



CITY OF MILWAUKIE

Memorandum

To: Interested Persons for Land Use File #MLP-2018-001

From: Brett Kelter, Associate Planner

Date: December 31, 2018

CC: Dennis Egner, Planning Director
Land Use File #MLP-2018-001

Re: Future extension of White Lake Rd

Purpose

This memo is to provide a response to the various public comments that were received as part of the review process for a proposed partition at 10244 SE 43rd Ave (land use file #MLP-2018-001). The partition was subject to Type II review, which provides an opportunity for public comments in response to the proposal but does not include a public hearing with the Planning Commission unless the decision is appealed. The comments received were noted in the findings included with the Notice of Decision, but the structure of the Type II decision does not provide a direct way for City staff to respond to the questions and concerns that were raised by neighbors—thus, this memo.

Summary of Comments

The common concern expressed by neighbors was not with the proposal to create an additional developable lot but rather with the City's requirement that the applicant dedicate a 20-ft-wide strip along the northern boundary for public right-of-way (ROW) for a future connection to White Lake Rd. In addition, Daniel Barela, the owner of 10194 SE 43rd Ave adjacent to the north of the subject property, asked several questions about the legal process and mechanics of the required ROW dedication.

Connectivity and the Future Extension of White Lake Rd

All newly created lots must have some frontage on a public street. When property owners propose to divide their land, the City is responsible for assessing the surrounding street network to determine whether there are opportunities to improve connectivity. There are multiple examples across the city where, in the past, properties were divided without a requirement to dedicate land for future street connections. In some cases, these actions have limited the ability of adjacent properties to divide

because they have no street frontage; in others, they have established dead-end street systems with limited options for access and through-connections.

In the case at hand, intersection spacing and block perimeter lengths on 43rd Ave are already larger than required per the standards established in Milwaukie Municipal Code (MMC) Table 19.708.1. The partition of 10244 SE 43rd Ave would be in violation of that code section without providing ROW to make an eventual connection to the west end of White Lake Rd.

Although the existing house on the adjacent property at 4446 SE White Lake Rd is currently in the path of a future street connection, that property is large enough to be divided into two lots. The division of 4446 SE White Lake Rd would necessarily involve some alteration (if not complete demolition) of the existing house to provide access for a new lot. Although the current or future owners of 4446 SE White Lake Rd may not choose to redevelop the property for many years (if ever), the possibility of connecting White Lake Rd would be eliminated if the ROW was not dedicated with the partition of 10244 SE 43rd Ave.

No Anticipated Improvements

With the partition of 10244 SE 43rd Ave, the impacts of 1 new lot are not significant enough to require more than just the ROW dedication for White Lake Rd. No physical improvements will be constructed in the new ROW and it will remain in its current state. The City does not foresee a street connection happening anytime soon, as it would require the redevelopment of other properties. The property at 4446 SE White Lake Rd would have to divide to trigger a requirement for a similar ROW dedication that would allow for a connection from the west end of White Lake Rd to 43rd Ave.

To date, no decisions have been made about what physical improvements might be constructed when the ROW connection is established. One option would be to construct a paved vehicle connection. Another would be to construct a narrower path that allows only pedestrian and bicycle traffic. Regardless, it is highly unlikely that any improvements would result in a travel lane being immediately adjacent to a neighboring property line without some buffer or separation.

For a more complete connection to be made between 43rd Ave and White Lake Rd, the City would have to purchase an approximately 20-ft-wide strip just to the north of 10244 SE 43rd Ave and 4446 SE White Lake Rd. The property owners of 10194 SE 43rd Ave and 4459 SE White Lake Rd would be compensated at fair market value for the acquisition of this land. The purchase would include the existing driveway of 10194 SE 43rd Ave (the “pole” portion of that flag lot, which is approximately 20 ft wide). It does not appear that any structures would be directly affected on either property, although the house on 10194 SE 43rd Ave would end up being very close to its new southern property line. Any such resulting changes to yard setbacks or similar zoning requirements would be allowed without penalty, as per MMC Subsection 19.504.2 in the zoning code.

Conclusion

To be clear, the City currently has no plans to acquire any property from 10194 SE 43rd Ave or 4459 SE White Lake Rd in the foreseeable future. The City has only condemned property on very limited occasions, and while connectivity is a priority, condemnation to obtain it is not. However, we cannot lose the current opportunity to acquire ROW from developing properties so that a future connection remains possible if conditions change.

It is completely understandable that residents on dead-end streets would prefer to maintain the lower traffic counts of closed systems, and we have noted your collective concerns about the increased traffic that would come with new access. Please keep in mind that the community as a whole has an interest in and benefits from having more connections through all neighborhoods, with more travel options for residents and visitors alike. In particular, 43rd Ave is a priority street for sidewalk construction through the City's Safe Access For Everyone (SAFE) program, with improvements anticipated very soon. It is with this principle of connectivity in mind that the City is following through on its responsibility to obtain the ROW dedication for White Lake Rd that is triggered by the partition of 10244 SE 43rd Ave (file #MLP-2018-001).

Please feel free to contact me directly if you have any questions about this memo or the Notice of Decision for MLP-2018-001. You can reach me by phone at 503-786-7657 or email at kerverb@milwaukieoregon.gov.

Attachments

Comments received from neighbors regarding MLP-2018-001:

1. William Schwindt, 4468 White Lake Rd
2. Dana Stearns, 4459 SE White Lake Rd (signed by 5 other neighboring owners/residents)
3. Daniel Barela, 10194 SE 43rd Ave

Attachment 1

To The City of Milwaukie,

Nov 28 2018

In regards to the letter I received about Land use proposal in my neighborhood, Site map 10244 SE 43rd Ave.

I have no objection to that property owner adding another home onto his property using a flag lot.

But I do object to any proposed extension of White lake RD in this area. This is a neighborhood, family homes, school aged children. We do not want any more traffic in our neighborhood. And if you were to eventually do it anyway, we would certainly hope you would put in speed bumps, to keep traffic moving safely, slowly.

Since King Rd is just a very short distance south of White lake rd, a matter of a few hundred feet, It sure doesn't seem like another east west road is needed.

Further, from my property to the east a home sits right there in the middle of what would be White Lake road extension eastward. So unless the city plans on removing that home, and maybe others behind it, there seems no reason to put an extension of White Lake road west to 43rd.

Remember, wherever you put a road, no home can be built there because the road is there. And I thought we needed more homes for people. This applies more to any extension of White lake road East, and West of 43rd. And without those extensions, there's almost no reason to put in the one proposed on this site map.

I believe more of our tax dollars should be spent on mass transit, rather than more roads. Mass transit has proved to be a much better people mover than roads.

And I don't see any reason to put a walking path or bike lane in there either since 43rd has no sidewalks, and no bike lane. King road has both those.

Respectfully, William H Schwindt

4468 White Lake RD

Milwaukie OR 97222

RECEIVED

NOV 29 2018

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Attachment 2

November 28, 2018

Re Land use proposal for 10244 SE 43rd Ave, MLP-2018-001, Tax lot 1S2E30CC 05200

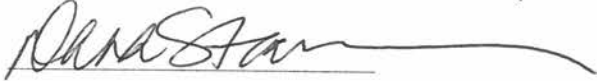
To whom it may concern,

Dedication of public right-of-way for future extension of White Lake Rd from the east is not wanted for automobile, bicycle or pedestrian traffic. There is existing access to 43rd Ave from 45th Ave to Rhodesia St, (one block over) or from 46th Ave to King Road.

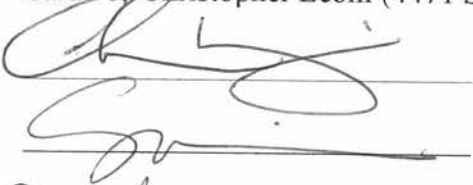
Below are the signatures of contacted residents who are of the same opinion.

Thank you,

Dana Stearns (4459 SE White Lake Rd.)



Sarah & Christopher Leoni (4471 SE White Lake Rd.)



Frank O Fassold Frank O Fassold 4446 SE White Lake Rd

Lance Olander LANCE OLANDER 10167 SE 45th AVE

William H Schweidt 4468 White Lake Rd

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NOV 29 2018

CITY OF MILWAUKIE
PLANNING DEPARTMENT

RECEIVED (via regular mail)
DEC 03 2018
CITY OF MILWAUKIE
PLANNING DEPARTMENT

November 25, 2018

Daniel M. Barela
10194 SE 43rd Ave.
Milwaukie, OR 97222

CERTIFIED MAIL

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

Attn: Brett Kelter, Associate Planner

Re: Land Use File # MLP-2018-001

In response to your notification letter of Type II Land Use Proposal, I want to go on record as the home owner with property bordering Lot #10244 SE 43rd Ave. (Tax Lot IS2E30 5200). I am a first time home buyer, and I am concerned about due legal process.

I wish to express my concerns regarding the proposed dedication of the White Lake Road continuance along side my residence, and the proposed road taking 22 ft. of land away from my existing property. It would put the road up against my garage. My question would be, how does the City plan to reimburse me? I don't want a road that close to my residence; it would be inches from my garage. Would this violate any land codes? Not to mention the property of other neighbors which would be affected? The noise and road traffic would increase, and I may not be able to fence off that side of my property. Therefore, it will take away my privacy. And, how would this affect my property taxes?

Please keep me informed as to the City Planning Department's decisions, and I would appreciate more time to respond to any future potential steps to be taken in this process.

Respectfully,

Daniel M. Barela
Property owner

cc: File
Kivel & Howard Attorneys LLP