



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: CU-2018-001

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

Conditional Use

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): Casey and Samantha Clark

Mailing address: 7001 NW Seaview Ave 160-812 Zip: 98117

Phone(s): 206-949-1207 E-mail: Samanthascribe@icloud.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: Zip:

Phone(s): E-mail:

SITE INFORMATION:

Address: 4219 SE Covell St Map & Tax Lot(s): 12E30BC 05300

Comprehensive Plan Designation: Metro UGB Zoning: R-7 Size of property: .31 acres

PROPOSAL (describe briefly):

See attachment

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:  Date: 3/16/17

IMPORTANT INFORMATION ON REVERSE SIDE

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

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

REVIEW TYPES:

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

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

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	

TOTAL AMOUNT RECEIVED: \$	RECEIPT #:	RCD BY:
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Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

*After discount (if any)



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

Submittal Requirements

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

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

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

APPLICATION PREPARATION REQUIREMENTS:

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

ADDITIONAL INFORMATION:

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

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

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

Applicant Signature: *Casey Clark*

Date: 3/16/18

Official Use Only

Date Received (date stamp below):

The Property

The duplex at 4219 SE Covell Street is located roughly in the middle of the large .31 acre lot which also features a large greenhouse, a detached 3-car garage and storage unit, and a sizable private off-street driveway that accommodates 4 parked cars. Each unit has a private yard filled with productive fruit trees and vibrant shrubbery. The thoughtful design and layout provide a sense of privacy to both units that makes it unique for a duplex.

The entire property is enclosed with a wooden privacy fence and is also screened with shrubbery, landscaping, and auxiliary structures from the surrounding neighbors to limit any negative impacts. The houses to each side are on similarly large lots and are located closer to the front of their lots and are more "in line" with the detached garage than with the house, which adds to the privacy of the duplex and the distance between it and other residences. The greenhouse and the large back yard provides additional privacy for the house located behind the lot, which is located on a lot that is probably about half the size. All of the surrounding homes are easily 50 or more feet from the duplex, and all properties are heavily vegetated.

The site has water/sewer, garbage/recycling/yard waste service, electricity, and cable. All of this has been in place since well before Casey bought the property, and nothing additional is needed. There is adequate public transportation. The house is located half a mile from the 75 and the 33 bus stops. We have space for people to secure bicycles. Most renters will prefer to bring a car. We provide off-street parking on the driveway for 2 cars, so we do not need to utilize off-street parking. We have a space for 2 cars which also does not impede with the other rental unit's ability to park 2 cars or to gain access to their side of the garage.

The Owner

My name is Casey Clark. I grew up in Milwaukie and graduated from Milwaukie High School in 1992, and then went to work at a company that worked at for 24 years, until just last year. I saved for a down payment on a home of my own and bought the duplex as a first-time home buyer in 2008. My employer then sold the company and the new owner unexpectedly transferred me in 2012 to Seattle. I sold my coffee shop on Washington Street to a woman who renamed it the Painted Lady and I rented out my duplex. I moved to Seattle and lived aboard an old sail boat.

Since then, I have taken regular trips to Milwaukie to maintain my property. I patched the roof a number of times before getting a new roof put on last year. I've cleared the blackberries from neighboring yards countless times. I hire contractors when I need to, but I do as much of the work as I can on my own. This is something I enjoy doing.

Now, I'm married with an older step daughter and twin toddlers. We now live on a bigger old sailboat, and my wife loves the duplex as I do. We plan to move back - probably when my step daughter goes to college, because she has a connection to her dad in Seattle and that's what keeps us here. All of my family lives in Milwaukie, Bend, La Pine, Battleground, and other nearby areas, and so the duplex is a natural middle point and hub.

The Dwellings

Currently, one unit is on a fixed-term lease and the other is furnished for 30-90 day rental periods. We furnished it when the long-term renter moved out, after our twins were born, with the intent to establish a short term rental. It worked beautifully and we had no problems, which was in line with our expectations and experience because my wife Samantha has been managing a vacation rental home in Seattle for several years and brought her experience into our planning and implementation of the short term rental.

When we learned about the Conditional Use Permit requirement, we went to the 30-90 day rental policy to come into compliance and we tried to “make it work” while trying to save money to apply for a Type III Conditional Use Permit. What we have learned is that for our family’s needs, this longer 30+ day rental does not work because we are unable to schedule weekends when we want to go down to visit family or perform maintenance while also keeping it rented enough to cover the mortgage and other property bills. The natural periods of vacancy between these long term rentals never seem to sync up to the weekends we are able to make the trip, and we miss spending time there. We are eager to re-establish the short term rental use and to block out time on the calendar with the comfort of knowing that we will be able to keep the house rented in between our own trips.

A Vacation Rental Unit

We would like to establish half of our duplex as a Vacation Rental so we can rent it for periods of fewer than 30 days. This will give us full access to the property and to my family on our own schedule. Milwaukie code currently allows owners to do this without going through the Type III process only if they occupy their unit for 270 days of the year or more. Because we primarily live in Seattle, we are not there for this many days per year. However, with this vacation rental in place, we look forward to spending numerous weekends, holidays, and vacations there every year.

Neighborhood Impacts

There will be no new construction or development. We simply wish to make a dwelling unit into a short term rental property. This vacation rental unit will not have any adverse impacts on the area, the environment, public facilities, or adjacent properties because the use is not actually changing. People who rent properties for a short period of time are using the property in much the same way that a longer term resident uses the property. It will continue to be a duplex that provides residential housing. If anything, the impact will be to lighten the traffic, noise, waste collection, and more because:

- (1) There will be periodic periods of vacancy in half of the duplex, lightening traffic, utility use, parking, etc.
- (2) Unlike a long term tenant who may throw parties causing parking congestion from time to time, this will not happen at the vacation rental because we have a strict No Events and No Parties policy.
- (3) The use of the garage and greenhouse will be lighter than it would otherwise be.
- (4) There will be no extra parked cars, stinky or noisy mechanic or wood working projects going on in the garage or driveway, etc. as there naturally would be on occasion if a long-term resident were there.
- (5) Because the unit will remain furnished, there will be no moving trucks coming and going as people move into or out of that unit or moving pods parked for weeks that interfere with the sidewalk or with visibility.

Benefits to Neighbors

We will view this Lewelling Vacation Rental as a resource not only for our friends and family, but also for our neighbors, many of whom may have family members or friends who would like to visit them from afar. Many of us don't have the space to put people up in our own homes when they visit. This vacation rental will be especially appealing for people who have come to Milwaukie to visit with friends or family or to conduct business. We want to be a resource for the community, and we encourage our neighbors to contact us if they may be interested in a booking.

Benefits to Local Businesses

When vacation renters stay in our property, they will patronize local businesses. We have found that most of them have a connection to Milwaukie and/or to Portland, and they will share their discoveries. They will spend more of their money in Lewelling and in Milwaukie than if they were staying in some other community. We will maintain a booklet for our renters that suggests wonderful places to go and provides coupons. Because Casey knows the area like the back of his hand, he will always be on standby to recommend recreational opportunities, coffee shops, eateries, art studios, and more.