

Land Use Application

Type II Land Use Review

KING ROAD PARTITION

AT

Tax lot 2601 of Tax Map 1S2E 30DC

Parcel 2

Submitted to:
**CITY OF MILWAUKIE
PLANNING**

January 17th, 2017

Narrative Prepared By:

RECEIVED

JAN 17 2017

CITY OF MILWAUKIE
PLANNING DEPARTMENT



CODE CHAPTERS

- 17.04 ADMINISTRATION AND ENFORCEMENT
- 19.908 EXTENSIONS TO EXPIRING APPROVALS

APPLICANT:

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PROPERTY OWNER:

SE KING ROAD, LLC

Manager: Phillip Joseph
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Portland, OR 97204
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LAND USE DECISION: MLP-2015-002, VR-2015-006
TAX MAP: 1S 2E 30DC
TAX LOTS 2601
TOTAL LOT AREA: 0.65 ACRES
ZONING DISTRICT: R7
LAND USE: LD – Low Density
NATURAL RESOURCES: None
HISTORIC RESOURCES: None
OVERLAYS: None

CHAPTER 17.04 ADMINISTRATION AND ENFORCEMENT

17.04.050 TIME LIMIT ON APPROVAL

A. Expiration of Approval

All decisions on boundary changes and land divisions shall expire 1 year after the date of approval. Reactivation of expired decisions may only be made by submission of a new application and related fees.

Response *The Notice of Decision for Land Use File MLP-2015-002, VR-2015-006 is valid for a period of one year, until February 3rd, 2017. The applicant is intending to request an extension of this land use decision.*

B. Extensions

Approvals may be extended up to 6 months upon submission of formal request to the original decision-making authority. One extension of the approval period not to exceed 6 months will be granted provided that:

1. No changes are made on the original plan as approved;
2. The applicant can show intent of recording the land division or boundary change within the 6-month extension period; and
3. There have been no changes in the ordinance provisions on which the approval was based.

Response *The applicant is requesting an extension for Land Use Decision MLP-2015-002, VR-2015-006 which has not yet expired. There have been no changes made to the original application. The applicant has collected multiple bids to complete the required improvements within the next construction season, which would be within the allowed 6 month period. The applicant is unaware of any changes to the ordinance provisions that would have an impact to the original Land Use decision, for which the approval was based.*

CHAPTER 19.908 EXTENSIONS TO EXPIRING APPROVALS

19.908.1 Purpose

The purpose of this section is to provide for an appropriate and efficient review process for extending the time period during which land use approvals are valid and may be utilized.

Response *The applicant acknowledges the purpose of this code section.*

19.908.2 Applicability

A. Approvals Eligible for Extensions

An extension may be requested for any unexpired land use application that was required by Titles 14, 17, or 19 of the Milwaukie Municipal Code and that was approved through a Type I, II, or III review.

Response *The applicant is requesting an extension for Land Use decision MLP-2015-002, VR-2015-006 which has not yet expired, through a Type II review process.*

B. Approvals Not Eligible for Extensions

An extension pursuant to this section may not be requested for an approved land use application that has expired or where other sections of the municipal code specifically prohibit or limit the length or number of extensions allowed.

Response *The applicant is requesting an extension for Land Use decision MLP-2015-002, VR-2015-006 which has not yet expired, nor are there any municipal codes the applicant is aware of that would prohibit the extension from being allowed.*

19.908.3 Review Process

A. General Provisions

1. An extension application must be submitted and approved prior to the expiration date of the approval. An extension application may not be submitted more than 6 months in advance of an expiration date.

Response *The applicant is requesting the extension be approved within the time frame of 6 months prior to the original application expiring and the date of which the application does expire.*

2. An extension may be approved up to a maximum of 2 years from the effective date of the extension approval. Additional extensions may be requested. There is no limit to the number of extensions that may be requested or approved.

Response *The applicant is requesting the first extension for the approved Land Use decision and intends to complete the application prior to the extension expiring. If unforeseen conditions make the completion of the project unachievable during the 6-month time frame for the extension, the applicant may request a second extension to be able to complete the project under the current Land Use decision.*

3. If the original application was approved through a Type III review, the Planning Director shall notify the Planning Commission of receipt of an extension application at the same time that public notice is mailed for the application.

Response *The original application was approved through a Type III review.*

4. If an extension application is denied, the applicant may seek approval for the proposed development by resubmitting all applicable land use applications. Such applications are subject to all procedures, approval criteria, and development standards in effect at the time of submission.

Response *The applicant acknowledges the provisions of this code section.*

B. Review Types

1. If the original application was approved through a Type I review, the extension application shall be evaluated through a Type I review per Section 19.1004.

Response *The original application was approved through a Type III review.*

2. If the original application was approved through a Type II or Type III review, the extension application shall be evaluated through a Type II review per Section 19.1005 in order to provide public notice and opportunity for public comment.

Response *The original application was approved through a Type III review. The applicant acknowledges the extension shall be evaluated through a Type II review process and will provide all information required in order to complete the review.*

19.908.4 Approval Criteria

An extension shall be approved when all of the following criteria have been met:

- A. There have been no significant changes on the subject property, in the vicinity of the subject property, or to any relevant regulations since the original application was approved.

Response *There have not been any changes to the property since the application was submitted for review nor is the applicant aware of any changes to the relevant regulations for this project. The property that is directly adjacent to the proposed development has since finished their improvements. The application for the improvements to the adjacent development was under review at around the same time this application was under review.*

- B. No modifications are proposed to the approved application or to the conditions of approval.

Response *The applicant is not proposing any changes to the approved application or the conditions of approval.*

- C. If the previously approved application included a transportation impact study or a natural resource report, an updated report was provided with the extension application that shows no significant changes on the subject property or in the vicinity of the subject property. A letter from a recognized professional will also satisfy this criterion if it states that conditions have not changed since the original approval and that no new analysis is warranted.

Response *The approved application did not include a transportation impact study or a natural resource report.*