts.

The Planning Commission finds that there are no impacts to be mitigated, and this criterion is met.

The Planning Commission finds that these criteria are met.

8. As per MMC 19.1001.7.E, this approval shall expire and become void unless the proposed development completes the following steps:
- a. Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
 - b. Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.
9. The application was referred to the following departments and agencies on May 11, 2015:
- Milwaukie Building Division
 - Milwaukie Engineering Department
 - Clackamas County Fire District #1
 - Lewelling Neighborhood District Association Chairperson and Land Use Committee

The comments received are summarized as follows: No comments received.

**Recommended Conditions of Approval
File #NR-2015-001, VR-2015-002, Walker**

1. At the time of submission of any building permit application, the following shall be resolved:
 - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on March 12, April 8, and May 21, 2015, except as otherwise modified by these conditions.
 - b. All work shall be performed in accordance with the construction management plan and mitigation plan approved by this action.
 - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
2. Prior to final inspection of any building permit, the following shall be resolved:
 - a. Implement the final mitigation plan for disturbances to the WQR, including the following tasks:
 - (1) Remove all invasive nonnative vegetation and any debris or noxious material from within designated mitigation planting areas.
 - (2) Install trees, shrubs, and ground cover according to the details provided in the final mitigation plan and in accordance with the standards provided in MMC 19.402.11.B. This includes standards for plant size, spacing, and survival.
 - (3) Provide a signed statement from the responsible party identified in the approved mitigation plan, stating that all mitigation plantings have been installed according to the final mitigation plan.
 - b. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

Additional Requirements

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

1. The proposed work is subject to the relevant development standards in MMC 19.402.11.A.
2. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).

City of Milwaukie Project Summary

Contact Information:

Jeff Walker 503-970-8142 smwjrw6@comcast.net
Shauna Walker 360-607-6788 smwjrw@gmail.com

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CITY OF MILWAUKIE
PLANNING DEPARTMENT

Project Description:

Residential building addition totaling 280sq.ft. Structure will include electrical and duct work only. Structure will be built over existing grass along the west side of the existing house.

Structure will be a maximum height of 35' constructed on a flat yard. Maximum lot coverage is 24%. 45% of the site will be vegetated post construction (Attachment A).

The Natural Resource area will not be altered in a negative way. 280 sq. ft. of grass will be replaced with 160 sq. ft. of Wild Strawberry along the North fence line and 200 sq. ft. of Wild Strawberry along the East side of the house. In addition, two types of shrubs and trees from the Native Plants list will be planted in the front and back yard. No outside lighting will be installed.

Location: 5256 SE Winsor Ct. Milwaukie, OR. 97222
Tax lot: 3107, Lot 20



Existing and Proposed Uses:

Existing land use is front lawn. Due to the removal of 280sq.ft. of lawn, Home Owners will replace plantings elsewhere on the property to include native trees, ground cover and shrubs along the fence line.



Proposed Construction:

Proposed construction is a 10 X 28 ft. structure running along the west side of the existing house. The space will be used for an additional living space and be a maximum height of 35'.

Existing structure plus addition will cover 24% of lot.

Planning Issues:

The proposed development would involve the following land use applications:
Variance (Type III)
Natural Resources (Type III)

Property owner is requesting these be processed concurrently in order to expedite the process.

Variance Request:

Variance to street side yard setback from required 20' to 14.76' from street side property line. The opposite corner is set back at 29.27'. (See Attachment C)

19.911.4.B.1: Discretionary Relief Criteria

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

Other options considered:

- *Smaller addition: After reviewing several options for a smaller addition, in order to maintain the visual aesthetics of the house, running the full length 28ft is necessary. That will allow for a two room set up which will add to property values for the neighborhood.*
 - *Addition into backyard vs. side yard: After reviewing an option for a backyard addition, the layout of the house would not be functional without extensive layout redesign and construction. The backyard also is closer to the wetland and would require a greater variance to the setback guidelines further impacting the nature area.*
- b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate and it meets one or more of the following criteria:

- (1) The proposed variance avoids or minimizes impacts to surrounding properties

Meets: No surrounding properties will be disrupted and care will be taken to minimize impact on surrounding land through limiting access to development site to one contractor with whom the property owner has experience with. There will be only one way to enter/leave the development site and work area will be roped off. Any plants that are

disturbed will be replanted and several new native trees, shrubs and plants will be added to the property.

(2) The proposed variance has desirable public benefits

n/a

(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Meets: The proposed development is minimal and maintains the integrity of the surrounding areas. Development will be built to enhance existing property and be in alignment with other properties in the area. Natural area will be enhanced during this process with the addition of new native trees, shrubs and plants.

Natural Resources Review: The majority of the property is in the Water Quality Resource area and the entire site is within the 100' buffer. Directly behind and to the east of the property is a designated wetland resource area.

19.402.9 Construction Management Plans

1. Description: *280ft. addition to existing structure. Addition will include electrical and HVAC. Addition will not include plumbing. Second story height is the same as existing structure. Maximum height 35'.*
2. Site Plan (*attachment A*)
3. Location of site access and egress that construction equipment will use (*attachment A*)
4. Equipment and material staging and stockpile areas (*attachment A*)
5. Erosion and sediment control measures

Area will minimize erosion impact with the planting of ground cover and limited access to the construction site. Only one way of ingress and egress will be used at the access will be off the existing driveway to limit disruption of natural areas.

6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. The root protection zone shall extend from the trunk to the outer edge of the tree's canopy, or as is practicable for the approved project. The perimeter of the root protection zone shall be flagged, fenced or otherwise marked and shall remain undisturbed. Material storage and construction access is prohibited within the perimeter. The root protection zone shall be maintained until construction is complete.

There is only one small tree that is close in proximity to the construction zone. This tree is located on the Property Owner's property and will either have the root areas roped off (preferred) or, if it is too close to the construction area, will be moved to another area of the property.

19.402.11 Development Standards-

- A1: Construction areas shall be marked to reduce potential damage to the WQR and/or HCA.

Work area will be roped off to allow only for work in designated 280ft. work space. Access will be from the existing property driveway to eliminate risk of harm to existing sidewalks and plantings.

- A2: Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment.

There are no existing trees in the defined work area.

- A3: Native soils disturbed during development shall be conserved on the property.

Any disturbed soil will be redistributed on the existing property in the back-yard.

- A4: An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in the City's Public Works Standards.

Any erosion will be reinforced according to City Standards. This includes the planting of native ground cover, Wood Strawberry.

- A5: Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to any WQR adjacent to the project area.

Due care will be taken to prevent drainage of hazardous materials. All will be disposed of according to City Standards. Work site will be limited to one contractor with oversight by property owners.

- A6: Storm water flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows.

Gutters will be in place that flow in the same direction as the existing structure.

- A7: Prior to construction, the WQR and/or HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall

remain undisturbed. Such markings shall be maintained until construction is complete.

Work site area will be roped off and flagged to ensure proper ingress and egress to worksite. Site will be marked until construction is complete.

- A8: The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.

Work site will be roped off and access will be through existing property driveway to ensure areas outside of work area are undisturbed.

- A9: Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size and intensity of lighting shall be selected so that impacts to habitat functions are minimized.

No exterior lights will be installed.

- A10: All work on the property shall conform to a construction management plan prepared according to Subsection 19.402.9.

Property Owners will ensure construction management plan is prepared in accordance with City Code and adhered to throughout the construction process. Property Owners are working with a single Contractor with whom they experience with and will work together to ensure compliance.

Jay Miller Designs: Contractor License: JAYMIMD9OOLZ

- B1: Disturbance

- a. Designated natural resources that are affected by temporary disturbances shall be restored, and those affected by permanent disturbances shall be mitigated, in accordance with the standards provided in Subsection 19.402.11.C for WARs and Subsection 19.402.11.D.2 for HCAs as applicable.

Existing grass that will be removed for the 280ft addition will be replaced with the addition of new Native Tree plantings; Wild Strawberry, Red Flowering Currant and Mockorange. Plantings will be located on the property line to ensure buffer against nature areas.

*(1) Cornus Nattalli – Front Yard
(1) Bitter Cherry – Back Yard*

- b. Landscape plantings are not considered to be disturbances, except for those plantings that are part of a non-exempt storm water facility; e.g., rain garden or bioswale
- B2. Unless specified elsewhere in Section 19.402, all trees shrubs, and ground cover planted as mitigation shall be native plants, as identified on the Milwaukie Native Plant List. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc.

Ground cover of Wood Strawberry will be planted along the North Fence line and East side of house to assist with erosion.

(1) Red Flowering Currant shrub and (1) Mockorange will be planted along side of new structure.

- B3: Replacement trees shall average at least a 1/2-in caliper—measured at 6 in above the ground level for field-grown trees or above the soil line for container-grown trees—unless they are oak or madrone, which may be 1-gallon size. Shrubs shall be at least 1-gallon size and 12 in high.

Selected trees, Cornus Nattalli and Bitter Cherry meet requirements. Selected shrub, Red Flowering Currant, also meets size requirement. Property Owners will work with local landscaper, Celso Hernandez (Business License: 94912-94), with whom they have worked with over the past 5 years in order to ensure trees, shrubs and ground cover are planted properly and maintained.

- B4: Trees shall be planted between 8 and 12 ft. on center. Shrubs shall be planted between 4 and 5 ft. on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft. on center. When planting near existing trees, the drip line of the existing tree shall be on the starting point for plant spacing measurements.

Property Owners will work with local landscaper, Celso Hernandez, with whom they have worked with over the past 5 years in order to ensure trees, shrubs and ground cover are planted properly and in accordance with City Code as well as maintained over time.

- B5: Shrubs shall consist of at least 2 different species. If 10 trees or more are planted, then no more than 50% of the trees shall be of the same genus.

Shrubs will include Red Flowering Current as well as Mockorange to ensure 2 different species are on the property. There will not be 10 or more trees planted as there is insufficient room for them to grow.

B6: Location of Mitigation Area

- a. All mitigation vegetation shall be planted on the applicant's site within the designated natural resource that is disturbed, or in an area contiguous to the resource area; however, if the vegetation is planted outside the resource area, the applicant shall preserve the contiguous planting area by executing a deed restriction such as a restrictive covenant.

All mitigation will be on site as noted on 'Attachment A'.

- b. Off-Site Mitigation

Not applicable

B7: Invasive nonnative or noxious vegetation shall be removed within the mitigation area prior to planting, including, but not limited to, species identified as nuisance plants on the Milwaukie Native Plant List.

There is no known existing invasive nonnative or noxious vegetation on the property. If some is found, it will be removed by a local landscaper.

B8: Bare or open soil areas remaining after the required tree and shrub plantings shall be planted or seeded to 100% surface coverage with grasses or other ground cover species identified as native on the Milwaukie Native Plant List. Revegetation shall occur during the next planting season following the site disturbance.

Wood Strawberry ground cover will be planted during the next planting season after construction. It will be planted in accordance with the coverage requirements listed by a local landscaper.

B9: A minimum of 80% of the trees and shrubs planted shall remain alive on the second anniversary of the date that the mitigation planting is completed.

- a. To enhance survival of the mitigation plantings, the following practices are required:
1. Mulch new plantings to a minimum of 3-in depth and 18-in diameter to retain moisture and discourage weed growth.
 2. Remove or control nonnative or noxious vegetation throughout the maintenance period.

A reputable, local landscaper will plant the trees, shrubs and ground cover as well as maintain the plantings in accordance with the above. Property owners will be actively involved and oversee this process during planting and over time.

- b. To enhance the survival of tree replacement and vegetation plantings, the following practices are recommended:
 1. Plant bare root trees between December 1 and April 15; plant potted plants between October 15 and April 30.
 2. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and the resulting damage to plants.
 3. Water new plantings at a rate of 1 in per week between June 15 and October 15 for the first 2 years following planting.

Property owners will ensure plantings take place in accordance with planting timelines noted above for trees and shrubs. Fragile plantings will be braced and secured to ensure there is no wildlife impact or natural disturbance while growing. Property owners have a sprinkler system and will ensure all new plantings are watered at a rate of 1 in per week between June 15 and Oct 15 for at least the first 2 years post planting.

- c. Monitoring of the mitigation site is an ongoing responsibility of the Property Owner. Plants that die shall be replaced in kind as needed to ensure the minimum 80% survival rate. The Planning Director may require a maintenance bond to cover the continued health and survival of all plantings. A maintenance bond shall not be required for land use applications related to owner-occupied single family residential projects. An annual report on the survival rate of all plantings shall be submitted for 2 years.

Property Owners will take due care with all plantings and will monitor and replace any plantings as needed.

B10: Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.

No exterior lights will be installed.

Table 19.402.11.C Mitigation Requirements for WQRs

Class C ("Poor")

Requirements:

- Restore and mitigate disturbed areas with native species from the Milwaukie Native Plant List, using a City-approved plan developed to represent the vegetative composition that would naturally occur on the site.

Development will replace some existing lawn area which will be replaced elsewhere on the property with native species from the Milwaukie Native Plant List.

Ground cover will be Wood Strawberry along North fence line and East side of house to assist with erosion as well as around new tree plantings. New Trees are Cornus Nattali and Bitter Cherry.

Shrubs will include Red Flowering Current as well as Mockorange to ensure 2 different species are on the property.

All plantings will be done by a licensed landscaper with whom the Property Owners have worked with over several years. All plantings will be at the direction and supervision of the Property Owner.

- Plant and/or seed all bare areas to provide 100% surface coverage.

All bare areas will be covered to 100%

- Inventory and remove debris and noxious materials.

Any debris or noxious materials will be removed immediately and properly.

19.402.12 General Discretionary Review

Given the existing conditions of the property as a managed single family home property, the Planning Director has waived the requirement to provide an impact evaluation and alternatives analysis as the proposal can be evaluated without professional assistance.

19.402.12.B Approval Criteria

Demonstrate how the proposed activity complies with the following criteria:

a. Avoid

The proposed activity avoids the intrusion of development into the WQR and/or HCA to the extent practicable. The proposed activity shall have less detrimental impact to the designated natural resource than other practicable alternatives, including significantly different

practicable alternatives that propose less development within the resource area.

Other options considered:

- *Smaller addition: After reviewing several options for a smaller addition, in order to maintain the visual aesthetics of the house, running the full length 28ft is necessary. That will allow for a two room set up which will add to property values for the neighborhood.*
- *Addition into backyard vs. side yard: After reviewing an option for a backyard addition, the layout of the house would not be functional without extensive layout redesign and construction. The backyard also is closer to the wetland and would require a greater variance to the setback guidelines further impacting the nature area.*

b. Minimize

If the applicant demonstrates that there is no practicable alternative that will avoid disturbance of the designated natural resource, than the proposed activity within the resource area shall minimize detrimental impacts to the extent practicable.

- (1) The proposed activity shall minimize detrimental impacts to ecological functions and loss of habitat, consistent with uses allowed by right under the base zone, to the extent practicable.

Proposed development is limited to the removal of existing lawn area only. There is one small tree in close proximity to the construction site which will be either protected for root area or be relocated to another area of the property.

- (2) To the extent practicable within the designated natural resource, the proposed activity shall be designed, located, and constructed to:

- (a) Minimize grading, removal of native vegetation, and disturbance and removal of native soils; by using the approaches described in Subsection 19.402.11.A, reducing building footprints, and using minimal excavation foundation systems.

Grading for the foundation will not be necessary. There will be no slab, instead, a crawl space with a raised foundation will be built. The small amount of soil that is disturbed will be relocated and spread in the back yard. The yard is flat where the addition is located.

- (b) Minimize adverse hydrological impacts on water resources.

There are no anticipated impacts on water resources.

- (c) Minimize impacts on water resources.

Bio Bags will be used around the catch basin during construction. A silt fence will also be used around the construction site.

- (d) Allow for use of other techniques to further minimize the impacts of development in the resource area; such as using native plants throughout the site (not just in the resource area), locating other required landscaping adjacent to the resource area, reducing light spill-off into the resource area from development, preserving and maintaining existing trees and tree canopy coverage, and/or planting trees where appropriate to maximize future tree canopy coverage.

See Attachment (C) for proposed layout of new native trees, plants and ground cover.

Responses to 19.402.11.A

- A1: Construction areas shall be marked to reduce potential damage to the WQR and/or HCA.

Work area will be roped off to allow only for work in designated 280ft. work space. Access will be from the existing property driveway to eliminate risk of harm to existing sidewalks and plantings.

- A2: Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment.

There are no existing trees in the defined work area.

- A3: Native soils disturbed during development shall be conserved on the property.

Any disturbed soil will be redistributed on the existing property in the back-yard.

- A4: An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in the City's Public Works Standards.

Any erosion will be reinforced according to City Standards. This includes the planting of native ground cover, Wood Strawberry.

- A5: Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to any WQR adjacent to the project area.

Due care will be taken to prevent drainage of hazardous materials. All will be disposed of according to City Standards. Work site will be limited to one contractor with oversight by property owners.

- A6: Storm water flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows.

Gutters will be in place that flow in the same direction as the existing structure.

- A7: Prior to construction, the WQR and/or HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Such markings shall be maintained until construction is complete.

Work site area will be roped off and flagged to ensure proper ingress and egress to worksite. Site will be marked until construction is complete.

- A8: The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.

Work site will be roped off and access will be through existing property driveway to ensure areas outside of work area are undisturbed.

- A9: Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size and intensity of lighting shall be selected so that impacts to habitat functions are minimized.

No exterior lighting will be installed.

- A10: All work on the property shall conform to a construction management plan prepared according to Subsection 19.402.9.

Property Owners will ensure construction management plan is prepared in accordance with City Code and adhered to throughout the construction process. Property Owners are working with a single Contractor with whom they have completed many projects with and have always worked together to ensure compliance.

- (b) Minimize adverse hydrological impacts on water resources.

Grading for the foundation will not be necessary. There will be no slab, instead, a crawl space with a raised foundation will be built. The small amount of soil that is disturbed will be relocated and spread in the backyard. The yard is flat where the addition is located.

- (c) Minimize impacts on wildlife corridors and fish passage

Bio Bags will be used around the Catch Basin during construction. A silt fence will also be used around the construction site.

- (d) Allow for use of other techniques to further minimize the impacts of development in the resource area; such as using native plants throughout the site, locating other required landscaping adjacent to the resource area, reducing light spill-off into the resource area from development, preserving and maintaining existing trees and tree canopy coverage, and/or planting trees where appropriate to maximize future tree canopy coverage.

Native plants, trees and shrubs will be planted throughout the site. Plants were selected from the Milwaukie Native Plant list and will be planted and maintained by a licensed landscaper and the direction and oversight of the Property Owner.

Ground cover will be Wood Strawberry in the back and side yard along property boundary to assist with erosion as well as around new tree plantings.

Shrubs will include Red Flowering Current as well as Mockorange to ensure 2 different species are on the property.

Trees will be Cornus Nattalli and Bitter Cherry.

c. Mitigate

If the applicant demonstrates that there is no practicable alternative that will avoid disturbance of the designated natural resource area, then the proposed activity shall mitigate for all adverse impacts to the resource area. All proposed mitigation plans shall meet the following standards:

- (1) The mitigation plan shall demonstrate that it compensates for detrimental impacts to the ecological functions of resource areas, after taking into consideration the applicant's efforts to minimize such detrimental impacts.

Property Owner will ensure development area is roped off and there will be limited access with one area to enter and leave using the existing driveway to limit impact to other natural areas.

New Native trees, plants and shrubs will be planted throughout the property.

- (2) Mitigation shall occur on the site of the disturbance, to the extent practicable. Off-site mitigation for disturbances of WQRs shall not be approved. Off-site mitigation of HCAs shall be approved if the applicant has demonstrated that it is not practicable to complete the mitigation on-site and if the applicant has documented they can carry out and ensure the success of the off-site mitigation as outlined in Subsection 19.402.11.B.5

All new plantings will occur on the development site within the natural resource area that is disturbed, or in an area contiguous to the resource area.

- (3) All revegetation plantings shall use native plants listed on the Milwaukie Native Plant List

All revegetation was chosen from the Milwaukie Native Plants list including Wood Strawberry, Red Flowering Current, Mockorange, Cornus Nattaali and Bitter Cherry.

- (4) All in-stream work in fish-bearing streams shall be done in accordance with the allowable windows for in-water work as designated by ODFW.

All work will be in accordance with the established allowable windows. There are no fish bearing streams.

- (5) A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting. Compliance with the plan shall be a condition of development approval.

All plantings will be maintained on a regular schedule by a licensed landscaper, overseen by the Property Owner.

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MAY 21 2015

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Community Development
6101 SE Johnson Creek Blvd
Milwaukie, OR. 97206

FILE: #NR-2015-001, VR-2015-002

SITE: 5256 SE Winsor Ct.

RE: Approvability Follow Up Item

Practicable alternatives to the location and size of the addition and evaluation of other possible options:

Other options considered:

- *Reducing the size of the addition to reduce impact:* After reviewing several options for a smaller addition, running the full length 28ft is necessary to maintain the aesthetics of the property. A 10 X 28ft addition will allow for a two room set up to include expanded dining area and den which will add to property values for the neighborhood. This option 5ft variance on one corner and disrupts only lawn area which will be replanted in other areas of the property.
- *Addition into backyard vs. side yard:* After reviewing an option for a backyard addition, the layout of the house would not be functional without extensive layout redesign and construction causing greater impact on the surrounding area and neighbors. The backyard also is closer to the wetland and would require a greater variance to the setback guidelines further impacting the nature area.
- *Locating addition outside of the mapped WQR:* The East side borders a neighbor and there is insufficient room. The backyard is closer to the WQR. The West side of the house has sufficient room and would have the least impact on the WQR.
- *Additional 3rd Story:* The property is already at the maximum height, 35ft. allowed so expanding upward is not an option.

Thank you for your consideration.

Jeff and Shauna Walker

Proposed Addition

← 5257 SE Winsor Ct, Milwaukie, Oregon

ED

ATTACHMENT



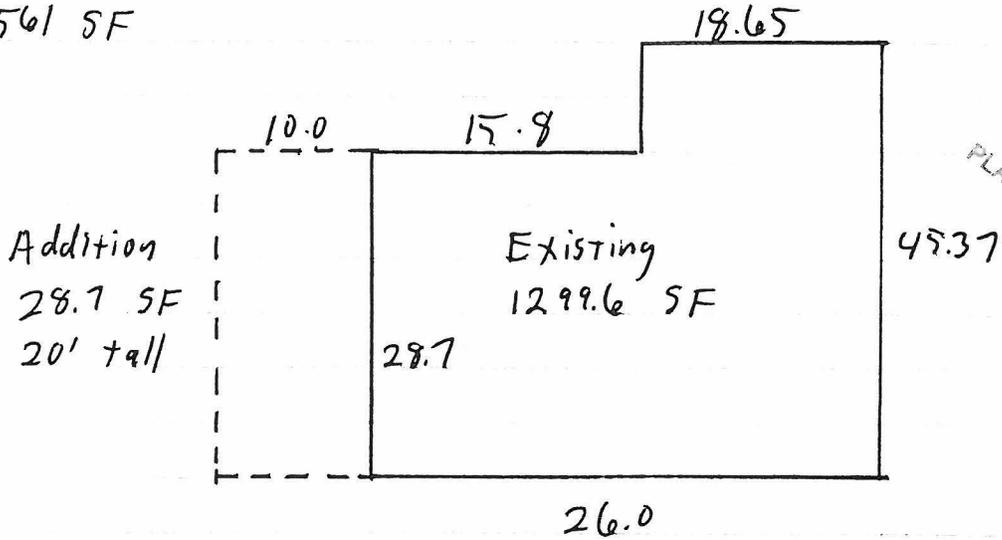
© 2012 Google

Report a problem



N.

Lot = 6561 SF



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 PLANNING DEPARTMENT

$$\begin{array}{rcl}
 \text{Existing } (15.8 \times 28.7) + (18.65 \times 45.37) & = & 1299.6 \\
 \text{Addition } 10 \times 28.7 & = & \underline{297.0} \\
 & & 1586.6 \text{ SF}
 \end{array}$$

$$\begin{array}{rcl}
 \text{Side Wall } 81 \times 4 & = & 324 \text{ SF} \\
 \text{Driveway } 18 \times 26 & = & 412 \text{ SF}
 \end{array}$$

Existing House	20% of lot
Addition + Existing	24% of lot
Cement	11% of lot
Yard	45% of lot

Attachment B

Attachment C

pg. 1

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CITY OF MILWAUKIE
PLANNING DEPARTMENT

5/8" IR WITH ALUMINUM CAP MARKED
"ZAROSINSKI-TATONE, INC." HELD (P)

N89°42'00"E 232.06' (232.00' P)

CENTERLINE WINSOR COURT
(40.00' WIDE)

5/8" IR WITH ALUMINUM CAP MARKED
"ZAROSINSKI-TATONE, INC." HELD (P)

D=85°35'18"
R=15.00'
L=22.41'
C=20.38'
CB=S 46°54'21" W
HELD (P)

WINSOR COURT

5/8" IR WITH ALUMINUM CAP MARKED
"ZAROSINSKI-TATONE, INC." HELD (P)

SWE
0.4'

SWE
0.3'

SWE
0.4'

TAX LOT 3108

50.00'

D=48°42'31"
R=50.00'
L=42.51'
C=41.24'
CB=S 28°27'57" W
HELD (P)

TAX LOT 3107

Equipment
Storage
Access / Egress

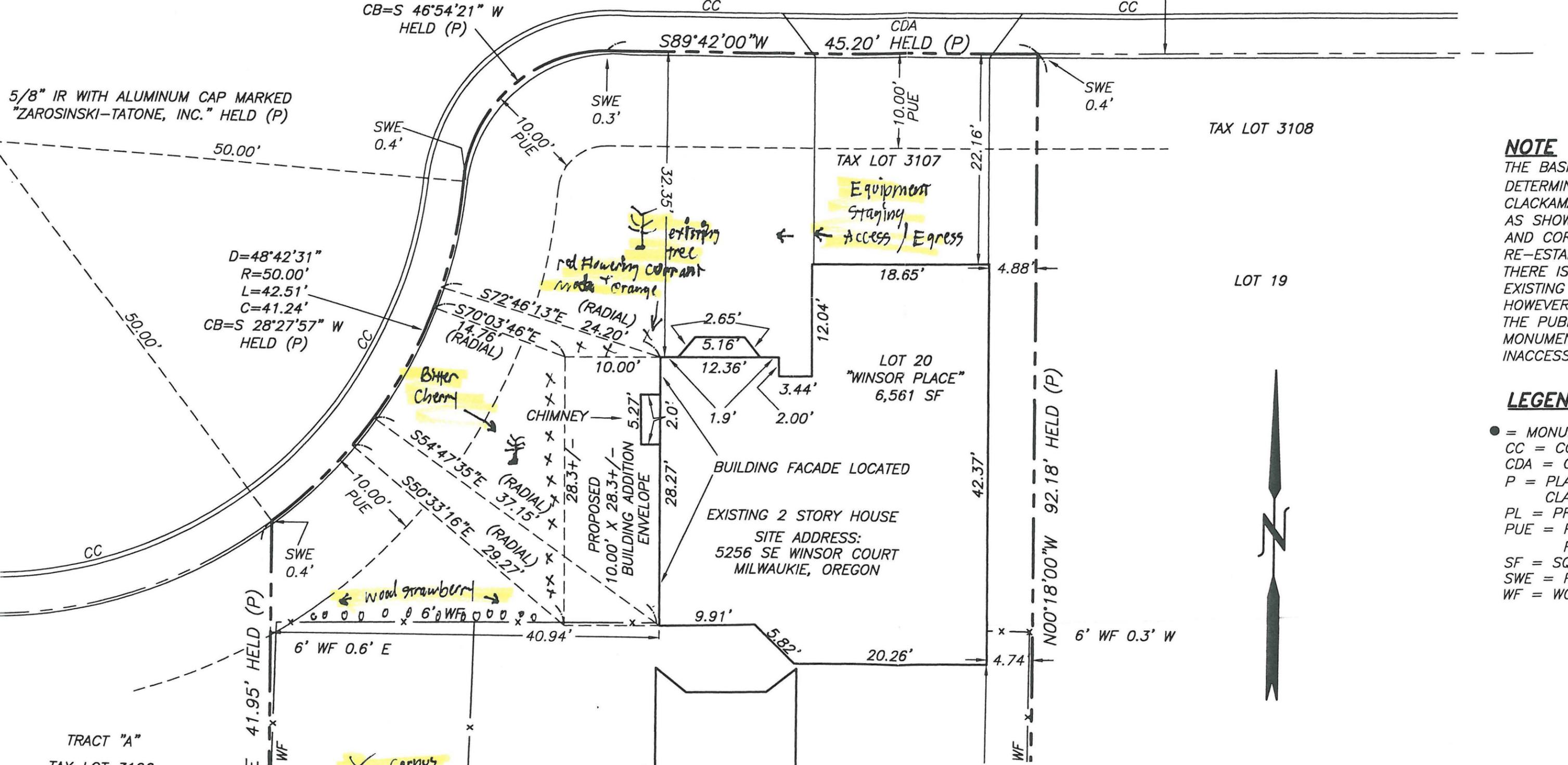
LOT 19

NOTE

THE BASIS OF
DETERMINATION
CLACKAMAS
AS SHOWN
AND CORRECTIONS
RE-ESTABLISHED
THERE IS AN
EXISTING PUBLIC
HOWEVER THE
THE PUBLIC
MONUMENTS
INACCESSIBLE

LEGEND

- = MONUMENT
- CC = CONCRETE
- CDA = CONCRETE DRIVEWAY
- P = PLAT OF
- CLACKAMAS
- PL = PROPOSED
- PUE = PUBLIC UTILITY ENCLAVE
- PER = PERMIT
- SF = SQUARE FEET
- SWE = POSSIBLE
- WF = WOOD



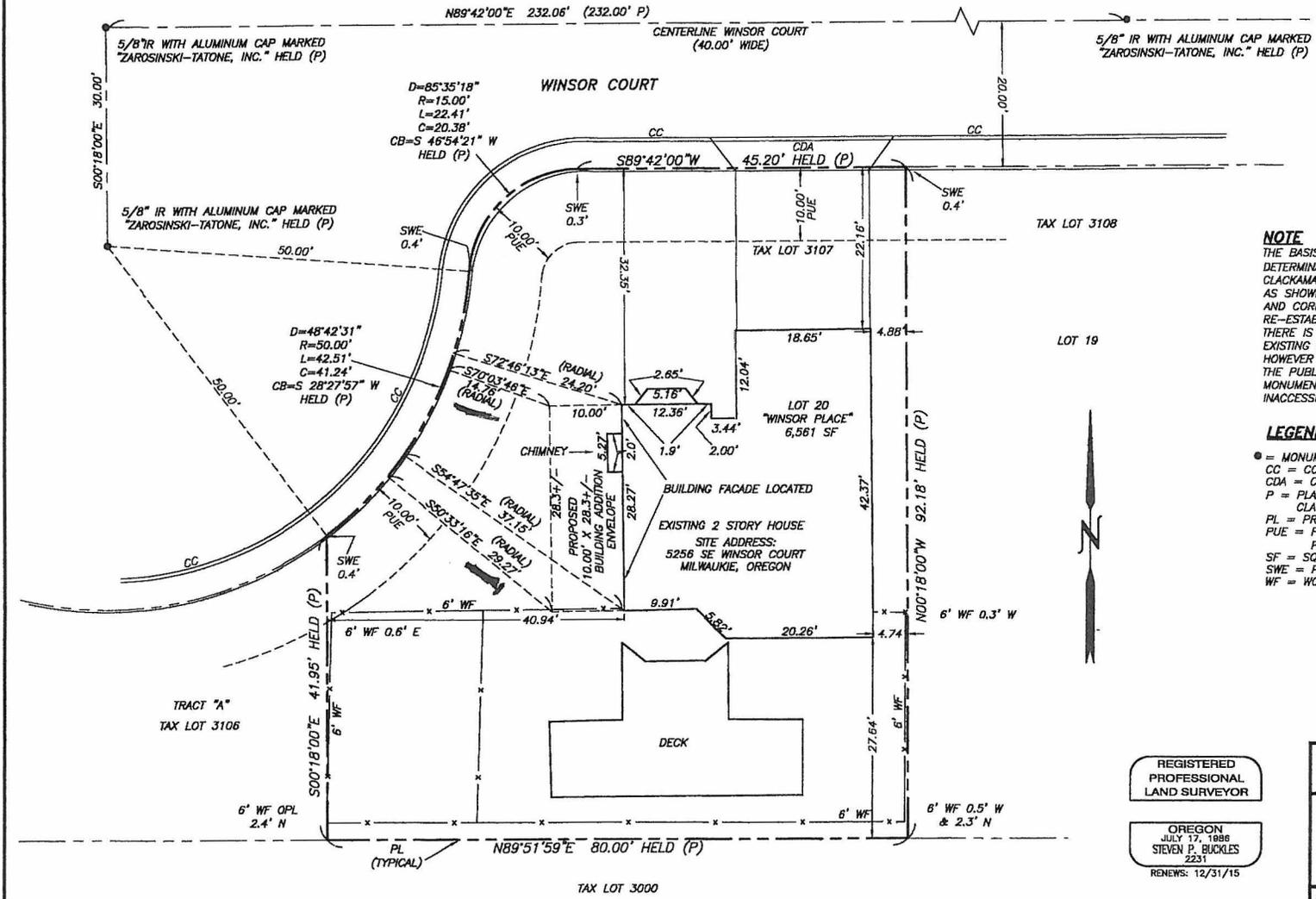
TRACT "A"
TAX LOT 3106

Cornus

PROPERTY BOUNDARY AND HOUSE LOCATION SURVEY

TAX LOT 3107, LOT 20, "WINSOR PLACE", SITUATED IN THE
SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 1S, RANGE
2E, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

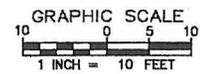
DATE: FEBRUARY 10, 2015 SCALE: 1"=10'
FOR: JEFF WALKER



NOTE
THE BASIS OF BEARINGS FOR THIS BOUNDARY LINE DETERMINATION IS THE PLAT OF "WINSOR PLACE", CLACKAMAS COUNTY PLAT RECORDS. PLAT MONUMENTS AS SHOWN WERE HELD AND RECORD PLAT DIMENSIONS AND CORRESPONDING ANGLES WERE UTILIZED TO RE-ESTABLISH THE SUBJECT TRACT BOUNDARY LINES. THERE IS A POSSIBLE SLIGHT ENCROACHMENT OF THE EXISTING PUBLIC SIDEWALK ONTO THE SUBJECT TRACT. HOWEVER THIS ENCROACHMENT MAY BE COVERED BY THE PUBLIC UTILITY EASEMENT. PROPERTY CORNER MONUMENTS SET BY SAID PLAT ARE EITHER INACCESSIBLE OR DESTROYED.

LEGEND

- = MONUMENT FOUND AS NOTED.
- CC = CONCRETE CURB
- CDA = CONCRETE DRIVE APRON
- P = PLAT OF "WINSOR PLACE"
CLACKAMAS COUNTY SURVEY RECORDS
- PL = PROPERTY LINE
- PUE = PUBLIC UTILITY EASEMENT
PER THE PLAT OF "WINSOR PLACE"
- SF = SQUARE FEET
- SWE = POSSIBLE PUBLIC SIDEWALK ENCROACHMENT
- WF = WOOD FENCE



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 17, 1886
STEVEN P. BUCKLES
2231
RENEWS: 12/31/15

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS

Plaza 125, Building G
12730 SE Stark Street
Portland, Oregon 97239
Phone: (503) 408-1507
Fax: (503) 408-2370

DATE: FEB. 10, 2015 FILE: W15009.DWG
DRAWN BY: RL JOB NO. W14009

APR 08 2015

RECEIVED

Attachment C pg2

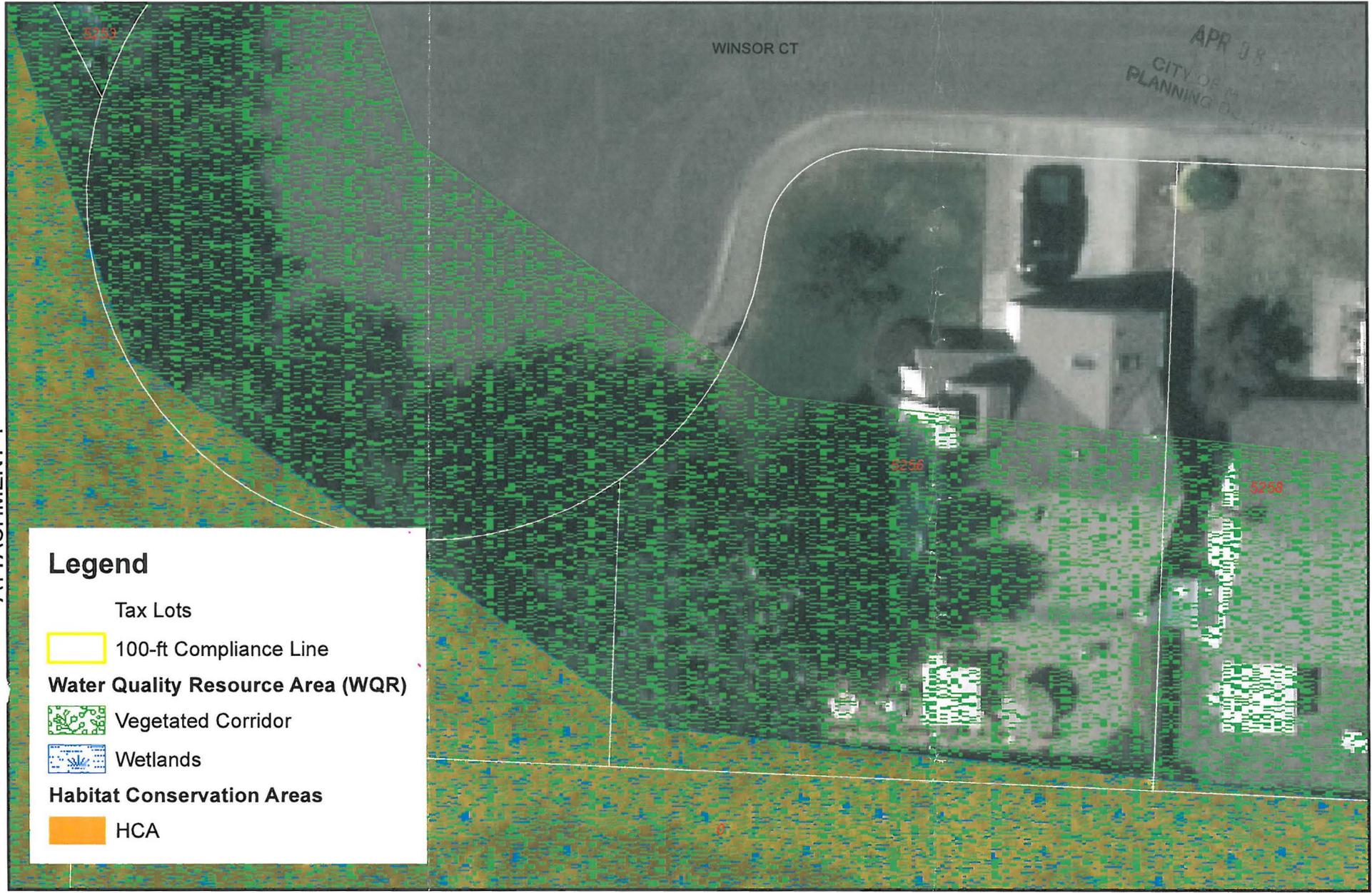
REC

APR 3 8

CITY OF MILWAUKIE
PLANNING DEPARTMENT

WINSOR CT

ATTACHMENT 4



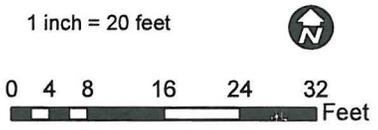
Legend

- Tax Lots
-  100-ft Compliance Line
- Water Quality Resource Area (WQR)**
-  Vegetated Corridor
-  Wetlands
- Habitat Conservation Areas**
-  HCA



Site Map

Milwaukie Planning Dept.
 Data: City of Milwaukie GIS;
 Metro RLIS
 Date: 4/6/2015
 Author: Planning Staff



The information depicted on this map is for general reference only. The City of Milwaukie does not accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: Li Alligood, Senior Planner, City of Milwaukie Planning Department

From: Matt Amos, Fire Inspector, Clackamas Fire District #1

Date: 6/1/2015

Re: 280 sf addition to 5256 SE Winsor Ct.

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

COMMENTS:

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



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kalias, Associate Planner

Date: June 2, 2015, for June 9, 2015, Public Hearing

Subject: **File:** CPA-2015-001, ZA-2015-001
Central Milwaukie Plan and Code Amendments
Hearing #4

File Types: Comprehensive Plan Text Amendment, Zoning Ordinance Text
Amendment, Zoning Ordinance Map Amendment

Applicant: Dennis Egner, Planning Director

ACTION REQUESTED

Open the public hearing for application CPA-2015-001, ZA-2015-001. Discuss the proposed amendments to the Central Milwaukie use standards and design and development standards. Take public testimony and provide direction to staff regarding desired revisions to the proposed amendments.

This is the fourth of 4 scheduled hearings on the central Milwaukie plan and code amendment package. The draft ordinance and Findings of Approval will be provided at the final hearing on the amendments, currently tentatively scheduled for June 9.

HEARING SCHEDULE

Due to the complexity of the amendment package, the hearings on the Central Milwaukie plan and code amendment package have been packaged into multiple dates, each with an anticipated focus on a specific section of the draft amendments. See the [April 28, 2015, staff report](#) for the referenced attachments.

The hearings schedule and anticipated topic of focus are as follows:

- April 28, 2015: Policies (*Central Milwaukie Land Use and Transportation Plan and Comprehensive Plan – Chapter 4*). This hearing focused on the materials contained in Attachments 1 and 2.
- May 12, 2015: Use standards, development and design standards. This hearing will focus on Sections 19.303, 19.404, and 19.505 contained in Attachment 1.
- May 26, 2015: Continue discussion on use standards, development and design standards.
- June 9, 2015
- TBD: Final vote on full amendment package.

BACKGROUND INFORMATION

See the [April 28, 2015, staff report](#) for a discussion of project background and the public process and outreach.

During the April 28 public hearing, there was public testimony and Commission discussion about the *Central Milwaukie Land Use and Transportation Plan, Comprehensive Plan – Chapter 4* policies, and recommended Transportation System Plan (TSP) projects. The implementation of the policies through the proposed code amendments was discussed at the May 12 and May 26 public hearings.

A. History of Prior Actions and Discussions

- **May 26, 2015:** The Commission reviewed the proposed amendments to the zoning code and directed staff to provide an alternative approach to design and development standards for flex space development in the Flex Space Overlay.
- **May 12, 2015:** The Commission reviewed the proposed amendments to the zoning code and directed staff to provide additional information regarding: 1) design and development standards for flex space development; 2) additional information to be included in a Preliminary Circulation Plan; and 3) additional discussion regarding design standards for key corners. The Commission also provided direction regarding the following: 1) the boundary of the Flex Space Overlay; 2) the minimum development site size that would require a Preliminary Circulation Plan; and 3) the land use review process that would apply to the GMU and Flex Space Overlay.
- **April 28, 2015:** The Commission reviewed the proposed amendments to Chapter 4 of the Comprehensive Plan and the *Central Milwaukie Land Use and Transportation Plan (CM LU&T)*, and directed staff to include the following revisions in the April 28 version: revise the CM LU&T Transportation and Circulation Diagram to clarify that the location of the public streets and ped/bike connection through the Murphy site will be determined at the time of development; and that an amendment to the Land Use & Urban Design Concepts Diagram to reflect the final boundary of the Flex Space Overlay will be required after the May 12 public hearing when that proposal is discussed in more detail.

B. Existing Code History

Currently, there are three commercial zones (General Commercial CG, Residential-Office-Commercial R-O-C, Community Shopping Commercial C-CS), two residential zones (R-1 and R-2), and one overlay (Mixed Use Overlay MU) in Central Milwaukie. The R-O-C Zone and associated MU Overlay have specific requirements for and limitations of the type of development that can locate there, including very specific development programs. The CG Zone is very permissive in terms of allowed uses, but has very few development and design standards. The proposed code amendments address these differences with a new zone (General Mixed-Use Zone GMU), a new overlay (Flex Space Overlay FS), and new design and development standards.

The proposed amendments will not apply to the C-CS, R-1, or R-2 zones.

C. Proposed Amendments

The City is proposing amendments to its existing Central Milwaukie zones and use standards to: establish new, consistent zoning; allow a broader range of residential and

mixed use development; establish new design and development standards; and streamline the review process for development on two key opportunity sites. The amendments are intended to implement the vision of the *Central Milwaukie Land Use and Transportation Plan*.

KEY ISSUES

Summary

The following key issues have been identified for the Planning Commission's deliberation. During the May 26 public hearing, the Planning Commission reviewed the draft amendments and provided direction to staff regarding potential revisions. Staff has highlighted policy choices as key issues on which Commission direction is being requested.

- A. To which design and development standards should flex space development proposed in the Flex Space Overlay be subject?

Analysis

A. To which design and development standards should flex space development proposed in the Flex Space Overlay be subject?

In order to implement the project goal to facilitate development of the opportunity sites, a Flex Space Overlay is proposed on the Murphy site at 32nd Ave and Harrison St. The overlay would allow additional employment uses on the Murphy site, such as light industrial and light manufacturing. Public input has been supportive of a wide range of uses in Central Milwaukie; flex space development allows for a wider range of uses on this key opportunity site, which is important to the property owner.

At the May 26 public hearing, the Commission discussed design and development standards for flex space development and requested alternative code language that would apply specific standards to flex space.

As discussed at the May 12 public hearing, the alternative language proposed is intended to address the following fundamental statements:

- The Planning Commission wants development to be of high quality design and meet the design expectations expressed by public input;
- The Planning Commission wishes to insert some flexibility into the design of flex space building and site development in order to respond to comments submitted by the representative of the Murphy family.

Alternative Standards

Flex development is typically more industrial in nature than what is expected in most mixed-use areas. The Commission has heard from a representative for the Murphy family that requiring typical commercial storefront standards such as prohibiting parking in front of the building is a higher standard than most new flex space projects are subject to. However, the reasons for the design and development standards in Central Milwaukie are to create a pedestrian-friendly environment and encourage high-quality design.

As discussed at prior public hearings and worksessions, the proposed code amendments would require that flex space development be subject to the same design and development standards as other types of development in the General Mixed Use zone. Previous staff reports have stated that this "neighborhood" light industrial flex overlay should achieve a

higher standard to attract cutting edge businesses. The proposed code amendments provide for flexibility through a Type II variance if a proposal cannot meet the design standards, and also provide for a Type II or III variance to adjust development standards.

Additional public comment was provided by a representative of the Murphy family at the May 26 public hearing regarding this issue. At this hearing, the Planning Commission requested that staff provide an alternative set of design and development standards that would be applied to flex space development in the Flex Space Overlay.

In response to Planning Commission comments and concerns, using both comments received from Daniel (DJ) Heffernan and existing language within the zoning ordinance for the Business Industrial zone and Tacoma Station Area Manufacturing zone, staff proposes that the alternative draft language include the following:

- Flex space development would be subject to the same development standards as development in the GMU except:
 - No minimum street frontage
 - Height bonus not available
 - Maximum front yard setback = 50 ft (would accommodate 1 bay of parking, two-way drive aisle, and perimeter landscaping). If not utilized for parking, the front yard must be landscaped.
 - Minimum floor area ratio = 0.3:1
 - No minimum frontage occupancy, except along 32nd Ave.
 - Parking allowed in the front yard, subject to MMC 19.600.
- Flex space development would be subject to the same design standards as development in the GMU, even if not located on a public street, except:
 - The primary entrance must face the front yard
 - Flex space that abuts residential property shall include an 8-ft wide landscaped screening buffer.
- As in the BI zone, flex space development would be subject to Type II review.
- Flex space development will use curbed landscaping and planters to separate vehicular access ways from pedestrian and bicycle ways into and through the site.

Development in the BI and M-TSA zones is subject to landscaping requirements and building and design standards, including building materials, transparency, and weather protection requirements. Applying the proposed standards to the Flex Space Overlay is consistent with design and development standards found in other manufacturing and industrial areas in the City.

Staff is seeking direction from the Commission about whether these standards are appropriate and adequate.

CONCLUSIONS

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

Reach consensus on the recommended draft amendments and agreement on recommended actions in advance of the adoption hearing for a vote on the full amendment package.

If the Planning Commission prefers specific flex space design and site development standards, or more substantial language changes, more time will be needed to develop proposed code language, and additional hearings will be necessary to vet the details.

COMMENTS

See the April 28, 2015 and the May 15, 2015 staff reports for a summary of comments received. No additional comments have been received.

ATTACHMENTS – None