

Applicant's Statement For  
"29<sup>th</sup> Avenue Replat"

REQUEST

Type II 3-Parcel Replat with 2 existing homes to remain and one new home to be built on the newly created parcel.

APPLICANT/OWNER

Mark Pekarek

Paramount Development Properties, LLC

2331 Dana Ct.  
Carlsbad, CA 92008

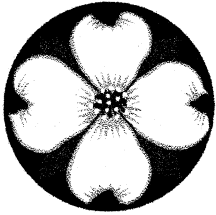
LEGAL DESCRIPTION

Lots 13 and 14, Block 3, Bonnie View Acres, Plat No. 2, in the County of Clackamas and State of Oregon. EXCEPT the Northerly 75 feet thereof, and EXCEPTING FURTHER THEREFROM THE FOLLOWING:

Beginning at a point on the West line of said Lot 13 which is 75.0 feet South of the Northwest corner thereof, said point being the Northwest corner of that tract of land described in a deed to Wayne J. Greeley recorded October 28, 1960 in Book 579, page 13, Deed Records; thence North 88 degrees 57' East a distance 150.0 feet to the Northeast corner of said Greeley tract, being on the East line of said Lot 14; thence South along the East line of said Lot 14 a distance of 75.0, thence South 88 degrees 57' West, parallel with the North line of said Lot 14, a distance of 75.0 feet to a point on the West line thereof; thence North along the West line of said Lot 14 a distance of 10.0 feet; thence South 88 degrees 57' West, parallel with the North line of said Lot 13, a distance of 75.0 feet to a point on the West line thereof; thence North a distance of 65.0 feet to the point of beginning.

## Table of Contents

1. Development Application Form
2. Applicant's Statement
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**PLANNING DEPARTMENT**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503-786-7630  
 planning@milwaukieoregon.gov

# Application for Land Use Action

Master File #: \_\_\_\_\_

Review type\*:  I  II  III  IV  V

**CHOOSE APPLICATION TYPE(S):**

Land Division: Replat

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...

...

...

- 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): Paramount Development Properties, LLC

Mailing address: 2331 Dana Ct., Carlsbad, CA Zip: 92008

Phone(s): 209-609-1564 Email: mark@paramountdp.com

**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: Zip:

Phone(s): Email:

**SITE INFORMATION:**

Address: 9147 SE 29th Ave. Map & Tax Lot(s): 11E25BD0 2300 & 2301

Comprehensive Plan Designation: LD Zoning: R-7 Size of property: 24,732.00 Sq Ft

**PROPOSAL (describe briefly):**

Replat 2 parcels into 3. Two existing houses to remain and a new house to be built on the newly created parcel

**SIGNATURE:** *Mark Rekarck*

**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: *Mark Rekarck* Date: *1-28-19*

**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.

**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:**

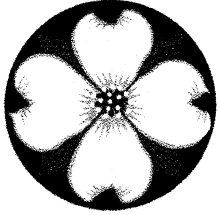
This application will be processed per the assigned review type, as described in the following sections of the Milwaukee Municipal Code:

- 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		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
<b>SUBTOTALS</b>		\$			\$	
<b>TOTAL AMOUNT RECEIVED: \$</b>			<b>RECEIPT #:</b>		<b>RCD BY:</b>	
<b>Associated application file #s</b> (appeals, modifications, previous approvals, etc.):						
<b>Neighborhood District Association(s):</b>						
<b>Notes:</b>						

\*After discount (if any)



**MILWAUKIE PLANNING**  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503-786-7630  
planning@milwaukieoregon.gov

# Submittal Requirements

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

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](mailto: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 onsite "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/](http://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. 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](http://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) Mark Sekarek, 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: Mark Sekarek

Date: 1-28-19

**Official Use Only**

Date Received (date stamp below):

January 28, 2019

Applicant/Owner: Mark Pekarek  
Paramount Development Properties, LLC  
2331 Dana Ct.  
Carlsbad, CA 92008

Request: Type II 3-Parcel Re-Plat with 2 existing homes to remain and one new home to be built on the newly created parcel.

Site Legal Description: Lots 13 & 14, Block 3, Bonnie View Acres, Plat No. 2 in the County of Clackamas and State of Oregon

Location: 9147 & 9129 SE 29<sup>th</sup> Avenue  
Milwaukie, OR 97222

Zone: R7

Land Use: Low Density (LD)

PreApp Project ID# 18-012PA

BACKGROUND:

Proposal:

The applicant/owner, Paramount Development Properties, LLC, Mark Pekarek, is requesting a Type II Land Division to establish two parcels in the R-7 Zone. The site is located at the northwest corner of SE 29<sup>th</sup> Avenue and SE Malcolm Street. There is one existing residence on the 14,245 square foot site which is proposed to remain with the addition of a second floor and garage (see exhibit 4). Due to the compound lot line located between 9147 SW 29<sup>th</sup> Avenue and 9129 SE 29<sup>th</sup> Avenue, the applicant is proposing to include the parcel located at 9129 SE 29<sup>th</sup> Ave in the Replat. The proposal will create lots with areas as follows: Parcel 1 – 10,537 sq. ft.; Parcel 2 – 7,195 sq. ft.; Parcel 3 – 7,000 sq. ft. (See exhibit 3). A pre-application conference was held on September 9, 2018 (See exhibit 7).

FINDINGS OF FACT

Land Division Approval Criteria

**17.12.010 PURPOSE**

The purpose of this chapter is to specify the process and procedures for lot consolidation, property line adjustment, partition, subdivision, and replat.

**COMMENT:**

*The site is located in the R7 zone.*

**17.12.030 APPROVAL CRITERIA FOR LOT CONSOLIDATION, PROPERTY LINE ADJUSTMENT, AND REPLAT**

A. Approval Criteria

The approval authority may approve, approve with conditions, or deny a lot consolidation, property line adjustment, and/or replat based on the following approval criteria. The applicant for a lot consolidation, property line adjustment, or replat shall demonstrate the following:

1. Compliance with this title and Title 19 of this code.
2. The boundary change will allow reasonable development of the affected lots and will not create the need for a variance of any land division or zoning standard.
3. Boundary changes shall not reduce residential density below minimum density requirements of the zoning district in which the property is located.

**COMMENT:**

*Compliance with the relevant sections of Title 19 of the code are outlined in the following report. The proposed boundary changes do not require a variance to any land division or zoning standards and they meet the minimum density requirements for the R7 zone (See exhibits 3-5).*



**17.16.050 REPLAT**

The following shall accompany applications for a replat:

- A. Completed application form signed by all owners of property included in the proposal;
- B. The application fee as adopted by the City Council;
- C. A narrative report that describes how the proposal meets approval criteria;
- D. Additional information as may be required by the application checklist; and
- E. Additional information including full submission requirements for preliminary plat as may be required by the Planning Director upon review of the proposal.

**COMMENT:**

*Compliance with the relevant sections of Title 19 of the code are outlined in the following report. The application and an approval letter from the Owners of the property at 9129 SE 29<sup>th</sup> Avenue are attached (See exhibit 6).*

**19.301.1 Purpose**

The low density residential zones are intended to create, maintain, and promote neighborhoods with larger lot sizes where the land use is primarily single-family dwellings. They allow for some nonhousehold living uses but maintain the overall character of a single-family neighborhood.

**COMMENT:**

*The site is located in the R7 zone, with a Low Density Use.*

**19.301.4 Development Standards**

In the low density residential zones, the development standards in Table 19.301.4 apply.

**COMMENT:**

*The proposed replat is designed in accordance with these standards for Low Density Residential . The lot areas are a minimum 7,000 sq. ft and have lot widths of 70 and 90 feet. Compliance with minimum yard setback are met and will be confirmed prior to issuance of building permits.*

*R7 setbacks: 20' Front yard*

*5'/10' side yard*

*20' street side yard*

*20' rear yard*

*The maximum height of 2.5 stories or 35 feet are met and will be confirmed prior to issuance of building permits.*

*The lot coverage standards provided in Table 19.301.4 provides for a maximum lot coverage of 30%. The maximum of each parcel is as follows:*

*Parcel 2 – 7,195 sq. ft. lot area – maximum coverage 2,158 sq. ft*

*Parcel 3 – 7,000 sq. ft. lot area – maximum coverage 2,100 sq ft*

*The modification to the house on parcel 2 and the proposed house on parcel 3 comply with these standards. The existing house on parcel 2 will be approximately 1,493 sq. ft. and parcel 3 will be approximately 1,400 sq. ft. These will be confirmed prior to issuance of building permits to account for changes in the design phase.*

*The minimum vegetation standards provided in Table 19.301.4 provides for a minimum vegetation coverage of 30%. The minimum of each parcel is as follows:*

*Parcel 2 – 7,195 sq. ft. lot area – minimum vegetated coverage 2,158 sq. ft*

*Parcel 3 – 7,000 sq. ft. lot area – minimum vegetated coverage 2,100 sq ft*

*The modification to the house on parcel 2 and the proposed house on parcel 3 comply with these standards (See exhibit 4).*

**19.301.5 Additional Development Standards**

**A. Side Yards**

In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

**C. Front Yard Minimum Vegetation**

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**COMMENT:**

*Compliance with minimum side yard setbacks are met and will be confirmed prior to issuance of building permits.*

*Compliance with the minimum vegetation requirements are met (See exhibit 5) and will be confirmed prior to issuance of building permits.*

## **CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS**

### **COMMENT:**

*The property is not located in an overlay zone, therefore this section does not apply.*

## **19.504 SITE DESIGN STANDARDS**

### **19.504.1 Clear Vision Areas**

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

### **COMMENT:**

*The clear vision areas will be maintained and confirmed upon issuance of building permits and building inspections.*

### **19.504.7 Minimum Vegetation**

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

### **COMMENT:**

*The existing vegetation is planned to be kept or replaced with similar plants. This will be confirmed upon issuance of building permits and building inspections.*

## **19.505 BUILDING DESIGN STANDARDS**

### **COMMENT:**

*The proposal complies with the Building Design Standards. This will be reviewed closely upon submittal of the architectural plans to the Building Department prior to issuance of building permits.*

### **19.505.2 Garages and Carports**

### **COMMENT:**

*The proposal complies with the Garage and Carport Standards. This will be reviewed closely upon submittal of the architectural plans to the Building Department prior to issuance of building permits.*

## **19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS**

### **19.607.1 Residential Driveways and Vehicle Parking Areas**

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for rowhouses, cottage clusters, duplexes, single-family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

#### **A. Dimensions**

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

#### **B. Location**

1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.
2. No portion of the required parking space is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
  - a. Within the required front yard or within 15 ft of the front lot line, whichever is greater.
  - b. Within a required street side yard.

Figure 19.607.1.B.2

#### **C. Parking Surface Materials**

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
  - a. Required parking space(s).
  - b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.
  - c. All off-street parking and maneuvering areas for a residential home.
2. Maneuvering areas and unrequired parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

#### **E. Additional Driveway Standards**

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 5 ft of the right-of-way boundary (Option 1—see Figure 19.607.1.E.1). Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width:distance onto property), starting 2 ft behind the front property line (Option 2—see Figure 19.607.1.E.2).

**COMMENT:**

*A 2-car garage will be built to provide off-street parking for the existing house, this complies with the standards of the above section. Off-street parking requirements of parcel 3 will be confirmed prior to issuance of building permits.*

**19.702.1 General**

Chapter 19.700 applies to the following types of development in all zones:

- A. Partitions.
- B. Subdivisions.
- C. Replats.
- D. New construction.
- E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single-family residential development and development in downtown zones.
  1. A new dwelling unit.
  2. Any increase in gross floor area.
  3. Any projected increase in vehicle trips, as determined by the Engineering Director.

**19.702.2 Single-Family Residential Expansions**

Chapter 19.700 applies to single-family residential expansions as described below. The City has determined that the following requirements are roughly proportional to the impacts resulting from single-family residential expansions.

- A. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by 1,500 sq ft or more, all of Chapter 19.700 applies.
- B. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by at least 200 sq ft, but not more than 1,499 sq ft, right-of-way dedication may be required pursuant to the street design standards and guidelines contained in Subsection 19.708.2.

- C. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by less than 200 sq ft, none of Chapter 19.700 applies.
- D. Single-family residential expansions shall provide adequate public utilities as determined by the Engineering Director pursuant to Section 19.709.
- E. Construction or expansion of garage and carport structures shall comply with the requirements of Chapter 12.16 Access Management. Existing nonconforming accesses may not go further out of conformance and shall be brought closer into conformance to the greatest extent possible.

**COMMENT:**

*Per the Public Works department comments from the Pre-application meeting, frontage improvements will be required along Parcel 3 only. Site plan exhibit 4 shows the proposed improvements, however approved improvement plans are required prior to construction and changes may occur at the discretion of the Public Works department.*

Exhibit No.      Exhibit Title

1. Vicinity map
2. Existing Conditions
3. Preliminary Plat
4. Site Improvement plan
5. Lot and Vegetation Coverage plan
6. Property owner approval letter
7. Pre-Application Conference Report

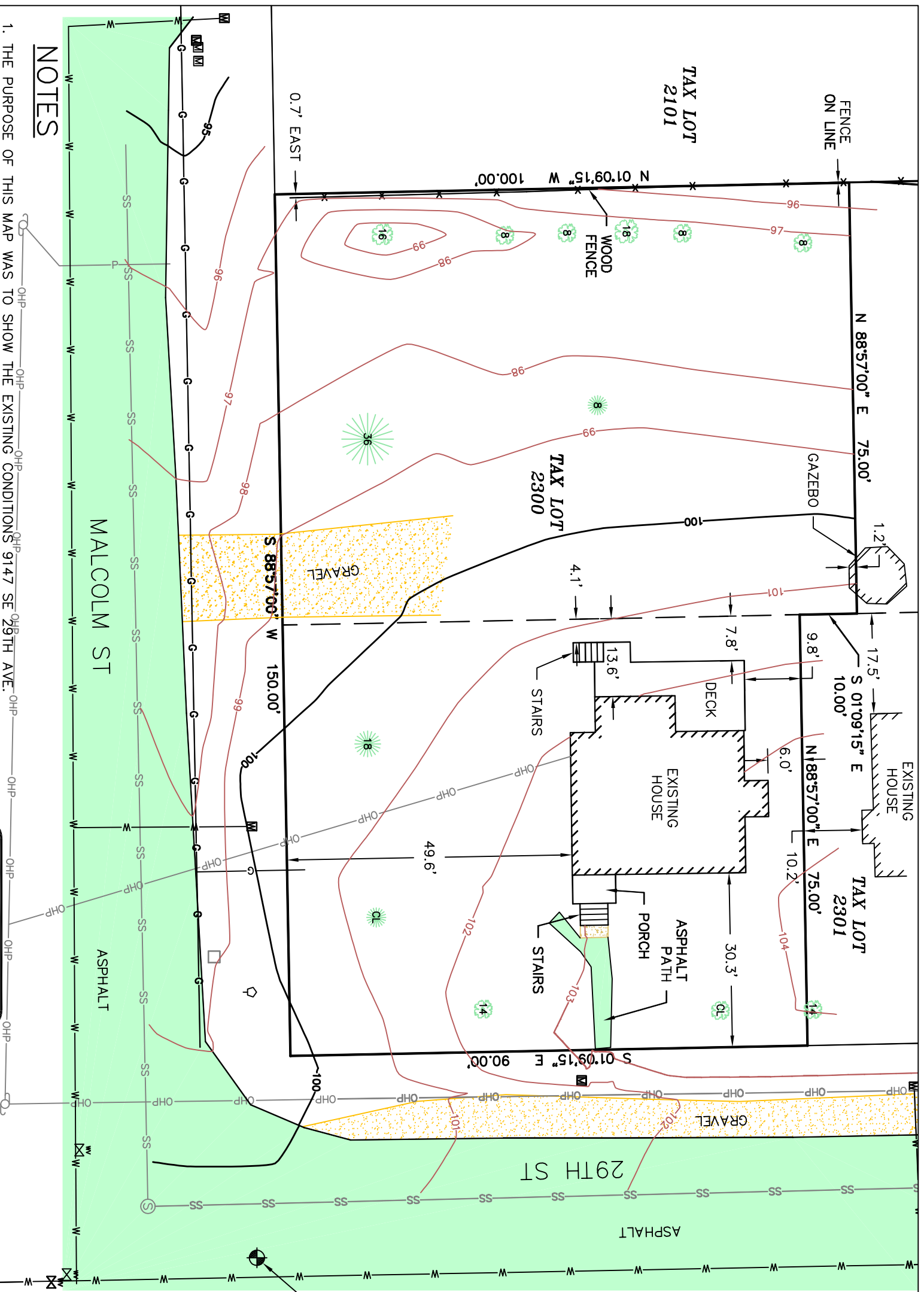
Exhibit 1  
Vicinity Map





Exhibit 2  
Existing Conditions Map





**NOTES**

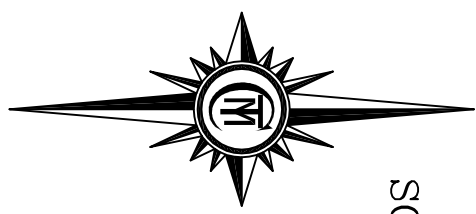
1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS 9147 SE 29TH AVE.
2. THE BASIS OF BEARINGS WAS PER PS 17247, CLACKAMAS COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED BY ASSUMING A LOCAL BENCHMARK ON A SET MAG NAIL ON SE 29TH AVE, AS SHOWN. ELEVATION = 100.00'.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF PARAMOUNT DEVELOPMENT PROPERTIES.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS, A RECORDED BOUNDARY SURVEY WILL NOT BE FILED AT THIS TIME.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. CMT TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Shaun P. Fidler*

OREGON  
JULY 12, 2005  
SHAUN P. FIDLER  
50333

EXPIRES DECEMBER 31, 2019



SCALE 1" = 20'

**LEGEND**

- EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING SIGN
- EXISTING POWER POLE
- EXISTING UNDERGROUND POWER LINES
- EXISTING OVERHEAD POWER LINES
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING UNDERGROUND WATER
- EXISTING UNDERGROUND GAS LINE
- EXISTING CATCH BASIN
- EXISTING SANITARY MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING FENCE
- LOCAL BENCHMARK ESTABLISHED
- EXISTING GRAVEL
- EXISTING CONCRETE
- EXISTING ASPHALT

**EXISTING CONDITIONS**

NW 1/4 SEC 25, T1S, R1E, W.M.

CITY OF MILWAUKIE

CLACKAMAS COUNTY, OREGON

SEPTEMBER 18, 2018

DRAWN: DMR CHECKED: SPF

SCALE 1"=20' ACCOUNT # 500-627

Y:\500-627\DWG\500627BASE

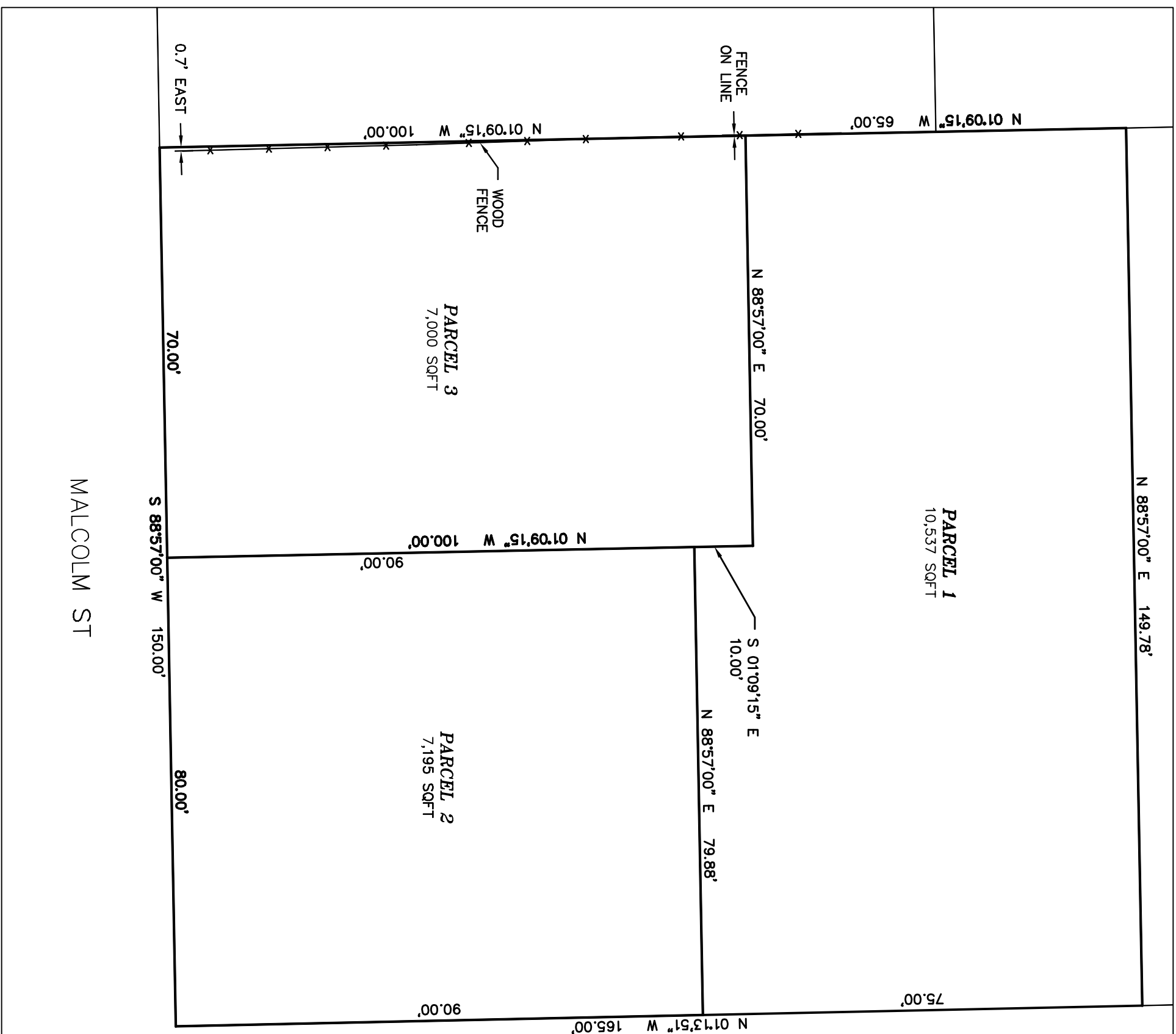
**9147 SE 29TH AVE**



**CMT SURVEYING AND CONSULTING**

20330 SE HIGHWAY 212  
DAMASCUS, OR 97089  
PHONE (503) 850-4672 FAX (503) 850-4590

Exhibit 3  
Preliminary Plat



MALCOLM ST

29TH ST

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Shaun P. Fidler*

OREGON  
JULY 12, 2005  
SHAUN P. FIDLER  
50333

EXPIRES DECEMBER 31, 2019

**PRELIMINARY PLAT**

**9147 SE 29TH AVE**

NW 1/4 SEC 25, T1S, R1E, W.M.

CITY OF MILWAUKIE

CLACKAMAS COUNTY, OREGON

JANUARY 18, 2019

DRAWN: DMR CHECKED: SPF

SCALE 1"=20' ACCOUNT # 500-627

Y:\500-627\DWG\500627\PRELIM



20330 SE HIGHWAY 212  
DAMASCUS, OR 97089  
PHONE (503) 850-4672 FAX (503) 850-4590

Exhibit 4  
Site Improvement Plan

**PROPERTY OWNERS**

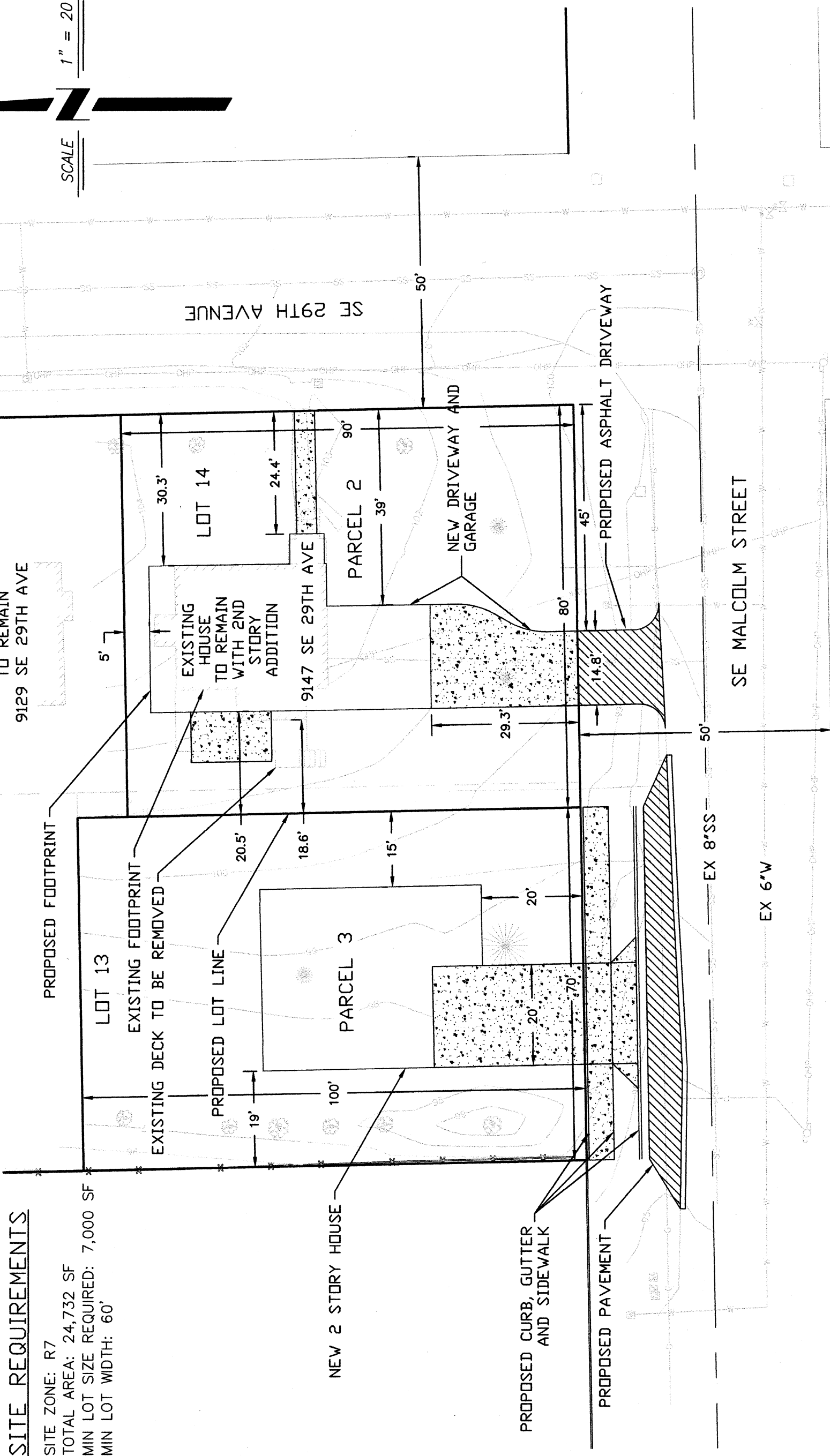
APN: 11E25BD02300  
PARAMOUNT DEVELOPMENT PROPERTIES, LLC  
2331 DANA CT.  
CARLSBAD, CA 92008

APN: 11E25BD02301  
STACY AND DIANA GREGG  
9129 SE 29TH AVENUE  
MILWAUKIE, OR 97222

**SITE REQUIREMENTS**

SITE ZONE: R7  
TOTAL AREA: 24,732 SF  
MIN LOT SIZE REQUIRED: 7,000 SF  
MIN LOT WIDTH: 60'

PARCEL 1  
EXISTING HOUSE  
TO REMAIN  
9129 SE 29TH AVE



**LEGAL DESCRIPTION**

Lots 13 & 14, Block 3, Bonnie View Acres, Plat No. 2 in the County of Clackamas and State of Oregon



PRELIMINARY  
DRAWINGS  
FOR INFORMATION ONLY

January 28, 2019

## Exhibit 5

# Lot and Vegetation Coverage Plan



**LOT COVERAGE SUMMARY**

PARCEL 2  
 LOT SIZE: 7,195 SF  
 MAX LOT COVERAGE: 2,158 SF  
 HOUSE AREA: 1,492 SF

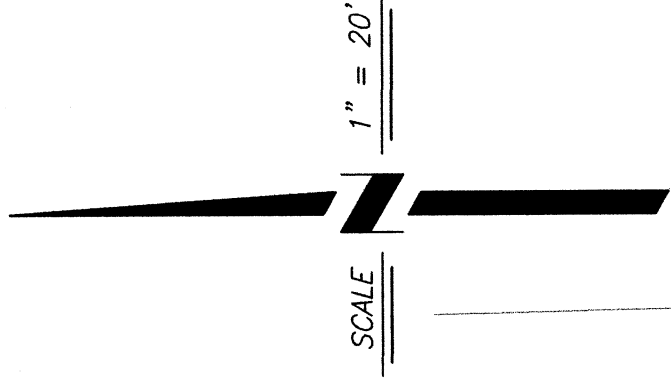
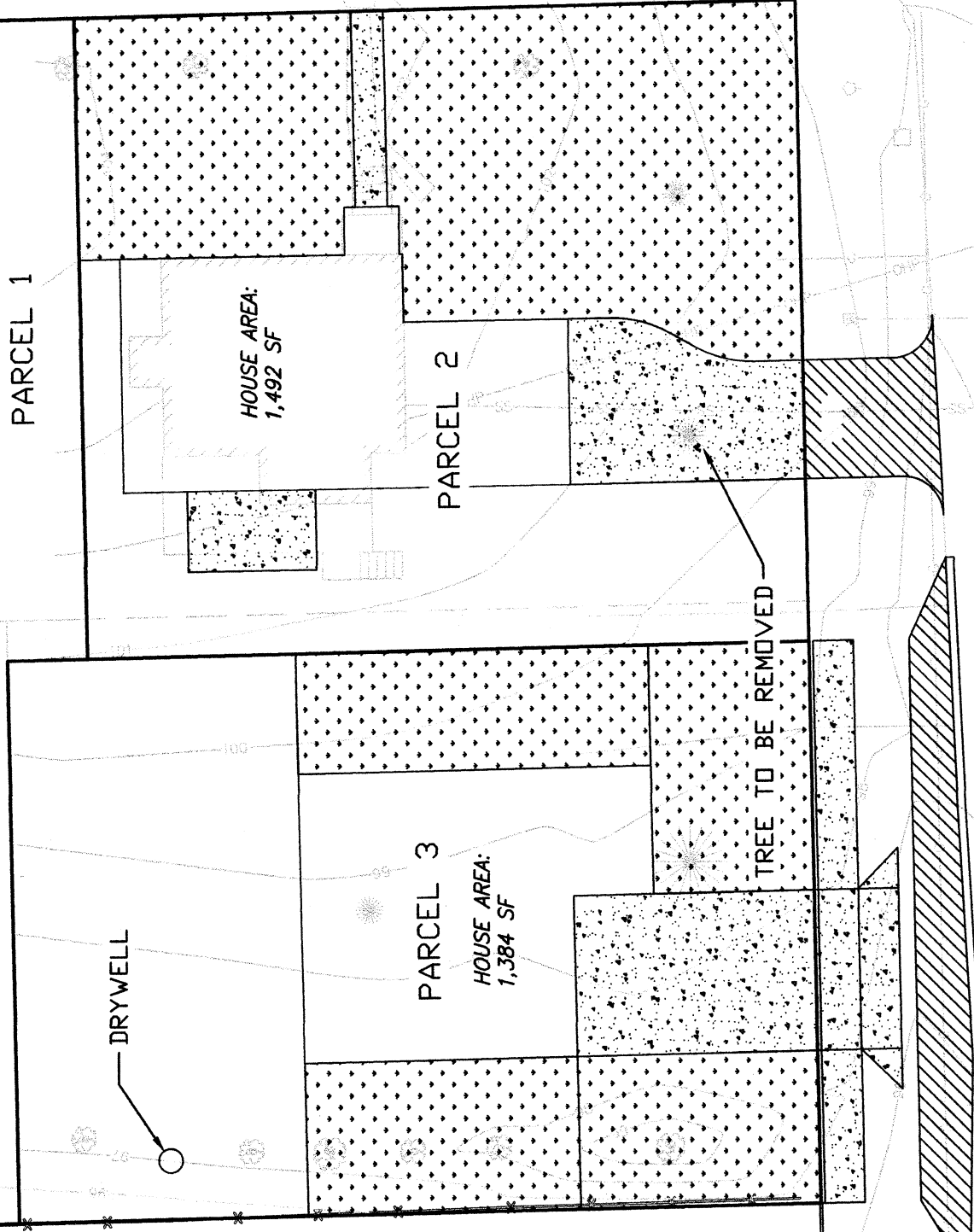
PARCEL 3  
 LOT SIZE: 7,000 SF  
 MAX LOT COVERAGE: 2,100 SF  
 HOUSE AREA: 1,384 SF

 EXISTING VEGETATION TO REMAIN

**LOT VEGETATION SUMMARY**

PARCEL 2  
 LOT SIZE: 7,195 SF  
 MIN LOT VEGETATION: 2,158 SF  
 FRONT YARD AREA: 3,208 SF  
 MIN FRONT YARD VEGETATION: 1,285 SF  
 PROPOSED FRONT YARD VEGETATION TO REMAIN: 3,110 SF

PARCEL 3  
 LOT SIZE: 7,000 SF  
 MIN LOT VEGETATION: 2,100 SF  
 FRONT YARD AREA: 1,190 SF  
 MIN FRONT YARD VEGETATION: 476 SF  
 PROPOSED FRONT YARD VEGETATION TO REMAIN: 1,190 SF  
 PROPOSED VEGETATION TO REMAIN: 2,496



January 28, 2019

**9147 SE 29TH AVENUE  
 LOT AND VEGETATION COVERAGE PLAN**

Paramount Development Properties, LLC 2331 Dana Ct, Carlsbad, CA 92008 (209) 609-1564  
 Prepared By: Mark Peckrek

E:\Paramount Properties\9147 SE 29th Ave - Milwaukee\Land Use Application\2019\_01\_27 site plan exhibiting.mxd 1/28/19 12:38



PRELIMINARY  
 NOT FOR CONSTRUCTION

## Exhibit 6

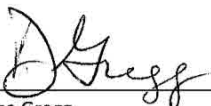
### Property Owner Approval Letter

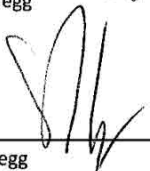
From: Diana & Stacy Gregg

Owners of property located at 9129 SE 29<sup>th</sup> Avenue, Milwaukie, OR 97222

To: City of Milwaukie

We authorized Mark Pekarek, the owner of Paramount Development Properties, LLC and the property located at 9147 SE 29<sup>th</sup> Ave. to submit an application to the City of Milwaukie to adjust the property line between our two properties. Per the preliminary site plan, we will be granted approximately 50 square feet of land.

  
\_\_\_\_\_  
Diana Gregg                      1/14/19  
Date

  
\_\_\_\_\_  
Stacy Gregg                      1/14/2019  
Date

## Exhibit 7

# Pre-Application Conference Report

**PRE-APPLICATION CONFERENCE REPORT**

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**This report is provided as a follow-up to a meeting that was held on 9/13/2018 at 10:00am**

**Applicant Name:** Mark Pekarek  
**Company:** Paramount Development Properties  
**Applicant 'Role':** Owner  
**Address Line 1:** 2331 Dana Ct  
**Address Line 2:**  
**City, State Zip:** Carlsbad CA 92008  
**Project Name:** 29th Ave 2-lot Partition  
**Description:** split existing lot into 2 lots, one with existing home, one for new house to be built  
**ProjectAddress:** 9147 SE 29th Ave  
**Zone:** Residential R-7  
**Occupancy Group:**  
**ConstructionType:**  
**Use:** Low Density (LD)  
**Occupant Load:**  
**AppsPresent:** Mark Pekarek  
**Staff Attendance:** Brett Kelper, Alex Roller

**BUILDING ISSUES**

**ADA:**  
**Structural:**  
**Mechanical:**  
**Plumbing:**  
**Plumb Site Utilities:**  
**Electrical:**  
**Notes:**

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

### FIRE MARSHAL ISSUES

**Fire Sprinklers:**

**Fire Alarms:**

**Fire Hydrants:**

**Turn Arounds:**

**Addressing:**

**Fire Protection:**

**Fire Access:**

**Hazardous Mat.:**

**Fire Marshal Notes:** Clackamas Fire District #1 has no comment.

### PUBLIC WORKS ISSUES

**Water:** A City of Milwaukie 6-in C900 water main on SE Malcolm St will provide service to the proposed development. The development will require a new water service and meter assembly. The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. The water SDC will be assessed and collected at the time the building permits are issued. Fire hydrant spacing along Malcolm St is adequate to provide coverage for the site.

**Sewer:** A City of Milwaukie 8-in concrete wastewater main on Malcolm St will provide service to the proposed development. The new house will require a new sewer lateral sized to accommodate the proposed development. Currently, the wastewater SDC is comprised of two components. The first component is the City's SDC charge of \$1,186 per 16 plumbing fixture units in accordance with the Uniform Plumbing Code and the second component is Clackamas County's SDC for treatment of \$6,540 per equivalent dwelling unit that the City collects and forwards to the County. Both SDC charges are per connection unit. The wastewater SDC will be assessed and collected at the time the building permits are issued.

**Storm:** Milwaukie requires submission of a stormwater management plan by a qualified professional engineer if 1000 sq ft or more new impervious area is created with the development in the right-of-way. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Public Works Standards. The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing stormwater management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland 2016 Stormwater Management Manual for design of water quality facilities.

All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See Milwaukie Public Works Standards for design

and construction standards and detailed drawings.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 sq ft of impervious surface, and each single-family residential property is 1 stormwater unit. The storm SDC is currently \$930 per unit. The storm SDC will be assessed and collected at the time the building permits are issued. The impervious area on private property (house and driveway) will be handled with the construction of an appropriately-sized drywell onsite.

**Street:**

The proposed development fronts the north side of Malcolm St, which is classified as a Local Street. The portion of Malcolm St fronting the proposed development has a right-of-way width of 50 ft, a paved width that is approximately 20 ft, and is unimproved on both sides of the street.

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$2,114 per p.m. trip generated. Single-family houses create 1 p.m. trip.

**Frontage:**

Chapter 19.700 of the Milwaukie Municipal Code, herein referred to the “Code”, applies to partitions, subdivisions, new construction and modification and/or expansions of existing structures or uses that produce a projected increase in vehicle trips.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

Malcolm St

According to Code Table 19.708.2 the local street cross-section includes the following:

- 8-ft travel lane
- 6-ft parking strip with curb & gutter
- 5-ft landscape strips
- 5-ft setback sidewalks

The Malcolm St pavement is in very poor condition. In order to meet the City’s design standards, the applicant may be required to replace the pavement section to centerline. Extent of pavement reconstruction will be determined during the design review of the frontage improvements.

**Right of Way:**

The existing 50-ft right-of-way on Malcolm St fronting the proposed development (25 ft each side of centerline) is of adequate width to accommodate the planned cross-section. No dedication is required.

**Driveways:**

Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie’s Public Works Standards, Section 5.0085, at the time of development. Per MMC 12.16.040, Driveway will be between 9 and 20 ft wide and located a minimum 7.5 ft from the side property line.

**Erosion Control:**

Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding 500 sq ft. The proposed development exceeds the threshold therefore, an erosion control permit is required.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

**Traffic Impact Study:** MMC 19.704 states the Engineering Director will determine whether a proposed development has impacts on the transportation system by using existing transportation data. The Engineering Director has determined that sufficient existing transportation data is available for the City to determine the transportation system impacts of the development and a project specific traffic impact study is not required for this development at this time.

**PW Notes:**

**APPLICABILITY OF PRE-APPLICATION REVIEW**

The comments provided are preliminary and intended to address the original application materials submitted unless otherwise specifically called out in the notes. The information contained within these notes may change over time due to changes or additional information presented for the development. This pre-application review is for the following:

The partition of an existing lot into two lots.

**SYSTEM DEVELOPMENT CHARGES (SDC'S)**

All SDC's are calculated, assessed, and collected at the time of building permit is issued. Any changes in the proposed use may result in a change in the SDC's that are assessed.

In addition to the SDC's mentioned earlier, there is a Parks & Recreation System Development Charge (SDC) that is triggered when application for a building permit on a new dwelling is received.

Currently, the parks and recreation SDC for a single-family residence is \$3,985.00. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

**REQUIREMENTS PRIOR TO FINAL PLAT**

- Full-engineered design is required along the frontage of the new lot. Engineered plans for public improvements (street, sidewalk, and utility) are to be prepared by a Professional Engineer licensed in the State of Oregon.

- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.

- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.

- Construction of the required improvements.

- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.

- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection and approval of the final plat.

**FEE CHANGE NOTICE**

- All fees mentioned are subject to change in accordance with the City of Milwaukie Master Fee Schedule.

**PLANNING ISSUES**



**Setbacks:** Yard requirements for the Residential R-7 zone are established in Milwaukie Municipal Code (MMC) Subsection 19.301.4. Minimum front and rear yards are 20 ft, side yards must be at least 5 ft on one side and 10 ft on the other (for interior lots), and street-side yards must be at least 20 ft (for corner lots).

**Landscape:** In the R-7 zone, a minimum of 30% of the site must be landscaped once developed with structures. In addition, at least 40% of the front yard area must be vegetated (measured from the front property line to the front face of the house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). A maximum of 30% of the site may be covered by structures, including decks or patios over 18 in above grade.

**Parking:** As per the off-street parking standards of MMC Chapter 19.600, properties that are developed with single-family dwellings must provide at least 1 off-street parking space per dwelling unit. As provided in MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. The required spaces cannot be located within a required front or street-side yard and must have a durable and dust-free hard surface.

Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 5 ft of the right-of-way boundary. Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width to distance onto property), starting 2 ft behind the front property line. See the figures provided in MMC 19.607 for more information.

As proposed, the replat would separate the existing off-street parking from its current off-street parking space. As part of the proposed replat, the adjusted lot with the existing house must provide an off-street parking space that meets the standards of MMC 19.607, including a new driveway approach approved by the Engineering Department. At least one conforming off-street parking space will be required with development of the new vacant lot.

**Transportation Review:** The proposed partition will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. Please see the Public Works (Engineering) notes for more information about the requirements of MMC 19.700 and any associated right-of-way dedication and/or street improvements.

**Application Procedures:** The land use applications required depend on the applicant's final proposal but likely include the following:

- \* Partition Replat (Preliminary Plat) (Type II review)
- \* Property Line Adjustment (Type I review)
- \* Variance Request (Type II or Type III review)
- \* Final Plat (Type I review) = following the preliminary plat approval

The proposed land division would not modify a plat decided by the Planning Commission (both underlying plats were decided prior to Planning Commission involvement in the partitioning process) and is not a parcel consolidation. As per MMC Table 17.12.020, it is a partition replat that requires Type II processing; because the number of lots will increase from 1 to 2, the option established in MMC Subsection 17.12.020.B.1 to reduce the review level from Type II to Type I is not available in this case. Following approval of the replat, a Type I application for Final Plat will be required in conjunction with the recording process with the County Surveyor.

The applicant may choose to include 9129 SE 29th Ave (the adjacent property to the north) in the Partition Replat proposal, to transfer a portion of the subject property to the neighboring lot. The number of lots would then go from 2 to 3, but the proposal still qualifies as a Partition Replat and a

separate Property Line Adjustment is not needed.

Depending on where the boundary line is drawn, a variance may be needed for the rear yard setback for the existing house at 9147 SE 29th Ave. The setback is measured to the nearest point of the house and/or deck support (if the deck remains). A Type II variance could be used to reduce the 20-ft rear yard setback by up to 25%; a larger reduction than that would require a Type III variance.

Current application fees relevant to the proposal:

\* Type II review = \$1,000 per application (Partition Replat, Type II Variance if needed)

\* Type I review = \$200 (Final Plat)

\* Type III review = \$2,000 (Type III Variance if needed)

For concurrent applications, the most expensive application is charged full price and the fees for all other applications are discounted 25%.

Approval criteria for a replat are established in MMC Subsection 17.12.030 and include (1) compliance with the relevant sections of Title 17 (Land Division) and Title 19 (Zoning), (2) allowing reasonable development and not creating the need for a variance of any land division or zoning standard, and (3) not reducing residential density below minimum density requirements of the applicable zoning district.

The application submittal should include the standard Land Use Application Form and Submittal Requirements Checklist. Since the County Surveyor will require that the replat be recorded as a partition plat, the application should also include or address the relevant items listed on the Preliminary Plat Checklist.

The applicant should submit 5 complete copies of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application will be required for referral to other departments, the Ardenwald-Johnson Creek Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

In the Type II review process, public notice of the application is mailed to property owners and residents within 300 ft of the subject property no later than 7 days after the application is deemed complete, with 14 days allowed for comments in response. Within 7 days of being deemed complete, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. A decision by the Planning Director will not be issued before the end of the 14-day comment period.

Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.

Prior to submitting the application, the applicant is encouraged to present the project at a regular meeting of the Ardenwald-Johnson Creek NDA, which occurs at 6:30 p.m. on the fourth Monday of every month (Milwaukie Café & Bottle Shop, 9401 SE 32nd Ave).

**Natural Resource Review:** The subject property does not include any designated natural resource areas.

**Lot Geography:** The subject property is a rectilinear lot with a compound line segment along the northern boundary. The change in direction of the compound segment is less than 10% of the total distance between opposing lot corners, which is allowed as per MMC Subsection 17.28.040.C. The property has

frontage on 29th Ave and Malcolm St. The existing house faces 29th Ave and with the proposed replat would remain a corner lot; the new proposed lot would have frontage only on Malcolm St.

**Planning Notes:**

General Note = These notes represent staff's best evaluation of the applicant's proposal(s) in advance of any official submittal of a land use application. They do not represent approval or denial of the proposed action, only an assessment of the issues and likely requirements.

The proposed replat cannot cause existing features to become nonconforming with respect to any code standard without requesting a variance. As per MMC Subsection 19.911.3.B, a Type II variance can be used to reduce a front or rear yard setback by up to 25% or a side yard setback by up to 40%. Larger reductions than that would require a Type III variance.

The applicant is encouraged to check with someone knowledgeable about real estate transfers to confirm what documentation (e.g., new deeds, new legal descriptions) may be required for the proposed transfer of property (50 sq ft) from 9147 SE 29th Ave to 9129 SE 29th Ave.

For new development on the newly created vacant lot, note that design standards for single-family dwellings are provided in MMC Subsection 19.505.1 and include requirements on any street-facing façade for articulation, minimum window area, and a main entrance. Additional standards require a minimum number of basic design features. The provisions of MMC Subsection 19.505.2 limit the width and setback location of an attached garage or carport on the street-facing façade.

**ADDITIONAL NOTES AND ISSUES**

**County Health Notes:**

**Other Notes:**

**This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.**

**Sincerely,**

**City of Milwaukie Development Review Team**

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**BUILDING DEPARTMENT**

**Samantha Vandagriff - Building Official - 503-786-7611**

**Stephanie Marcinkiewicz**

**- Inspector/Plans Examiner - 503-786-7613**

**ENGINEERING DEPARTMENT**

**Chuck Eaton - Engineering Director - 503-786-7605**

**Alex Roller - Engineering Tech II - 503-786-7695**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Alma Flores - Comm. Dev. Director - 503-786-7652**

**Leila Aman - Development Manager - 503-786-7616**

**Alicia Martin - Admin Specialist - 503-786-7600**

**PLANNING DEPARTMENT**

**Dennis Egner - Planning Director - 503-786-7654**

**David Levitan - Senior Planner - 503-786-7627**

**Brett Kelter - Associate Planner - 503-786-7657**

**Vera Kolas - Associate Planner - 503-786-7653**

**Mary Heberling - Assistant Planner - 503-786-7658**

**CLACKAMAS FIRE DISTRICT**

**Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673**

**Matt Amos - Fire Inspector - 503-742-2661**