



PLANNING DEPARTMENT
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Milwaukie OR 97206

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APR 12 2017

Application for Land Use Action

Master File #: WG-2017-002
Review type*: I II III IV V

☐ CHECK ALL APPLICATION TYPES THAT APPLY:

- ☐ Amendment to Maps and/or Ordinances:
 - ☐ Comprehensive Plan Text Amendment
 - ☐ Comprehensive Plan Map Amendment
 - ☐ Zoning Text Amendment
 - ☐ Zoning Map Amendment
- ☐ Code Interpretation
- ☐ Community Service Use
- ☐ Conditional Use
- ☐ Development Review
- ☐ Director Determination
- ☐ Downtown Design Review
- ☐ Extension to Expiring Approval
- ☐ Historic Resource:
 - ☐ Alteration
 - ☐ Demolition
 - ☐ Status Designation
 - ☐ Status Deletion

- ☐ Land Division:
 - ☐ Final Plat
 - ☐ Lot Consolidation
 - ☐ Partition
 - ☐ Property Line Adjustment
 - ☐ Replat
 - ☐ Subdivision
- ☐ Miscellaneous:
 - ☐ Barbed Wire Fencing
 - ☐ Modification to Existing Approval
 - ☐ Natural Resource Review
 - ☐ Nonconforming Use Alteration
- ☐ Parking:
 - ☐ Quantity Determination
 - ☐ Quantity Modification
 - ☐ Shared Parking
 - ☐ Structured Parking
- ☐ Planned Development
- ☐ Preliminary Circulation Plan

- Residential Dwelling:
 - ☐ Accessory Dwelling Unit
 - ☐ Duplex
 - ☐ Manufactured Dwelling Park
 - ☐ Temporary Dwelling Unit
- ☐ Sign Review
- ☐ Transportation Facilities Review
- Variance:
 - ☐ Building Height Variance
 - ☐ Use Exception
 - ☐ Variance
- Willamette Greenway Review
- ☐ Other: _____

- Use separate application forms for:**
- Annexation and/or Boundary Change
 - Compensation for Reduction in Property Value (Measure 37)
 - Daily Display Sign
 - Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): BRADLEY E. SMITH

Mailing address: 13621 SE FAIR OAKS DR MILWAUKIE, OR Zip: 97222

Phone(s): 503 594 4044 (H) 503 803 1224 (O) E-mail: navy.smith@juno.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: 2024 + 2026 SE EAGLE ST // 11923 SE 21ST AVE MILWAUKIE Zip: 97222

Phone(s): 207 E-mail: n

SITE INFORMATION:

Address: 2024 AND 2026 SE EAGLE ST Map & Tax Lot(s): 11E35 DA01300/01200/01100
11923 SE 21ST AVE

Comprehensive Plan Designation: _____ Zoning: _____ Size of property: _____

PROPOSAL (describe briefly): DEVELOP ROADS AND UTILITIES FOR THREE ADJOINING LOTS TO PREPARE LAND FOR BUILDING OF THREE HOMES/RESIDENCES.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: BRADLEY E. SMITH

Date: 4/11/2017

IMPORTANT INFORMATION ON REVERSE SIDE

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

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CITY OF MILWAUKIE
PLANNING DEPARTMENT

Type III Review for Willamette Greenway Zone

Request by, Bradley E. Smith owner of the properties being developed at:

2024 - 2026 SE Eagle St and 11923 SE 21st Ave, Milwaukie, Oregon 97222

19.401.1 Purpose

The purpose of the Willamette Greenway Zone is to protect, conserve, enhance, and maintain the natural, scenic, historic, economic, and recreational qualities of lands along the Willamette River and major courses flowing into the Willamette River.

19.401.2 Area Defined

I am in the process of developing three lots adjacent to the right of ways for SE Eagle St and 21st Ave. These properties fall into the eastern edge of the Willamette Greenway Zone in the Island Station neighborhood. I intend to develop the three existing lots with streets and utilities to be placed in the pre-designated right of ways for SE Eagle and SE 21st. Two of the lots will face SE Eagle and the third lot farthest to the south will face SE 21st. There will be as little vegetation removal as possible. The bulk of vegetation removal will take place in the right of way for SE Eagle but will be almost exclusively dead standing trees. Every effort will be made to save existing healthy trees.

19.401.3 Limitations on Use

A. My intention is to build three homes, one on each lot that will fully comply with all limitations for building height and sight line restrictions within the Willamette Greenway Zone and within the R-5 zoning requirements.

B. Residential floating structures: N/A

C. Boathouses: N/A

D. Docks: N/A

E. Any removal or disturbance of vegetation will be in full compliance with Subsections 19.401.8.B. 1 through 6.

19.401.6 Criteria: The following shall be taken into account in the consideration of a conditional use:

A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan: N/A

B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river: N/A

C. Protection of views both toward and away from the river:

View sight lines being taken into account with placement and design of house structures. The construction of these homes will not block the views of the Willamette River from any other properties.

D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable:

Placing access roads and utilities to best accommodate existing trees and vegetation. We are planning to leave in place existing healthy trees whenever possible.

E. Public access to and along the river, to the greatest possible degree, as appropriate:

There will be no change in access, to or from the river, due to the development of these lots.

F. Emphasis on water-oriented and recreational uses: N/A

G. Maintain or increase views between the Willamette River and downtown: N/A

H. Protection of the natural environment according to the regulations in Section 19.402: N/A

I. Advice and recommendations of the Design and Landmark Committee, as appropriate: N/A

J. Conformance to applicable Comprehensive Plan policies: N/A

K. The request is consistent with applicable plans and programs of the Division of State Lands: N/A

L. A vegetation buffer plan meeting the conditions of Subsection 19.401.8.A through C: N/A

19.401.7 Setbacks (Water Dependent): N/A

19.401.8 Vegetation Buffer Requirements: N/A

19.401.9 Private Noncommercial Docks: N/A

19.905.4 CONDITIONAL USES – Approval Criteria

A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

These are all standard 50'x100' lots recently surveyed and filed with Clackamas County. The natural features of the land will not be negatively impacted. There are currently no improvements.

2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on nearby uses.

All proposed structures will be well within the R-5 guidelines for building. There will be no negative impacts on neighboring homes that fall outside the normal and reasonable restrictions in the building code guidelines for construction in an R-5 area. There will be no loss of views or access to the Willamette River or park area adjacent to the river by any other properties.

3. All identified impacts will be mitigated to the extent practicable.

There are not currently any identified impacts that would require mitigation. If something arises in the future, it will be mitigated to the extent practicable.

4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

All construction and noise generating activities will be conducted during normal business hours. It would be difficult to generate more noise and vibrations than are generated by the proximity to the freight trains running through the Island Station neighborhood.

5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

The use will comply with all applicable development standards.

6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

The proposed use is consistent with the spirit of the Willamette Greenway guidelines and structures will all adhere to the R-5 building design requirements for the City of Milwaukie.

7. Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

Public transportation and utilities will be available prior to occupancy.

B. Minor modification of an existing conditional use shall be approved if the following criteria are met:

N/A

Going back to the purpose of the Willamette Greenway Zone: It is to protect, conserve, enhance, and maintain the natural, scenic, historic, economic, and recreational qualities of lands along the Willamette River and major courses flowing into the Willamette River.

I believe that the construction of these homes will enhance the livability of the neighborhood in the Willamette Greenway zone of Island Station. They most certainly will enhance the scenic, economic, and recreational qualities of these lands along the Willamette River by removing a large area of invasive plant species and will provide easier access to the river, park areas and bike paths by providing road improvements that will more easily link existing developed neighborhoods to these areas.

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Type III Variance Request - Setbacks

Request by, Bradley E. Smith owner of the properties being developed at:

2024 - 2026 SE Eagle St and 11923 SE 21st Ave, Milwaukie, Oregon 97222

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

BACKGROUND: I am in the process of developing the three existing lots adjacent to the corner of SE Eagle St and 21st Ave in the Island Station neighborhood. **I am requesting a side setback variance from 15' to 5' for the lot on the corner of SE 21st and Eagle St (parcel 2), and front setback variances from 20' to 10' for both lots (parcels 1 and 2) facing SE Eagle St.**

These are 5,000 square foot lots each measuring 50' x 100'. Two of the lots have been re-platted to face SE Eagle St. The re-plat was necessary due to the placement by PGE of a very large power pole adjacent to the east side of the properties that took place when power was rerouted to accommodate the construction of the light rail orange line. The third lot will face SE 21st and is situated just north of 11925 SE 21st. The land has been surveyed and paperwork has been reviewed by the City of Milwaukie planning department and filed with Clackamas County completing the re-plat process.

There are currently no existing utilities or services to the properties. All utilities are to be run underground so as to not interfere with sightlines in the Willamette greenway zone.

Street extensions will be necessary for SE Eagle St and SE 21st Ave, with access being from the west on SE Eagle St. Street improvements on SE 21st will extend south from the Eagle extension and will end at the property line of 11925 SE 21st effectively making the extension of SE 21st from Eagle St a driveway that will serve only one house. SE 21st cannot be extended due to RR right of way and the RR crossing of 21st St at Bluebird. The land to the east of the proposed development is currently dominated by RR and will not accommodate further housing development in the foreseeable future.

Because of the large power pole placed by PGE by the east property boundary, utility trenching and road placement will need to be altered. The City has approved gas and electric utility services to run up the western boundary of the lots to service the lot on 21st eliminating the need for trenching next to the large power pole that would potentially compromise the stability or integrity of the pole. The utilities, gas, electric, water and sewer, will run up the property line between the two lots facing SE Eagle, and then sewer and water will continue on to the third lot at 11923 21st Ave (parcel 3).

Discretionary Relief Criteria

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

I am requesting that the side setback for the lot on the corner of SE 21st Ave and SE Eagle St (parcel 2) be reduced to 5' instead of the 15' normally required for a property adjacent to a street. I am also requesting a variance for the front setbacks of both lots facing SE Eagle St (parcels 1 and 2) be reduced from 20' to 10'.

Both SE Eagle St and SE 21st St extensions will be placed in the pre-existing designated right of ways for those streets. However due to concerns for the preservation of existing trees on Eagle and the large power pole on 21st, the 20' wide street extensions will be pushed out to the 30' mark or center of the right of way on both Eagle St and 21st St. That will effectively place of the street extensions 10' from the property lines on both sides of the lots to be developed.

The benefits of this requested variance in setbacks is that it will improve the sightlines to the river and park areas for both of the new houses facing north on Eagle St. They will also accommodate utility extensions to be extended up the property line between parcel 1 and 2. The impact to the neighborhood and neighboring houses will be negligible or non-existent because there are no houses to the east of these properties. Also, the additional 10' setback from the property lines of the new street extensions will still meet the 20' requirements for the homes from the facing road and the 15' requirement for side road. No sidewalks are planned or required for the extension of these streets.

The improvements on SE 21st will extend south from the Eagle extension and will end at the property line of 11925 SE 21st effectively making the extension of SE 21st from Eagle St a driveway that will serve only one house. The benefit of granting this request is that it will also allow the additional space necessary for the installation and future maintenance of the utility services that are to be run up the property lines between the two lots that are facing Eagle St.

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.

The development and construction of houses on these three lots will not negatively impact any existing properties, and will be in full compliance with Willamette greenway guidelines and R-5 building requirements. Any work creating noise pollution or nuisance will be conducted during business hours only. All improvements will be implemented strictly within the guidelines set forth by City Planning and Engineering department and R-5 development guidelines.

In keeping with the concerns and spirit of the Willamette Greenway requirements in maintaining sightlines for properties within the Willamette Greenway overlay zone, there are two reasons that I am requesting the front property line setbacks for the lots facing SE Eagle St be reduced from 20' to 10'.

FIRST the existing house on the corner of 20th and Eagle, between the new houses and the river, is built right on the property line. There is effectively no setback for that house which places it a full 20'

into the sightlines of other houses to the east on Eagle. The placement of that house cuts off the view angle to the park and the river from the east on SE Eagle where the new houses will be situated.

SECOND, the normal setback for street front is 20'. The street extension for SE Eagle St will be placed 10' from the property line. Therefore the proposed 10' setback of the house from the property line added to the 10' setback of SE Eagle St from the property line would equal the 20' required setback for a house fronting the street. With the normal 20' setback in addition to the 10' setback of the road, the houses would be 30' from the road. The granting of this variance would provide a better line of sight within the spirit of the Willamette greenway requirements and in addition would provide for 10' less of impervious surface that would become necessary for driveways to span the distance between the road and the new construction.

(2) The proposed variance has desirable public benefits.

The approval of these variances will provide us the ability to develop these homes while upholding the spirit of the Willamette Greenway. At the same time accommodating the building restrictions and limitations imposed by the houses and utilities previously placed adjacent to these properties.

All utility improvements and street improvements will be donated to the City of Milwaukie upon completion. The development of these properties will provide increased tax revenues.

The new roads will enhance access to the river and park areas for local residents. The granting of this variance request should also improve the conditions of the neighborhood by alleviating the invasive plant species that have been trying to take over these lots for years. Additionally, this area has been home to vagrant camps that leave both trash and human waste in their wake. Consequently, development of these lots should potentially provide a healthier environment for the neighborhood.

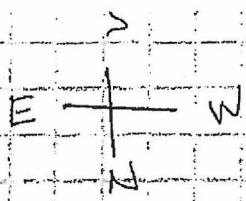
(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

The variance I am requesting responds to the existing land in the most sensible and responsible way.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

The development and construction of houses on these three lots will not impact any existing properties negatively in regard to the Willamette greenway guidelines. Any work creating noise pollution or nuisance will be conducted during business hours only. All improvements will be implemented strictly within the guidelines set forth by City Planning and Engineering department development guidelines and for home construction within R-5 guidelines.

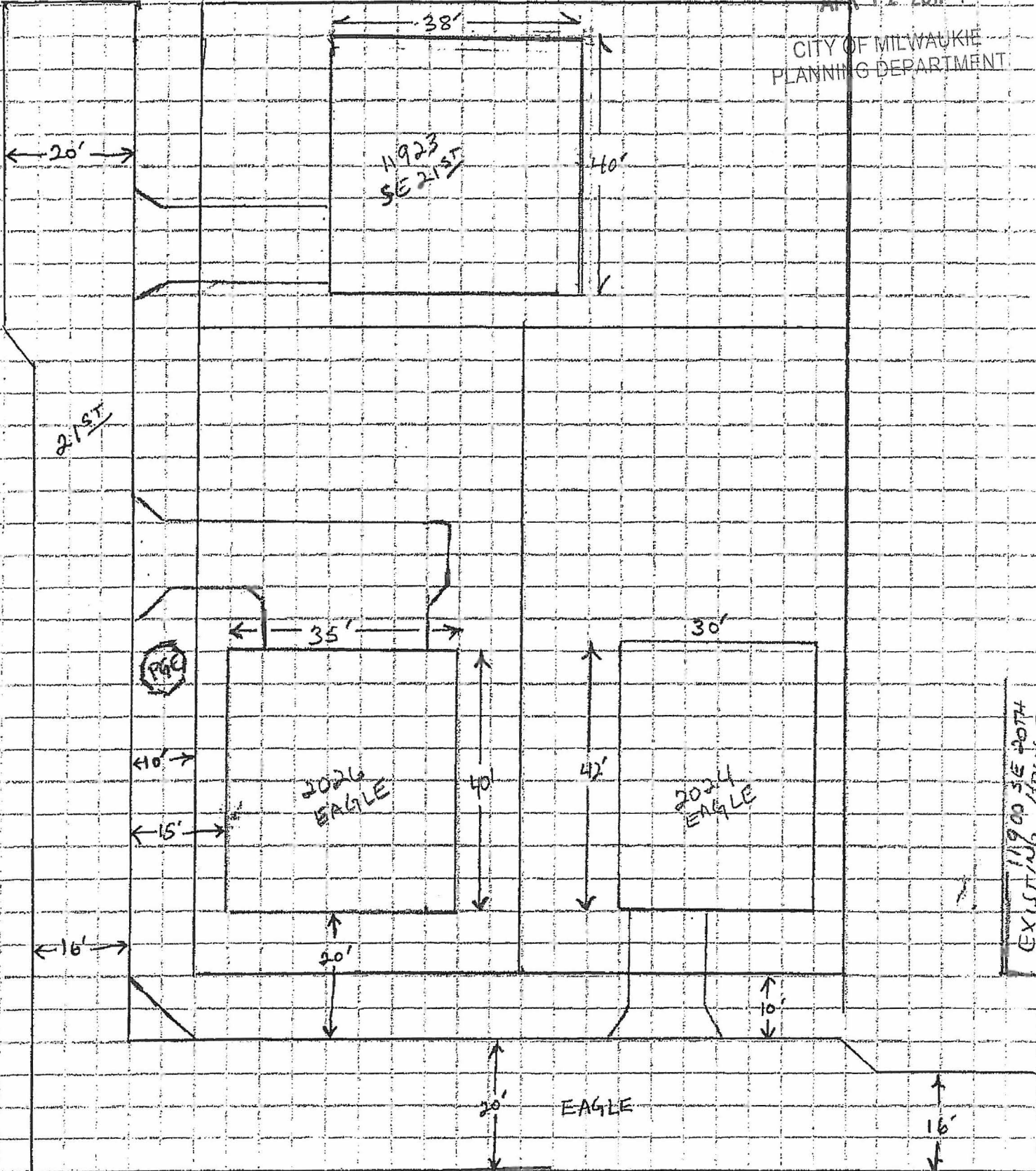
□ = 5'



11925 21st
EXISTING
HOUSE

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EXISTING 11900 SE 20TH

← 20' →

← 38' →

↑ 40' ↓

11923
SE 21ST

21ST

← 35' →

30'

← 10' →

2026
EAGLE

↑ 40' ↓

↑ 42' ↓

2024
EAGLE

← 15' →

↑ 20' ↓

↑ 10' ↓

← 16' →

↑ 20' ↓

EAGLE

↑ 16' ↓



1919

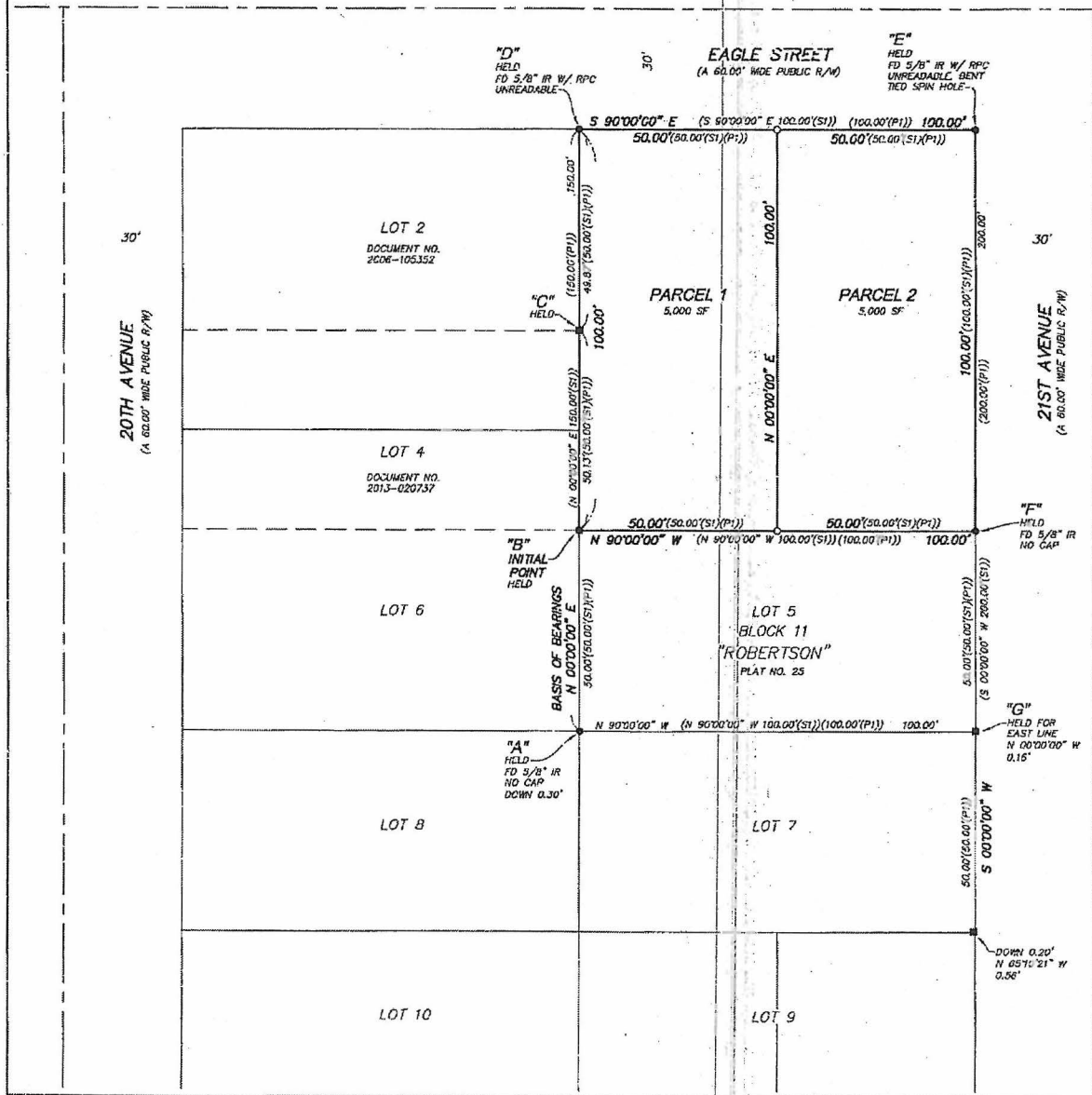
1900

SE Eagle St.

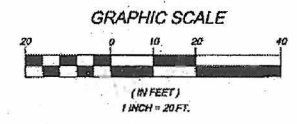


PARTITION PLAT NO. 2017-

A REPLAT OF LOTS 1 AND 3, BLOCK 11,
 "ROBERTSON" (PLAT NO.25), LOCATED IN THE
 S.E. 1/4 SECTION 35, T.1S., R.1E., W.M.,
 CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
 FEBRUARY 9, 2017 SCALE 1"=20'
 LAND USE FILE NO. R-2016-002
 SHEET 1 OF 2



- LEGEND:**
- SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON 2017
 - FOUND MONUMENT AS NOTED FROM ST
 - FOUND 5/8" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS INC" FROM ST
 - () = RECORD DISTANCES & BEARINGS
 - IR = IRON ROD
 - FD = FOUND
 - W/ = WITH
 - RPC = RED PLASTIC CAP
 - R/W = RIGHT OF WAY
 - SN = SURVEY NUMBER CLACKAMAS COUNTY SURVEYOR'S OFFICE
 - SF = SQUARE FEET
 - SI = SM 08492
 - PI = "ROBERTSON" PLAT NO. 25



SIGNED ON: 1 FEB 2017

REGISTERED PROFESSIONAL LAND SURVEYOR

TGS

OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2017

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189



PARCEL 3 - HOUSE STATS

PRIMARY STYLE:

Contemporary-Modern

BEDROOMS:

3

BATHS:

2

STORIES:

1

GARAGE BAYS:

2

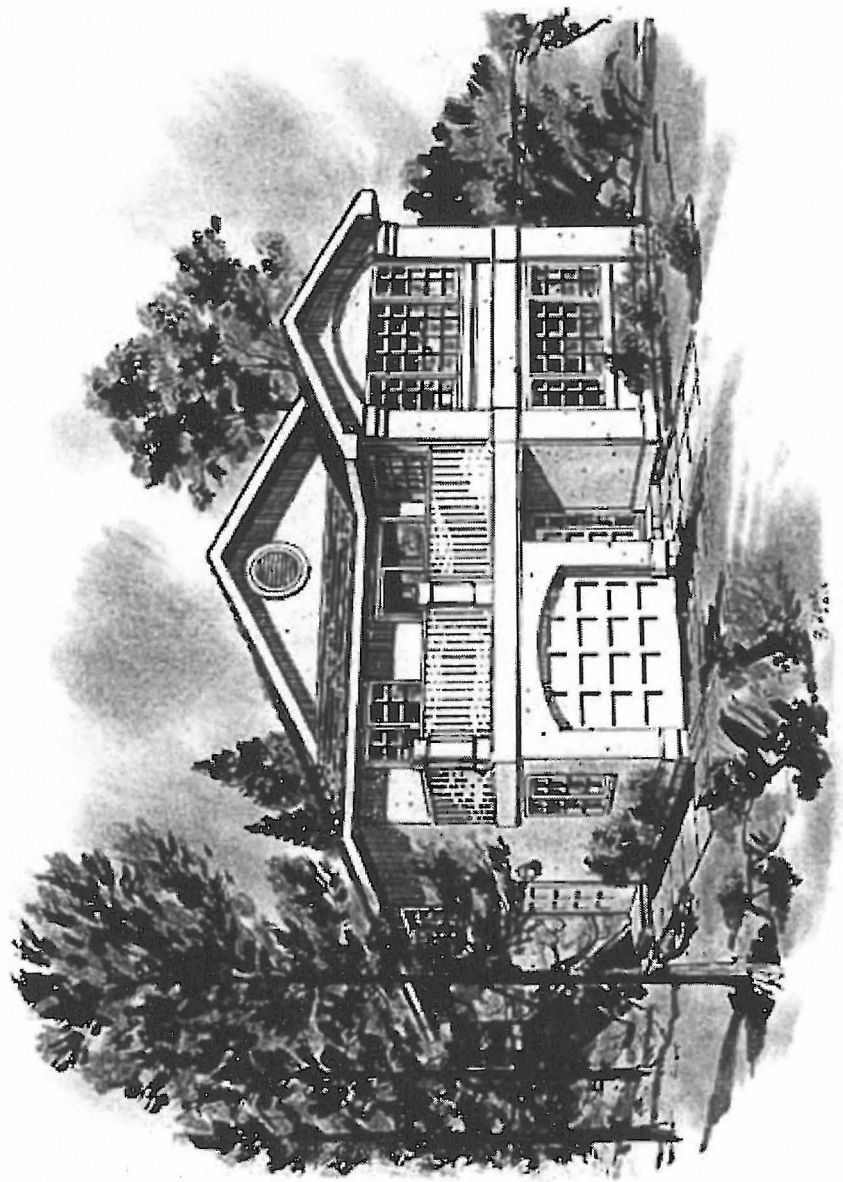
LIVING AREA:

1,276 sq. ft.

WIDTH/DEPTH:

40' x 38'

Picture is representative of home to be built on parcel #3. Characteristics of home, such as siding and window style may change and landscaping is not representative of future landscape plans.



Parcel 1 house stats

Number of Bedrooms:	3
Number of Bathrooms:	2.0
Width of House:	30 feet
Depth of House:	42 feet
Finished Basement/Lower:	123 sq. ft.
First Floor:	1116 sq. ft.
Total Living Area:	1239 sq. ft.
Covered Porch:	41 sq. ft.
Garage Size:	2 Car
1st Floor Plateline:	8'0
Foundation Type(s) available for this plan:	Basement
Architectural Style:	European
Exterior Finish:	Stucco (will probably change this)
Exterior Wall Structure:	2x6 studs
Roof Framing:	Truss
Window Type:	Casement
Primary Roof Pitch:	6:12
Roof Peak: from Front Door Floor Level	25 feet

Image is representative of house with some changes pending. Garage door will be 12' in width and the front door opening will shift accordingly to the right with supports aligning with the upper floor window. Landscaping does not reflect future landscape plans. Siding and window styles will probably also change.