



CITY OF MILWAUKIE

June 6, 2019

Lucica Muresan
5084 SE King Rd
Milwaukie OR 97222

Re: Preapplication Report

Dear Lucica:

Enclosed is the Preapplication Report Summary from your meeting with the City on May 9, 2019, concerning your proposal for action on property located at 5084 SE King Rd.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Richard Georgescu
file

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 5/9/2019 at 10am

Applicant Name: Lucica Muresan

Company:

Applicant 'Role': Owner

Address Line 1: 5084 SE King Rd

Address Line 2:

City, State Zip: Milwaukie OR 97222

Project Name: King Rd partition

Description: partition to create a 4350 sq ft lot, variances for lot area, setbacks, etc.

ProjectAddress: 5084 SE King Rd

Zone: Residential R-5

Occupancy Group:

ConstructionType:

Use: Low Density (LD)

Occupant Load:

AppsPresent: Richard S Georgescu P.E. Lucica Ang Octavian Muresan

Staff Attendance: Brett Kelper, Dalton Vodden, Tay Stone

BUILDING ISSUES

ADA:

Structural: All structures shall meet minimum code requirements.

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: Any construction to take place on the new lots will need to meet the minimum code standards. All buildings to remain need to be a minimum of 3 feet off the new property line, or be of fire rated construction.

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: See attached.

PUBLIC WORKS ISSUES

Water: A City of Milwaukie 8-inch water main on SE 51st Ave 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 51st Ave is adequate to provide coverage for the site.

Sewer: A City of Milwaukie 8-inch SDR 35 main on Harrison St will provide service to the proposed development. The new home will require a new sewer lateral sized to accommodate the proposed development. The wastewater SDC is comprised of two components under the current fee schedule. 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 the 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 according to the most up to date fee schedule at the time building permits are issued.

Storm: All projects developing or redeveloping more than 500 sq ft of impervious surface must mitigate stormwater impacts. Residential developments are to follow the design criteria of the City of Portland Simplified Approach and submit a simplified approach form. More information is available in the 2016 Stormwater Management Manual.

The storm SDC is based on the amount of new impervious surface constructed on site. A single-family residence is assessed as one storm 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.

Street: The existing lot is at the corner of King Rd and 51st Ave. The proposed partition will create two smaller lots, one on the corner of King Rd and 51st Ave and the other fronting 51st Ave.

51st Ave is classified as a Local Street and is also a newly paved street and is under a five-year moratorium that began in June 2018. The moratorium surcharge is \$250 per square foot within the first year, \$200 in the second, \$150 in the third, \$100 in the fourth, and \$50 in the fifth.

King Rd is classified as an Arterial Street adjacent to the development.

The Transportation SDC is based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers (ITE). The SDC for transportation is \$2,114 per trip generated in the pm peak hour of traffic per ITE use data.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code (MMC) 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, MMC 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.

51st Ave is a recently developed street and does not require additional improvements beyond curb cuts and a driveway approach for access to the property. The applicant must bring into conformance any damaged sidewalk panels prior to final plat.

King Rd is currently accessed by the development with two driveways less than 35 ft apart with the eastern driveway within a few feet of the intersection of King Rd and 51st Ave. Adequate intersection and driveway spacing can be met through closing the eastern driveway. The eastern driveway apron must be demolished and replaced with sidewalk panels prior to final plat.

Right of Way:

The existing right-of-way on 51st Ave and King Rd fronting the proposed development is of adequate width.

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. Each new lot proposed in the application is allowed only one driveway per MMC spacing requirements and must be brought into conformance prior to final plat.

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. If the Engineering Director cannot properly evaluate a proposed development's impacts without a more detailed study, a

transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. It is the responsibility of the applicant to provide enough detailed information for the Engineering Director to make a TIS determination. 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 TIS is not required for this development at this time. Changes to the application may alter this determination.

PW Notes:

The applicant has requested as-builts for the sewer and road construction of 51st Ave and driveway standard drawings. Those are available and will be included as an attachment to this report.

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 preapplication review is for the following:

A lot partition with the purpose to construct a single-family residence.

SYSTEM DEVELOPMENT CHARGES (SDCS)

There was insufficient information to estimate SDCs with the pre-application submitted. All SDCs 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 SDCs that are assessed. If the applicant needs an estimate of SDCs then staff can provide the specific information to be submitted by the applicant required to calculate SDCs for a given proposal.

In addition to the SDCs mentioned earlier, there is a Parks & Recreation 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. A typical estimate in financial year 2019 of the total SDC specific charges for a new single-family home is \$17,050. SDCs will be assessed and collected at the time the building permits are issued.

REQUIREMENTS PRIOR TO FINAL PLAT

- Full-engineered design is required along lot frontage. 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-5 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 (for interior lots), and street-side yards must be at least 15 ft (for corner lots).

As per MMC Table 19.501.2.A, a 40-ft yard setback from the centerline of the King Rd right-of-way (ROW) is applied in addition to the regular 20-ft front yard setback. The King Rd ROW is approximately 60 ft wide along the subject property frontage, so 30 ft of the required 40 ft is provided within the ROW. Thus, the functional front yard requirement on the property is 30 ft (20 ft for the R-5 zone plus 10 ft for the remaining special setback). Given that no physical changes are proposed to the existing house, the primary impact of the additional setback is to the location of required off-street parking spaces, which is already a nonconforming aspect of the property (see Parking notes).

Landscape: In the R-5 zone, a minimum of 25% of the site must be landscaped, with at least 40% of the front yard area 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 35% 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. A residential home requires one additional parking space per employee on the largest shift. Based on the applicant's description of one caregiver employee, it appears that a total of 2 spaces are required. 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.

Where the existing parking situation is nonconforming with applicable standards, the proposed development should not increase the nonconformity without requesting a variance and preferably should bring the situation closer to compliance.

Currently, the site provides required off-street parking in the west side yard, though there appear to be more than 3 spaces in the required 30-ft front yard (see Setbacks note), which makes this aspect of the site nonconforming. The proposed partition may require removal of some of the side-yard parking in order for the parent lot to meet the minimum vegetation standard, or a variance may be required for either the minimum vegetation standard or to allow the required parking to be provided in the front yard.

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:

- * Minor Land Partition (Preliminary Plat) (normally Type II review, but elevated to Type III by variances)
- * Variance (Type III review) = for lot area and lot depth of the new lot; for rear yard setback and possibly either minimum vegetation or required parking in the front yard on the parent lot
- * Final Plat (Type I review) = following the preliminary plat approval

Following approval of the preliminary plat, a Type I application for Final Plat will be required in conjunction with the recording process with the County Surveyor.

Current application fees relevant to the proposal:

- * Minor Land Partition = \$2,000
- * Type III review = \$2,000 (Variance = up to 3 variance requests allowed per application)
- * Type I review = \$200 (Final Plat)

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 partition 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 future 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, Submittal Requirements Checklist, and 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 Hector Campbell Neighborhood District Association (NDA), Lewelling and Linwood NDAs, and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

Once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Public notice will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. At least 14 days before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. Staff will prepare a report with analysis of the proposal and a recommendation for decision that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission.

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 (but not required) to present the project at a regular meeting of the Hector Campbell NDA, which occurs at 6:30 p.m. on the second Monday of most months (Public Safety Building, 3200 SE Harrison St). The site is within the boundary of the Hector Campbell NDA, but it is close enough to the boundaries of the Lewelling and Linwood NDAs

that the application will be referred to them as well. If the applicant chooses to present the project to those NDAs as well, note that the Lewelling NDA meets at 6:30pm on the second Wednesday of most months (Chapel Theater, 4107 SE Harrison St); the Linwood NDA meets at 7:00pm on the second Thursday of most months (Linwood Elementary School, 11909 SE Linwood Ave).

Natural Resource Review: The site does not include any designated natural resources.

Lot Geography: The subject property is a rectilinear lot, 75 ft wide by approximately 150 ft deep. The property has frontage on King Rd and the newly created 51st Ave. The existing house faces King Rd and with the proposed partition would remain a corner lot; the new proposed lot would have frontage only on 51st Ave.

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 partition cannot cause existing features to become nonconforming with respect to any code standard without requesting a variance. As proposed, the partition would reduce the existing house's rear yard setback below the minimum (by 50%, to 10 ft), so a Type III variance is required. Variances are also required for the lot area and lot depth of the proposed new lot. By itself, a 5-ft variance from the required 80-ft required lot depth could be processed as a Type II variance, but since several other variances will require Type III review, the lot depth variance will also require Type III review. The applicant's narrative should address the appropriate criteria established in MMC Subsection 19.911.4.B for each specific variance request depending on its type (Type II or Type III).

The application should address how the proposed partition would affect the parent lot's conformance with the standards for maximum lot coverage and minimum vegetation. Currently, the entire lot appears to conform with both of those standards, but the partition would reduce the area of the parent lot and separate it from most of the existing vegetation on the site. For single-story structures no more than 20 ft tall, the lot coverage allowance in the R-5 zone increases up to a maximum of 45% (as per MMC Subsection 19.301.5.B.2). To meet the minimum vegetation standard of 25%, it appears that a significant area on the reconfigured parent lot will need to be recovered as landscaping, unless an additional variance is requested.

The applicant must also balance the provision of both additional landscaping and the required 2 off-street parking spaces somewhere beyond the 30-ft front yard setback. The proposal already appears to require 3 variances, which can be processed under a single variance application; for 4 to 6 variances, a second variance application will be required.

The front yard of the parent lot already appears to be out of compliance with respect to the requirement for 40% minimum vegetation and the 50% limit on parking and maneuvering areas. Although the partition is not required to bring the front yard situation into compliance and no variance is required, changes related to the proposal should at least not push the situation farther out of conformance. Required changes related to the existing driveways on King Rd (see the Public Works notes) may offer an opportunity to improve the front yard with respect to both the vegetation and parking standards.

Note that staff will likely recommend approval of a variance for reduced lot area on the newly created lot, but with a recommended condition that would prohibit any setback variances on the new lot (even Type II variances). The intent of such a condition would be to preserve buffering space between new structures on the lot and adjacent properties.

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.

Note that any street improvements required for the preliminary plat (such as a driveway approach for the new lot fronting 51st Ave) will have to be constructed before the City will sign off on the final plat. Approval of the final plat is an important part of making the new lot an officially separate property, one that can be sold and/or built upon.

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

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Stephanie Marcinkiewicz

- Inspector/Plans Examiner - 503-786-7613

ENGINEERING DEPARTMENT

Kelly Brooks - Acting Engineering Director - 503-786-7573

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

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Izak Hamilton, Fire Inspector, Clackamas Fire District #1
Date: 5/09/2019
Re: 19-006PA, 5084 SE King Rd, Milwaukie, OR

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

A Fire Access and Water Supply plan is required for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291, and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.

1. Clackamas Fire has no comments regarding the above mentioned partition. Thank you!