



CITY OF MILWAUKIE

August 23, 2019

Land Use File(s): MLP-2019-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on August 23, 2019.

Applicant(s):	Tony Mullins, Pillar Development LLC
Location(s):	49 th Ave and Mullan St
Tax Lot(s):	12E30CD 02500 and 05200
Application Type(s):	Minor Land Partifion
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Land Division Ordinance: <ul style="list-style-type: none">• MMC Chapter 17.12 Application Procedure & Approval Criteria• MMC Chapter 17.16 Application Requirements and Procedures• MMC Chapter 17.20 Preliminary Plat• MMC Chapter 17.28 Design Standards• MMC Chapter 17.32 Improvements Milwaukie Zoning Ordinance <ul style="list-style-type: none">• MMC Section 19.301 Low Density Residential Zones (including R-7)• MMC Chapter 19.700 Public Facility Improvements• MMC Chapter 19.1200 Solar Access Protection• MMC Section 19.1005 Type II Review Milwaukie Municipal Code <ul style="list-style-type: none">• MMC Chapter 12.16 Access Management
Neighborhood(s):	Linwood Hector Campbell

Appeal period closes: 5:00 p.m., September 9, 2019

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review by

appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Associate Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at www.milwaukieoregon.gov/planning/MLP-2019-001.

This decision may be appealed by 5:00 p.m. on September 9, 2019, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. Prior to approval of the final plat, the following shall be resolved:
 - a. Submit a final storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - b. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - c. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - d. Pay an inspection fee equal to 5.5% of the cost of the public improvements.

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

- e. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
- f. Provide an erosion control plan and obtain an erosion control permit.
- g. Dedicate 50 ft of right-of-way from the 49th Ave right-of-way to the west side of Tax lot 5200. Provide a reserve strip or access control to the City of Milwaukie for the west end of the new Mullan Ct right-of-way.
- h. Install all underground utilities, including stubs for utility service prior to surfacing any streets. 6" minimum diameter water line water line and extension of existing 8" sanitary line.
- i. Construct 5-ft setback sidewalks, 5-ft landscape strips, curb and gutter, 28-ft asphalt surface and driveways on Mullan Ct. Note that sidewalks will only be required on the south side of Mullan Ct.
- j. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line.
- k. Construct ADA ramp at the southwest corner of 49th Ave and Mullan Ct. Construct receiving ADA ramp on northwest corner of 49th Ave and Mullan Ct.
- l. Provide a final approved set of electronic PDF "As Constructed" drawings to the City of Milwaukie prior to final inspection.
- m. Remove all signs, structures, or vegetation between three ft and six ft located in "vision clearance areas" at intersections of streets, driveways, and alleys fronting the proposed development. Prior to the removal of any vegetation, applicant shall confirm with the Engineering department the location of clear vision areas and if the vegetation removal is required to comply with clear vision standards.

Other requirements

1. MMC Section 17.04.120 Recording

As per MMC Section 17.04.120, partition plats must be recorded by plat. An application for final plat shall be submitted to both the City Planning Department and the County Surveyor within 6 months of the date of this approval. Once approved by the County Surveyor, a copy of the recorded final plat shall be submitted to the City Planning Department.

2. Obtain a ROW permit for construction of the required driveway approach improvements listed in the conditions of approval.

3. Prior to final inspection for any building on the proposed development, connect all residential roof drains to a private drywell or other approved structure.

Director's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- Approved
- Approved with Conditions
- Denied



Dennis Egner, FAICP
Planning Director

Exhibits

1. Findings in Support of Approval

- cc: Tony Mullins (Pillar Development, LLC, 602 SE 38th Dr., Gresham, OR 97080)
Danelle Isenhardt, Isenhardt Consulting, LLC (PO Box 2364, Beaverton, OR 97075)
Planning Commission (via email)
Leila Aman, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Mike Boumann and Izak Hamilton, CFD#1 (via email)
NDA(s): Linwood ; Hector Campbell (via email)
Interested Persons
Land Use File(s): MLP-2019-001

EXHIBIT 1
Recommended Findings in Support of Approval
File #MLP-2019-001, Pillar Development, LLC

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Tony Mullins, on behalf of Pillar Development, LLC, has applied for approval to create two building lots with frontage on an extension of Mullan St at 49th Ave and Mullan St (TL 12E30CD 02500 & 05200). This site is in the Residential R-7 Zone. The land use application file number is MLP-2019-001.
2. The proposed project is a two-lot partition with right-of-way dedication to provide street access to 49th Ave. The street extension will be named Mullan Ct.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1005 Type II Review
 - MMC Chapter 17.12 Application Procedure & Approval Criteria
 - MMC Chapter 17.16 Application Requirements and Procedures
 - MMC Chapter 17.20 Preliminary Plat
 - MMC Chapter 17.28 Design Standards
 - MMC Chapter 17.32 Improvements
 - MMC Section 19.301 Low Density Residential Zones (including R-7)
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Chapter 12.16 Access Management
 - MMC Chapter 19.1200 Solar Access Protection

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.

4. MMC Chapter 17.12 Application Procedure and Approval Criteria

MMC Section 17.12.040 establishes the approval criteria for preliminary plat. The proposed preliminary plat meets these criteria as described below.

- a. MMC Subsection 17.12.040.A.1 requires that the proposed preliminary plat complies with Title 19 Zoning and other applicable ordinances, regulations, and design standards.

As demonstrated by the applicant's submittal materials and evidenced by these findings, the proposed preliminary plat complies with the applicable ordinances, regulations, and design standards. As proposed, this criterion is met.

- b. MMC Subsection 17.12.040.A.2 requires that the proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

The proposed partition will provide sufficient area on both parcels to accommodate future development in accordance with the standards of the underlying R-7 zone. The parcels do not have physical constraints or dimensional limitations that would necessitate the need for a variance. As proposed, this criterion is met.

- c. MMC Subsection 17.12.040.A.3 requires that the proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).

The proposed plat is a partition plat; therefore, this criterion is not applicable.

- d. MMC Subsection 17.12.040.A.4 requires that the streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.

As discussed in Finding 10-e, the proposed partition requires a 50-ft-wide dedication as an extension of Mullan St (to be named Mullan Ct) to provide right-of-way for the proposed lots and access to 49th Ave. The submitted plan set shows a future potential alignment to the west for the roadway to connect to the existing section of White Lake Rd to the west. As proposed, this criterion is met.

- e. MMC Subsection 17.12.040.A.5 requires a detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

The applicant's submittal materials include a detailed narrative demonstrating compliance with all applicable standards and criteria. As proposed, this criterion is met.

As proposed, the Planning Director finds that the preliminary plat meets the applicable criteria.

5. MMC Chapter 17.16 Application Requirements and Procedures

MMC Section 17.16.060 establishes the application requirements for preliminary plat, including completed application forms and checklists, applicable fees, and the information specified in MMC Chapter 17.20 Preliminary Plat.

The applicant's submittal materials include the necessary forms, checklists, and fees, as well as sufficient information to demonstrate compliance with the applicable standards and criteria.

As proposed, the Planning Director finds that the application meets the applicable requirements for submittal of a preliminary plat.

6. MMC Chapter 17.20 Preliminary Plat

MMC 17.20 establishes the information required for a preliminary plat, including general information to be shown on the plat and existing and proposed conditions.

The applicant's preliminary plat submittal is to scale and includes a vicinity map, existing conditions, contour lines, structures on surrounding properties, minimum setbacks for future development, and concepts for future development.

As proposed, the Planning Director finds that the proposed preliminary plat includes the relevant and necessary information as outlined in MMC 17.20.

7. MMC Chapter 17.28 Design Standards

MMC 17.28, particularly MMC Section 17.28.040, establishes standards for lot design for land divisions and boundary changes.

- a. MMC Subsection 17.28.040.A requires that the lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated, as well as that minimum lot standards shall conform to Title 19.

The proposed parcels are rectangular in shape and meet the minimum area and dimensional requirements for the underlying R-7 zone. Both parcels conform to the relevant standards of the R-7 zone as described in Finding 9 and to other applicable standards of Title 19 as described elsewhere in these findings.

- b. MMC Subsection 17.28.040.B requires that lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street.

The proposed parcels are rectangular in shape and meet the minimum lot standards in Title 19. The proposed new lot lines are at a 90-degree angle to Mullan Ct and the rear lot lines are parallel to the street.

- c. MMC Subsection 17.28.040.C limits compound lot lines for side or rear lot lines.

No compound lot lines are proposed for the side or rear lot lines on either parcel.

- d. MMC Subsection 17.28.040.D allows lot shape standards to be varied pursuant to MMC 19.911.

No variance to the lot shape standards is requested in this application.

- e. MMC Subsection 17.28.040.E limits double frontage and reversed frontage lots, stating that they should be avoided except in certain situations.

Neither of the proposed parcels is a double frontage or reversed frontage lot.

- f. MMC Subsection 17.28.040.F requires that, pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access. This standard applies when a lot has frontage on more than one street.

As proposed, each parcel has more than 84 ft of frontage along the proposed extension of Mullan St, which exceeds the 35-ft minimum public street frontage required in the R-7 zone.

As proposed, the Planning Director finds that the new parcels presented in the applicant’s preliminary plat meet the applicable design standards established in MMC 17.28.

8. MMC Chapter 17.32 Improvements

MMC 17.32 establishes procedures for public improvements, including a requirement that work shall not begin until plans have been approved by the City.

As discussed in Finding 10, physical improvements are required as a result of the proposed partition, including sidewalks and ADA ramps. The applicant will dedicate property to create Mullan Ct and for a future connection to White Lake Rd to the west. A condition has been included requiring a reserve strip or access control to the City of Milwaukie at the end of Mullan Ct.

As proposed, the Planning Director finds that the applicable standards of MMC 17.32 are met.

9. MMC Section 19.301 Low Density Residential Zones (including R-7)

MMC 19.301 contains standards for Low Density Residential zones, including the R-7 zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed in the R-7 zone, including single-family detached dwellings, duplexes, and accessory dwelling units (ADUs) as outright permitted uses.

The applicant is proposing a single-family detached dwelling on each of the two new lots to meet density for the R-7 zone. This is a permitted use in the R-7 zone as listed in Table 19.301.2.

As proposed, this standard is met.

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-7 zone. The applicable standards are addressed and met as described in Table 9-b (Zoning Compliance) below.

Table 9-b Applicable R-7 Development Standards			
Standard	R-7 Requirement	Parcel 1	Parcel 2
Lot Area	7,000 sq ft	7,160 sq ft	8,136 sq ft
Lot Width	60 ft	84.20 ft	84.1 ft
Lot Depth	80 ft	85 ft	>96 ft
Public Street Frontage	35 ft	>84 ft (on proposed Mullan Ct)	>84 ft (on proposed Mullan Ct)

Front Yard	20 ft	To Be Determined at Time of Development (TBD)	To Be Determined at Time of Development (TBD)
Side Yard	5 ft / 10 ft (interior yards) 20 ft (street side)	TBD	TBD
Rear Yard	20 ft	TBD	TBD
Maximum Building Height	2 stories or 35 ft (lesser of)	TBD	TBD
Maximum lot coverage	30%	TBD	TBD
Minimum vegetation	30%	TBD	TBD
Front Yard Minimum Vegetation	40%	TBD	TBD
Density requirements	Lot area is 0.35 acres (after ROW dedications) Min. density = 1.77 (or 2) units (@5.0 units/acre) Max. density = 2.18 (or 2) units (@6.2 units/acre)	Sized for one primary unit	Sized for one primary unit

As proposed, the applicable standards of this subsection are met or will be met at the time of permit submittal.

As proposed, the Planning Director finds that the applicable R-7 zone standards of MMC 19.301 are met.

10. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including land divisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to partition the subject property into two distinct parcels. The proposed partition triggers the requirements of MMC 19.700.

MMC 19.700 applies to the proposed development.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and establishing approval criteria.

The applicant had a preapplication conference with City staff on July 31, 2018, prior to application submittal. The proposed action does not trigger a Transportation Impact Study (TIS) (as addressed in Finding 10-c). The proposal's compliance with MMC 19.700 is being reviewed as part of the preliminary plat application and a separate Transportation Facilities Review (TFR) application is not necessary. As addressed in Findings 10-d and 10-e, the applicant will provide mitigation in rough proportion to the potential impacts of the proposed partition.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 requires submission of a TIS documenting the development impacts on the surrounding transportation system.

The Engineering Director determined that a transportation impact study was not required, as the impacts of the proposed partition on the transportation system were minimal and evident.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

Finding 10-e addresses the required dedications to the public right-of-way and frontage improvements, including a provision for the future extension of White Lake Rd. The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal, and the surrounding transportation system will continue to operate at the level of service previous to the proposed development.

The proposed development, as conditioned, is consistent with MMC 19.705.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 points to MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications, including for Collector and Local streets. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

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. Driveway approach aprons shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line. In addition, all signs, structures, or vegetation over 3 ft in height shall be removed from “vision clearance areas” at intersections of streets, driveways, and alleys.

The required right-of-way needed for the required street improvements is 50 ft. The applicant is responsible for dedication of 50 ft of right-of-way from the 49th Ave right-of-way to the west property line of Tax lot 5200. MMC 19.708.E.3.a requires that a temporary turnaround shall be constructed for street stubs in excess of 150 ft in length. This is a requirement that reflects fire access road requirements. The west edge of the new right-of-way will be within Clackamas Fire District’s access limits, so access to the two new dwelling units will be from within the newly dedicated right-of-way. The applicant is also responsible for providing a reserve strip or access control to the City of Milwaukie for the west end of the new Mullan Ct right-of-way to facilitate a future connection to White Lake Rd.

MMC 19.708.1.F.4 requires that streets be constructed with the centerlines aligned. The Town and Country No. 2 subdivision plat, recorded on November 8, 1962, established the location of the Mullan St right-of-way west of SE 49th Ave on the subject property. Although currently non-conforming with this section, the issue dates back to the 1962 recorded plan. As such, the City Engineer determined that a waiver to this requirement based on the original subdivision plat was warranted and would allow construction of the proposed extension of Mullan St as proposed.

In the preapplication conference notes, the city identified the requirement for full improvements in front of each new lot. However, this requirement has changed. The city is requiring the following improvements: construction of sidewalks on the south side of Mullan Ct between Parcel 2 and 49th Ave; construction of an ADA ramp on the southwest corner of Mullan Ct and 49th Avenue; and construction of an ADA receiving ramp on the northwest corner of Mullan Ct. and 49th Ave. 49th Avenue is not identified in the TSP as a bike route. Applicant is not responsible for providing additional asphalt for bike lanes. The proposed development property is surrounded by single family residences, does not present an opportunity to provide a pedestrian or bicycle path within the development, and is not required to provide one. Likewise, Transit facility improvements are not required for the proposed development.

As conditioned, the proposed partition meets all the applicable standards of MMC 19.708.

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City’s requirements and standards to ensure the adequacy of public utilities to serve development.

As discussed in Finding 10-e, the proposed partition is required to dedicate a 50-ft right-of-way for access to the development, including a reserve strip for a future connection to White Lake Rd. A condition has been established accordingly. Utilities will be constructed to City standards within Mullan Ct.

As conditioned, the proposed partition meets the standards of MMC 19.709.

As conditioned, the Planning Director finds that the proposed partition meets the applicable public facility improvement standards of MMC 19.700.

11. MMC Chapter 12.16 Access Management

MMC 12.16 regulates access from private property onto public streets, with specific requirements and standards provided in MMC Section 12.16.040.

MMC Subsection 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts, that driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA), and that driveway approaches shall be improved to meet the requirements of the City's Public Works Standards. MMC Subsection 12.16.040.B.1 governs the spacing of accessways (driveways), requiring a minimum of 300 ft for spacing between accessways on collector streets and prohibiting the creation and/or modification of single-family accessways.

As discussed in Finding 10, the proposed partition includes dedication of right-of-way to create Mullan Ct and for the future extension of White Lake Rd. Both new parcels have frontage on Mullan Ct. Both lots have street access and the proposed driveways will comply with MMC 12.16.040.C.3. The proposed partition allows for the siting of houses that will comply with the required 45-ft accessway spacing from intersections. The proposed driveways will conform to ADA standards and width as required by MMC 12.16.040.E and F. Conditions have been established to require conformance with the applicable City standards.

As conditioned, the Planning Director finds that the proposed partition meets the applicable access management standards of MMC 12.16.

12. MMC Chapter 19.1200 Solar Access Protection

A primary purpose of MMC 19.1200 is to orient new lots and parcels to allow utilization of solar energy. In particular, MMC Section 19.1203 establishes solar access provisions for new development.

- a. MMC Subsection 19.1203.2 establishes the applicability of MMC Subsection 19.1203.3 as for applications to create lots in single-family zones. Exceptions are allowable to the extent the Planning Director finds that the applicant has shown one or more of the conditions listed in MMC Subsections 19.1203.4 and 19.1203.5 exist and that exemptions or adjustments are warranted.

The proposed partition will create new parcels in the R-7 zone, which allows single-family residences. The solar design standards of MMC 19.1203.3 are applicable, and no exemptions or adjustments are necessary.

- b. MMC 19.1203.3 establishes solar design standards, including basic requirements for north-south dimension and front-lot-line orientation with respect to a true east-west axis. There are two other options for compliance, for either establishing a protected solar building line or demonstrating a particular level of performance with respect to protection from shading.

Both of the proposed parcels are off an east-west axis street (Mullan Ct). Parcel 2 has a north-south dimension of 96.69 feet. However, Parcel 1 only has a north-south dimension of 85 feet. The partition does not meet the basic requirement for 80% of the lots.

Parcel 1 can have a protected solar building line at the front property line as the property to the south is Parcel 2 and there is Mullan Ct in between the lots. Parcel 1 will have 65 feet from the protected solar building line and the northern edge of the buildable area of the lot. Parcel 2 can have a protected solar building line at the southern property line as the property to the south is 200 feet in depth. Parcel 2 will have 76.69 feet from the protected solar building line and the northern edge of the buildable area of the lot. This exceeds the minimum required 70 ft between the protected solar building line and the middle of the north-south dimension of the lot to the south.

As proposed, the solar design standards are met.

- c. MMC 19.1203.4 establishes exemptions from the standards of MMC 19.1203.3, including where an off-site structure and/or vegetation produces a shadow pattern that would affect allowable development on the site.

As noted in Finding 11-b, the proposed partition meets the solar design standards. No exemptions are necessary.

- d. MMC 19.1203.5 establishes provisions for adjustments to the percentage of lots that must comply with the solar design standards of MMC 19.1203.3, including cases in which the application of the solar design standards would reduce the density or increase the on-site development costs.

As noted in Finding 11-b, the proposed partition meets the solar design standards. No adjustments are necessary.

As proposed, the Planning Director finds that both parcels meet the solar design standards of MMC 19.1203.3 and that the proposed partition therefore meets the applicable solar access provisions established in MMC 19.1200.

13. As described in Finding 3, public notice of the application was posted on site and mailed as required by the Type II review process established in MMC 19.1005. The application was referred for comment to the following departments and agencies on November 15, 2018:

- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- Clackamas Fire District #1 (CFD #1)
- Lewelling Neighborhood District Association (NDA) Chairperson and Land Use Committee
- North Clackamas School District

In addition, public notice of the application with an invitation to comment was sent on June 7, 2019, to property owners and residents within 300 ft of the subject property. Comments received are summarized as follows:

- **Milwaukie Engineering Department:** Engineering comments have been incorporated in the findings and conditions of approval.
- **Emily and Michael McDonald:** Expressed support for the proposal.
- **Leslie Schockner:** Questioned the rationale of naming the street extension White Lake Rd rather than Mullan St.

Staff response: The new right-of-way will be called Mullan Ct.

- **Stephan Lashbrook:** Questioned the rationale of requiring full street improvements, including the provision for a future connection to White Lake Rd to the west.

Staff response: MMC 19.708.1.E requires that streets be extended to the boundary lines of the developing property to give access to or allow for future development of adjoining properties. MMC 17.20.060.B requires that a conceptual plan be provided to show how the proposed partition does not preclude development on an adjacent underdeveloped parcel.

- **Kimo Rosa:** Asked questions about the provision of utilities to the project and how the proposed street improvements would affect Mr. Rosa's property. The comments included a request for an impact study relative to the new road accessing 49th Ave.

Staff response: Responses to these comments have been incorporated in the findings and conditions of approval.