



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

Application for Land Use Action

Master File #: MLP-2021-001

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|--|
| <input type="checkbox"/> Amendment to Maps and/or Ordinances:
<input type="checkbox"/> Comprehensive Plan Text Amendment
<input type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Community Service Use
<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Development Review
<input type="checkbox"/> Director Determination
<input type="checkbox"/> Downtown Design Review
<input type="checkbox"/> Extension to Expiring Approval
<input type="checkbox"/> Historic Resource:
<input type="checkbox"/> Alteration
<input type="checkbox"/> Demolition
<input type="checkbox"/> Status Designation
<input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division:
<input type="checkbox"/> Final Plat
<input type="checkbox"/> Lot Consolidation
<input checked="" type="checkbox"/> Partition
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Replat
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Miscellaneous:
<input type="checkbox"/> Barbed Wire Fencing
<input type="checkbox"/> Mixed Use Overlay Review
<input type="checkbox"/> Modification to Existing Approval
<input type="checkbox"/> Natural Resource Review**
<input type="checkbox"/> Nonconforming Use Alteration
<input type="checkbox"/> Parking:
<input type="checkbox"/> Quantity Determination
<input type="checkbox"/> Quantity Modification
<input type="checkbox"/> Shared Parking
<input type="checkbox"/> Structured Parking
<input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Duplex
<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> Transportation Facilities Review
<input type="checkbox"/> Variance:
<input type="checkbox"/> Use Exception
<input type="checkbox"/> Variance
<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Other: _____
<input type="checkbox"/> Use separate application forms for:
Annexation and/or Boundary Change <ul style="list-style-type: none"> • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal • Appeal |
|---|--|--|

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): **Renat Zdancius (Z and R Design LLC)**

Mailing address: **13486 SE 97th Avenue, Clackamas Oregon** State/Zip: **97015**

Phone(s): **(971)413- 6057** Email: **zandrdesignllc@gmail. com**

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above): **John DeJong (Tech. Engineering)**

Mailing address: **PO Box 80483 Portland, Oregon** State/Zip: **97280**

Phone(s): **(503)819- 6494** Email: **technicalengineeringinc@yahoo. com**

SITE INFORMATION:

Address: **5053 SE King Road, Milwaukie 97222** Map & Tax Lot(s): **12E 30CD #6100**

Comprehensive Plan Designation: **Residential** Zoning: **R5** Size of property: **0.67 acres**

PROPOSAL (describe briefly):

Proposed 3 Parcel Partition, Parcel 2 will contain the existing residence which will be renovated and will remain. Parcels 2 and 3 are proposed as flag lots with 35' frontage.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: _____ Date: **Novemebr 3, 2021**

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 Milwaukie Municipal Code:

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

****Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form.

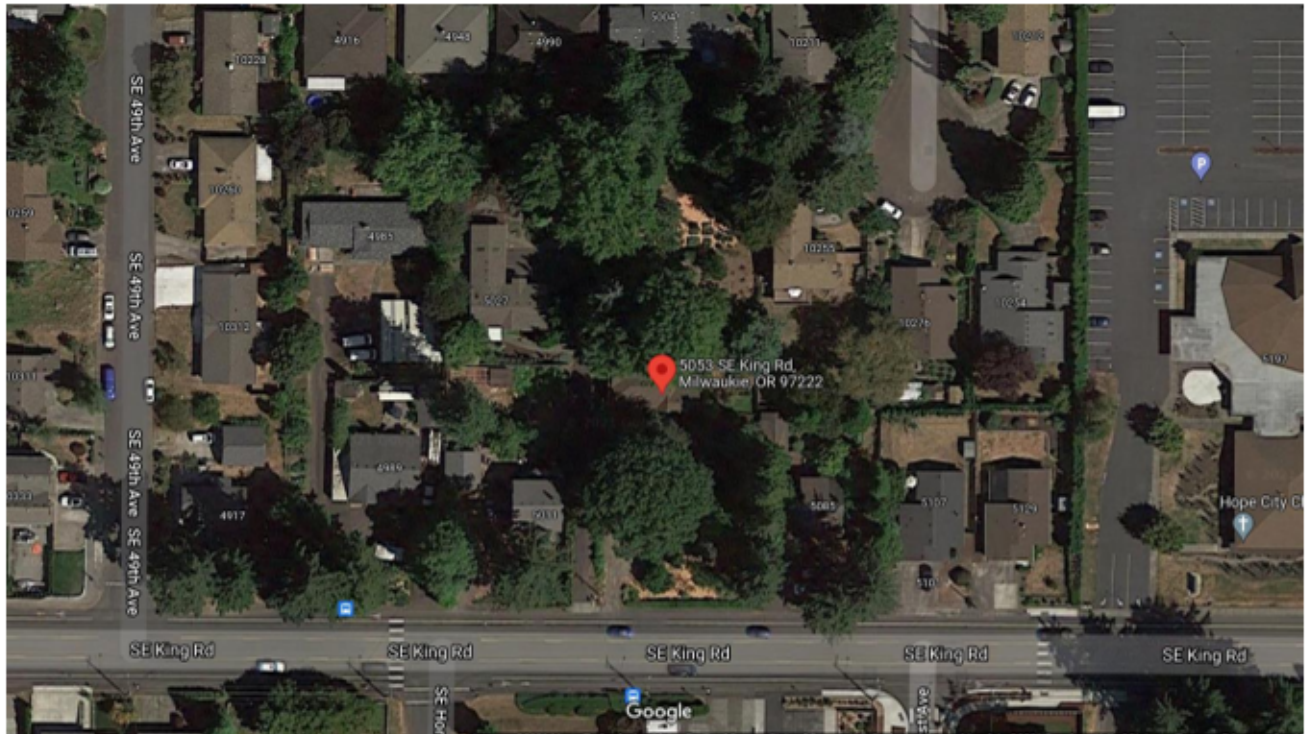
THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	MLP-2021-001	\$ 2,000			RECEIVED NOV 23 2021 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,000			RECEIPT #: 22446		RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): <i>Lewelling</i>					
Notes:					

LAND USE APPLICATION for PRELIMINARY PARTITION PLAT APPROVAL

5053 SE KING ROAD
2 PARCEL LAND PARTITION

Submitted to:
City of Milwaukie, Oregon
December 2021



SITE ADDRESS

5053 SE King Road
Located on the north side of SE King Road, just
east of SE Home Street

ASSESSOR'S INFO

Tax Lot 6100
Assessor's Map 1 2E 30CD
City of Milwaukie,
Clackamas County, Oregon

ZONING

R 5 – Low Density Residential Zone

REPRESENTATIVE

Technical Engineering Corp.
John DeJong
PO Box 80483
Portland, Oregon 97280
Phone: 503.819.6494
technicalengineering@yahoo.com

OWNER / DEVELOPER

Renat Zhancius
13486 SE 97th Avenue
Clackamas, Oregon 97015

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2 PARCEL PRELIMINARY PARTITON PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

SITE DESCRIPTION

The subject site is identified on tax map 1 2E 30CD, Tax Lot 06100, in the city of Milwaukie, in Clackamas County, Oregon and is addressed as 5350 SE King Street. The parcel contains approximately 0.67 acres and is within the city's R-5 land use zone.

There is an existing house on the site located upon the south side of the parent parcel, which will be retained on Parcel 2; the driveway from SE King Street to this home will be shared with Parcel 3. The two flag-lot parcels will have a driveway access at the southeast corner of the subject site.

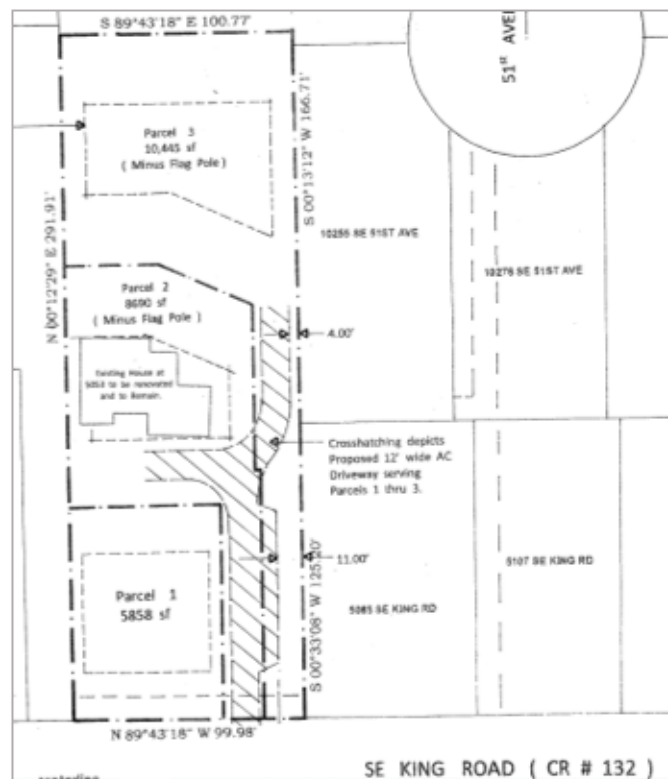
The site is fairly flat, being gently sloped toward SE King Street.

The parcel has a number of large and small trees, and other vegetation related to landscaping for the existing houses, as shown on the Existing Conditions Plan included with this request. All of the trees except the 41" deciduous tree shown on the included plans. Trees within the yard area of the existing house will also be retained and incorporated into the landscaping as a part of re-modeling that house and Parcel 2.

SUMMARY OF PROPOSAL

The applicant is requesting approval of a two (2) parcel partition of the site, which is within the R-5 zoning. The site contains approximately .67 acres or 29,185 square feet, allowing the existing house to be retained on a parcel of approximately 8,690 square feet and the creation of two additional parcels for the placement of one single family detached dwelling unit per parcel.

The subject property has an area of approximately 29,185 sq ft. Using the minimum density calculation, the minimum number of dwelling units required for this site is 5. The proposal is for 3 lots, with a design capacity of 4 dwelling units because Lot 3 is 10,000 sq ft which can accommodate a duplex. The proposal is still below the minimum density required for the site, therefore Subsection 19.301.5.D will be applied to this request.



2 PARCEL PRELIMINARY PARTITION PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots. If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. Subsection 19.301.4.C.1 is addressed on page 12 on this report.

As demonstrated within the Preliminary Plans, the new parcels will be served with all public serves, described as follows:

- **Public Water:** *Public water is available from the City of Milwaukie by an 8” water mainline within the right of way of SE King Street. The existing house is already provided water service by individual meter, which will be retained and the new parcels will be serviced by new individual meters, connected to the existing line within SE King Street, as shown on the Preliminary Utility Plan.*
- **Sanitary Sewer:** *Sanitary sewer from the City of Milwaukie is available to the site from an 8” mainline within the right of way of SE King Street. The new parcels will be connected to the public sanitary sewer for individual service by a 4” lateral from this public line, the existing house is already connected to the public sewer and that connection will be retained.*
- **Storm Drainage:** *Storm drainage for the parcels will be handled on-site. The specific plans for the conveyance will be submitted to city engineering for permitting and approval before any on-site construction will begin.*
- **Fire Protection:** *The site is provided service from Clackamas County Fire District No. 1, Milwaukie Station No. 2.*

The applicant will pay a fee in lieu of frontage improvements as discussed at the Pre-Application meeting.

The new parcels will be developed with the required and appropriate utilities in compliance with the requirements of the City of Milwaukie, as demonstrated within the Preliminary Site Plan and within the appropriate sections of this narrative. Within this application, the applicant’s representative has addressed the appropriate code sections of the City of Milwaukie’s Development Code for the R-5 zone, along with all other applicable code sections of the Development Code.

2 PARCEL PRELIMINARY PARTITON PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

TITLE 17 LAND DIVISIONS

17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT

A. Approval Criteria

The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.

Response: *The included Preliminary Plat was prepared per the requirements of Title 19 and the required design standards for the R5 zoning.*

2. The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

Response: *The proposed land division meets all of the lot size requirements for the R5 zone, with each lot actually exceeding all of the dimensional requirements for the required parcel sizes, the new parcels are described in detail later in this text under section 19.301.4 - Development Standards.*

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).

Response: *This proposal is for a Land Partition, which is recorded and tracked by Partition Number, this standard is not applicable to this request.*

4. 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.

Response: *No new streets or road are required.*

5. A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

Response: *This document addresses each applicable criterion for the review and approval of a three parcel partition of the subject property.*

2 PARCEL PRELIMINARY PARTITON PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

B. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. (Ord. 1965 §§ 6, 7, 2006; Ord. 1907 (Attach. 1), 2002)

17.16.060 PRELIMINARY PLAT FOR PARTITION AND SUBDIVISION

The following shall accompany applications for partition:

- A. Completed application form signed by all owners of property included in the proposal;
- B. Application fee as adopted by the City Council;
- C. Completed and signed "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;
- D. All information specified on the "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;
- E. Requirements and information specified in Chapter 17.20; and
- F. Any additional information as may be needed to demonstrate compliance with approval criteria.

Response: *The applicant's representative has prepared an application package, which includes the application form - signed by the owner, the application fee, the "submission requirements" and "partition checklist" and the information specified, and information specified in Chapter 17.20. Also included is a Letter of Authorization from the owner for the consultant working on the project.*

17.20.030 GENERAL INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

A. Preliminary plats shall be prepared by an Oregon registered land surveyor.

Response: *The Preliminary Plat was prepared by Technical Engineering Corp.*

B. The following general information shall be submitted with the preliminary plat:

1. Proposed name of the subdivision/partition. The name shall not duplicate nor resemble the name of another subdivision in the county. Subdivision names shall be approved by the County Surveyor in accordance with ORS Chapter 92;
2. Date, north point, and scale of drawing;
3. Appropriate identification clearly stating the map is a preliminary plat;
4. Location by section, township, and range; and a legal description sufficient to define the location and boundaries of the area to be divided;
5. Names and addresses of the owner, subdivider, and engineer or surveyor;
6. Acreage;
7. Structures and yard setbacks;
8. The location, width, and purpose of easements;
9. The location, approximate dimensions, and area of all lots;
10. Lot and block numbers; and
11. Other information as maybe specified on application forms and checklists prescribed by the Planning Director.

Response: *The applicant's engineer has prepared the Preliminary Plat, which includes the items required by 1. – 10, above. The plan shows the Existing Conditions on the site, including the location of trees, the dimensions of the existing house and the existing driveway.*

C. Vicinity map shall be drawn at an appropriate scale, showing all existing subdivisions, streets, and unsubdivided land between the proposed subdivision and the nearest existing arterial or collector streets, and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property. (Ord. 1907 (Attach. 1), 2002)

Response: *The applicant's surveyor has provided a Vicinity Map showing the site in relation to existing surrounding streets and neighborhoods. An Assessor's Tax Map is also included in the application package.*

2 PARCEL PRELIMINARY PARTITON PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

TITLE 19 ZONING - DEVELOPMENT STANDARDS

19.301 LOW DENSITY RESIDENTIAL ZONES

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

***Response:** The applicant is proposing the new parcels for the placement of a Single-family detached dwelling, which is an allowed Use in the Low Density Residential Zone, therefore this standard is met.*

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.301.4 Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)				Subsection 19.501.1 Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100		80	
4. Minimum street frontage requirements (ft)				
a. Standard lot				35

2 PARCEL PRELIMINARY PARTITON PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

B. Development Standards				
1. Minimum yard requirements for primary structures (ft)				Subsection 19.301.5.A Side Yards
a. Front yard	20	20	20	Subsection 19.501.2 Yard Exceptions Subsection 19.504.8 Flag Lot Design and Development Standards
2. Maximum building height for primary structures	2.5 stories or 35 ft, whichever is less			Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit				Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)	20			
b. Slope of plane (degrees)	45			
4. Maximum lot coverage (percent of total lot area)	30%		35%	Section 19.201 "Lot coverage" definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	35%	30%	25%	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.7 Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre)				Subsection 19.301.5.D Residential Densities
a. minimum	3.5	5.0	7.0	Subsection 19.501.4 Density Exceptions
b. maximum	4.4	6.2	8.7	

Response: Per Table 19.301.4 - Low Density Residential Development Standards:

A. R-5 Lot Standards:

Minimum lot size for single-family detached homes is 5,000 square feet; Parcel 1 contains 5,858 square feet; Parcel 2 contains 8,690 square feet, and; Parcel 3 contains 10,455 square feet, all exceeding the required amount of square feet per lot in the R5 zone.

2 PARCEL PRELIMINARY PARTITON PLAT

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Width: The minimum lot width is 50.00 feet, the minimum lot depth is 80.00 feet and the minimum street frontage requirements 35.00 feet; Parcel 1 is 64.98 feet wide by 90 feet deep, Parcel 2 is 80 feet wide by 104.90 feet deep and Parcel 3 is 100.77 feet wide and 97 feet deep, therefore all proposed parcels exceed the minimum requirements for lot dimensions in the R5 zone of 5,000 square feet.

- B.** Minimum yard requirements for primary structures: front yard - 20.00 feet; the new houses will be at least 20 feet from the front property line. The front yard for the existing house will be toward SE King Street, where the front porch and front door entry has historically been located on the existing house and is approximately 30 feet from the proposed new property line.

Maximum building height for primary structures: 2.5 stories or 35 feet, whichever is less; the new homes for Parcels 1 and 3 are yet to be designed, but will not exceed the required building height or side yard height plane limit for the R5 zone.

Maximum lot coverage: 30% with an allowed increase of 10% for a portion of the structure no more than one-story in height. As shown on Sheet 5, the building footprints for the new homes for Parcels 1 and 3 will be contained within the up to 35% allowed area for the R5 zone. The existing house on Parcel 2 covers approximately 1,375 square feet which is approximately 15.83%, less than the 30% maximum.

Landscaping and required vegetation: 30%. Landscaping and vegetation will be retained on the site and only one tree will need to be removed for the placement of the new house on Parcel 1; additional landscaping will be provided with the development of Parcels 1 and 3 and will be included with the Building Permit for the new homes for those parcels.

The front porch entry to the existing house on Parcel 2 is toward SE King Street; there are existing trees along both right of ways adjacent to the site that will remain. There are trees, bushes, lawn grass, vegetation along the existing driveway near the east boundary, and older established landscaping in association to the existing house that has not been properly maintained but is salvageable; this will remain in the front and side yard areas of Parcel 2 and will be enhanced with the remodeling and fixing up of the existing house.

- C.** Density: Density for the site was calculated as follows: Minimum - 0.67 acres x 7 = 4.69 or 5 units; Maximum 0.67 x 8.7 = 5.82 or 6 units. This proposal provides a lot large enough to place a duplex (Parcel 3) and Subsection 19.301.5.D is addressed detailing how the site size, location and dimensions preclude the ability to develop the site to minimum density on page 12 on this narrative.

2 PARCEL PRELIMINARY PARTITION PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

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.

Response: *The subject site is within the R5 zone, A., above, is not applicable to this request.*

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

Response: *Parcel 3 will be 10,445 square feet, which is less than 2.5 the minimum lot size in the R5 zone (5,000 SF), therefore this standard is not applicable to this request.*

2. Increased Lot Coverage for Single-Family Detached Dwellings

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 and no taller than one story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

Response: *The applicant will incorporate this lot coverage increase option with the new house for Parcel 1; if this option is used, the applicant will design a house that meets the standards of this section and other applicable requirements of the building code.*

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

Response: *The applicant has adequate land area for the building footprint for the new homes for Parcels 1 and 3, as shown on Sheet 4 and 5, a variance is not needed to increase the lot coverage allowed.*

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.

Response: *As shown on the Existing Conditions Plan, there is existing vegetation on the site. Landscaping around the existing house, which is to remain on Parcel 2, will be retained and cleaned up. There are several small trees and bushes on Parcel 2 and existing trees in addition to vegetation along the east boundary along the existing driveway that will also remain and be enhanced with the remodeling and fixing up of the existing house.*

The applicant will comply with the front yard vegetation standards for the remodel of the existing home on Parcel 2 and will show needed landscaping with the submittal for building permits for the new houses for Parcels 1 and 3.

D. Residential Densities

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the

site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

Response: *The subject site contains a gross acreage of 0.67 acres. The applicant is proposing division the site into three parcels, which is under the minimum density for the site.*

The site is rectangular in shape, being somewhat long and skinny with the shorter end being adjacent to SE King Street. In order to provide access to the existing home to remain and to Parcel 3, there is not enough width to the parent parcel to accommodate the needed dimension to divide the parcel and provide flag pole driveways. The site contains enough square footage for an additional unit, but the width of 100.77 feet does not allow for lots that can meet the minimum requirements for the R5 zone for lot width and depth. The applicant requests the site be developed with a total of three parcels, which fits within the existing dimensions of the parent parcel.

Density is further addressed in this narrative in subsection 19.301.4.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: *No Accessory Structures are proposed with this partition; this standard is not applicable to this request.*

F. Number of Dwelling Structures

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

Response: *The applicant is proposing the new parcels for the placement of single-family dwellings; the existing house will be retained on its own parcel.*

G. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

Response: *Section 19.604.1 - Parking Provided with Development Activity, has been addressed later within this narrative, please see that section for more information.*

2 PARCEL PRELIMINARY PARTITON PLAT

5053 SE King Street, Assessor Map 1 2E 30CD, TL 6100, City of Milwaukie, Clackamas Co., Oregon

H. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

Response: *The applicant met with the city for a pre-application conference, where it was determined that the applicant pay a fee in lieu of construction of public improvements along the frontage on SE King Street. A 10.00 foot public utility easement will be provided along the site's frontage.*

I. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.8 Flag Lot Design and Development Standards
3. Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
4. Subsection 19.505.2 Garage and Carport Standards
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards.

Response: *The applicant will comply with the requirements of the city standards and codes with the design and construction of the new homes. Compliance with the standards will be demonstrated with Building Permits for that parcel.*

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.

Response: No corner lots are proposed.

19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

Response: No right of way dedication is anticipated for this partition.

19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

Response: No public open space is required or proposed with this development. Private open space will be available to the future residents of each lot within the yard areas of the parcels. Each lot will have adequate off street parking provided on the lots.

19.504.4 Buildings on the Same Lot

A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

Response: No Accessory buildings are proposed with the development of this site.

19.504.5 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

***Response:** No structures, such as a shed or deck, are proposed at this time.*

19.504.6 Transition Area Measures

Where commercial or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses. The downtown zones are exempt from this subsection.

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
- B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

***Response:** The site is located within and adjacent to R5 Residential Zoning, this standard is not applicable to this request.*

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.

***Response:** The applicant will retain all of the existing trees except for one. Areas of required landscaping (front yards) will be landscaped by the future homeowners and will be designed to meet the standards for landscaping in the R5 zone; plans for landscaping will be addressed with the Building Permits.*

19.504.8 Flag Lot Design and Development Standards

A. Applicability

Flag lots in all zones are subject to the development standards of this subsection.

B. Development Standards

1. Lot Area Calculation

The areas contained within the accessway or pole portion of the lot shall not be counted toward meeting the minimum lot area requirement.

Response: *The areas shown on the proposed plan do not include the area within the accessway.*

2. Yard Setbacks for Flag Lots

a. Front and rear yard: The minimum front and rear yard requirement for flag lots is 30 ft.

b. Side yard. The minimum side yard for principal and accessory structures in flag lots is 10 ft.

Response: *As shown on Sheet 5, the proposed flag lots can or do meet the required setbacks for flag lots with a new or the existing home.*

C. Variances Prohibited

Variances of lot area, lot width, and lot depth standards are prohibited for flag lots.

Response: *No Variances are requested.*

D. Frontage, Accessway, and Driveway Design

1. Flag lots shall have frontage and access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

Response: *As shown on Sheet 4, the accessway contains 35 feet of width.*

2. Abutting flag lots shall have a combined frontage and accessway of 35 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 15 ft.

Response: *As shown on Sheet 4, the driveways are combined and contain a total of 35 feet of width for the shared accessway.*

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3. Driveway Design and Emergency Vehicle Access

- a. Driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.
- b. Driveways serving single flag lots shall have a minimum paved width of 12 ft.
- c. Driveways shall be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.
- d. A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.
- e. Driveways serving 2 flag lots shall be consolidated and have a minimum shared driveway width of 16 ft.
- f. The flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable.
- g. Design standards for shared driveways serving more than 3 lots shall be specified by the Engineering Director after consultation with the Fire Marshal.
- h. Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

Response: *The shared driveway will be designed and constructed to the city's standards. The driveway will be 12 feet wide and constructed of concrete. Parking will not be allowed on the shared accessway.*

E. Protection of Adjoining Properties

Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing shall conform to the standards of Subsection 19.502.2.B.

1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping shall be installed within 6 months thereafter or the bond will be foreclosed. The property owner shall maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.

2 PARCEL PRELIMINARY PARTITON PLAT

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2. Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along lot lines of the flag lot abutting any neighboring lot that is not part of the parent lot from which the flag lot was created is required as described below. See Figure 19.504.8.E.

a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.

b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot accessway. Dense planting shall be used to provide screening along the accessway in areas where fencing is not permitted.

c. All required screening and planting shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

Response: *Landscaping will be provided for the accessway before the final inspections and occupancy. Landscaping will be provided with a combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction. The property owner will maintain required screening and planting in good and healthy condition continually.*

F. Tree Mitigation

All trees 6 in or greater in diameter, as measured at the lowest limb or 4 ft above the ground, whichever is less, shall be preserved. Where trees are required to be removed for site development, at least 1 evergreen or deciduous tree, of a species known to grow in the region, shall be replanted for each tree removed. At planting, deciduous trees shall be a minimum of 2 in caliper and evergreen trees shall be a minimum of 5 ft tall.

Response: *The only tree anticipated to be removed is the 41" deciduous tree within the building footprint for the future house for Parcel 1; this tree will be replaced with a new deciduous tree of a regional species within the front yard landscaping area for Parcel 1.*

G. Landscaping Plan Required

A landscaping plan shall be submitted to the Planning Director prior to issuance of a building permit for new construction. The plan shall be drawn to scale and shall accompany development permit applications. The plan shall show the following information:

1. A list of existing vegetation by type, including number, size, and species of trees.
2. Details for protections of existing trees.
3. List of existing natural features.
4. Location and space of existing and proposed plant materials.

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5. List of plant material types by botanical and common names.
6. Notation of trees to be removed.
7. Size and quantity of plant materials.
8. Location of structures on adjoining lots, and location of windows, doors, and outdoor use areas on lots that adjoin the flag lot driveway.

Response: *A Landscape Plan for the front yard of the new homes for Parcels 1 and 3 will be prepared and submitted with the Building Permit for the new homes for those parcels.*

19.504.9 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

Response: *This proposal is for single family residential development; this standard is not applicable to this request.*

19.504.10 Setbacks Adjacent to Transit

The following requirement applies to all new commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

Response: *The subject site is located in a Residential Zone; this standard is not applicable to this request.*

19.604 GENERAL PARKING STANDARDS

19.604.1 Parking Provided with Development Activity

All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

Response: *Off street parking will be provided with the new homes for Parcels 1 and 3 within the garage and associated driveway for the new houses.*

The existing house to remain on Parcel 2 has an existing driveway, to remain. The existing house will be remodeled, including the garage, with the pad associated with the garage, allowing parking for at least four vehicles in the garage and driveway.

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where shared parking is approved in conformance with Subsection 19.605.4.

Response: *No accessory uses or parking are proposed with this request.*

19.604.3 Use of Parking Areas

All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.

Response: *The driveway areas for the parcels will be intended for the use of parking for operable vehicles for the future residents.*

19.604.4 Storage Prohibited

No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking. (Ord. 2025 § 2, 2011)

Response: The driveway areas for the parcels will not be used for storage for the future homes; this will have to be enforced by the future residents.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratio for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.605.

19.605.1 Minimum and Maximum Requirements

- A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

Response: Per Table 19.605.1, Single-family detached dwellings require one parking space per dwelling unit. Each parcel will provide for at least 4 off street parking spaces either within driveway areas and/or a garage, exceeding the required parking. There no maximum parking requirement within the R5 zone.

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single-family dwellings, including rowhouses and manufactured homes.	1 space per dwelling unit.	No maximum.

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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.

Response: *The driveway areas for the parcels will exceed the minimum of 9' x 18'; the exact size will be determined with the Building Permits, but is anticipated to be a minimum of 20 feet deep and 20 feet wide.*

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.

Response: *The driveway areas for the parcels will be located on the same lot as the associated dwelling.*

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.

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- 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.

Response: *The driveway areas for the parcels will be constructed of a durable and dust-free hard surface and to the required standards; the driveway for the new house is anticipated to be made of concrete.*

D. Parking Area Limitations

Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

Response: *No uncovered parking spaces are proposed with this request.*

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 10 ft of the right-of-way boundary.
- 2. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right-of-way in a forward motion.

Response: *The driveway areas for the parcels will be aligned at right angle to SE King Street.*

CHAPTER 19.700 - PUBLIC FACILITY IMPROVEMENTS

19.702 APPLICABILITY

19.702.1 General

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

- A. Partitions.

Response: The applicant is requesting approval for a Partition, therefore 19.702 applies to this request.

19.703 REVIEW PROCESS

19.703.1 Preapplication Conference

For all proposed development that requires a land use application and is subject to Chapter 19.700 per Section 19.702, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.

Response: The applicant attended a Pre-Application Conference with city staff on October 14, 2021.

19.703.2 Application Submittal

For all proposed development that is subject to Chapter 19.700 per Section 19.702, one of the following types of applications is required.

- A. Development Permit Application

If the proposed development does not require a land use application, compliance with Chapter 19.700 will be reviewed as part of the development permit application submittal.

- B. Transportation Facilities Review (TFR) Land Use Application

If the proposed development triggers a transportation impact study (TIS) per Section 19.704, a TFR land use application shall be required. Compliance with Chapter 19.700 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Section 19.1005. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications.

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If the proposed development does not trigger a TIS per Section 19.704, but does require the submittal of other land use applications, compliance with Chapter 19.700 will be reviewed during the review of the other land use applications.

Response: *Per 19.704, this request does not trigger a TIS; this partition requires a Non-TFR Land Use Application because this type of development does not trigger a Transportation Impact Study.*

19.703.3 Approval Criteria

For all proposed development that is subject to Chapter 19.700 per Section 19.702, the required development permit and/or land use application shall demonstrate compliance with the following approval criteria at the time of submittal.

A. Procedures, Requirements, and Standards

Development and related public facility improvements shall comply with procedures, requirements, and standards of Chapter 19.700 and the Public Works Standards.

Response: *The applicant has addressed 19.700 in this narrative. The applicant met with the city for a pre-application conference, where it was determined that the applicant will pay a fee in lieu of construction of public improvements along the frontage. The applicant will provide a fee in lieu of construction per 19.706.*

19.704 TRANSPORTATION IMPACT EVALUATION

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. The TIS determination process and requirements are detailed below.

19.704.1 TIS Determination

- A. Based on information provided by the applicant about the proposed development, the Engineering Director will determine when a TIS is required and will consider the following when making that determination.
1. Changes in land use designation, zoning designation, or development standard.
 2. Changes in use or intensity of use.
 3. Projected increase in trip generation.
 4. Potential impacts to residential areas and local streets.
 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to, school routes and multimodal street improvements identified in the TSP.

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6. Potential impacts to intersection level of service (LOS).

Response: *Per 19.703.2, (and the Pre-Application notes) a TIS is not required for a three parcel partition. There is no proposed change in land use or zoning designation or no change of use. The impact of two additional homes will be minimal to traffic in the area.*

19.706 FEE IN LIEU OF CONSTRUCTION

If transportation facility improvements are required and determined to be proportional, the City will require construction of the improvements at the time of development. However, the applicant may request to pay a fee in lieu of constructing the required transportation facility improvements. The fee in lieu of construction (FILOC) program ensures that opportunities to improve public transportation facilities are maximized and that the goals and requirements of this chapter are met. This section provides criteria for making FILOC determinations and administering the FILOC program.

Response: *The applicant met with the city for a pre-application conference, where it was determined that the applicant will pay a fee in lieu of construction of public improvements along the frontage to SE King Street (the estimate for FILOC is \$3,445 at \$53 per LF per the Pre-Application notes).*

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards

19.708.2 Street Design Standards

19.708.3 Sidewalk Requirements and Standards

Response: *The applicant met with the city for a pre-application conference on October 14, 2021, where it was determined that the applicant had the option to pay Fee in Lieu of construction of the public improvements along SE King Street.*

19.708.4 Bicycle Facility Requirements and Standards

Response: *SE King Street is not located within TSP as a bike boulevard, therefore the requirements of this section do not apply.*

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19.708.5 Pedestrian/Bicycle Path Requirements and Standards

A. General Provisions

Pedestrian/bicycle paths are intended to provide safe and convenient connections within and from new residential subdivisions, multifamily developments, planned developments, shopping centers, and commercial districts to adjacent and nearby residential areas, transit stops, and neighborhood activity centers.

Pedestrian/bicycle paths may be in addition to, or in lieu of, a public street. Paths that are in addition to a public street shall generally run parallel to that street. These types of paths are not subject to the provisions of this subsection and shall be designed in accordance with the Public Works Standards or as specified by the Engineering Director. Paths that are in lieu of a public street shall be considered in areas only where no other public street connection options are feasible. These types of paths are subject to the provisions of this subsection.

***Response:** The proposed development of the site with a partition for a total of three parcels, retaining the existing house and creating two additional parcels for the placement of single family homes, this does not trigger the requirements of this section.*

19.708.6 Transit Requirements and Standards

A. General Provisions

1. Transit facilities include bus stops, shelters, and related facilities. Required transit facility improvements may include the dedication of land or the provision of a public easement.
2. Goals, objectives, and policies relating to transit are included in Chapter 7 of the TSP. Figure 7-3 of the TSP illustrates the Transit Master Plan, and Table 7-2 contains the Transit Action Plan.

***Response:** This development will pay a fee in lieu of public improvements to SE King Street, an arterial road on the city's TSP.*

19.709 PUBLIC UTILITY REQUIREMENTS

19.709.1 Review Process

The Engineering Director shall review all proposed development subject to Chapter 19.700 per Section 19.702 in order to: (1) evaluate the adequacy of existing public utilities to serve the proposed development, and (2) determine whether new public utilities or an expansion of existing public utilities is warranted to ensure compliance with the City's public utility requirements and standards.

***Response:** The applicant will pay FILOC for public improvements. All public utilities are available to the site within SE King Street.*

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19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.2 Applicability

The solar design standards in Subsection 19.1203.3 shall apply to applications for a development to create lots in single-family zones, except to the extent the Director finds that the applicant has shown one or more of the conditions listed in Subsections 19.1203.4 and 5 exist, and exemptions or adjustments provided for therein are warranted.

19.1203.3 Design Standard

At least 80% of the lots in a development subject to these provisions shall comply with one or more of the options in this subsection; provided a development may, but is not required to, use the options in Subsections 19.1203.3.B or C below to comply with Section 19.1203.

A. Basic Requirement

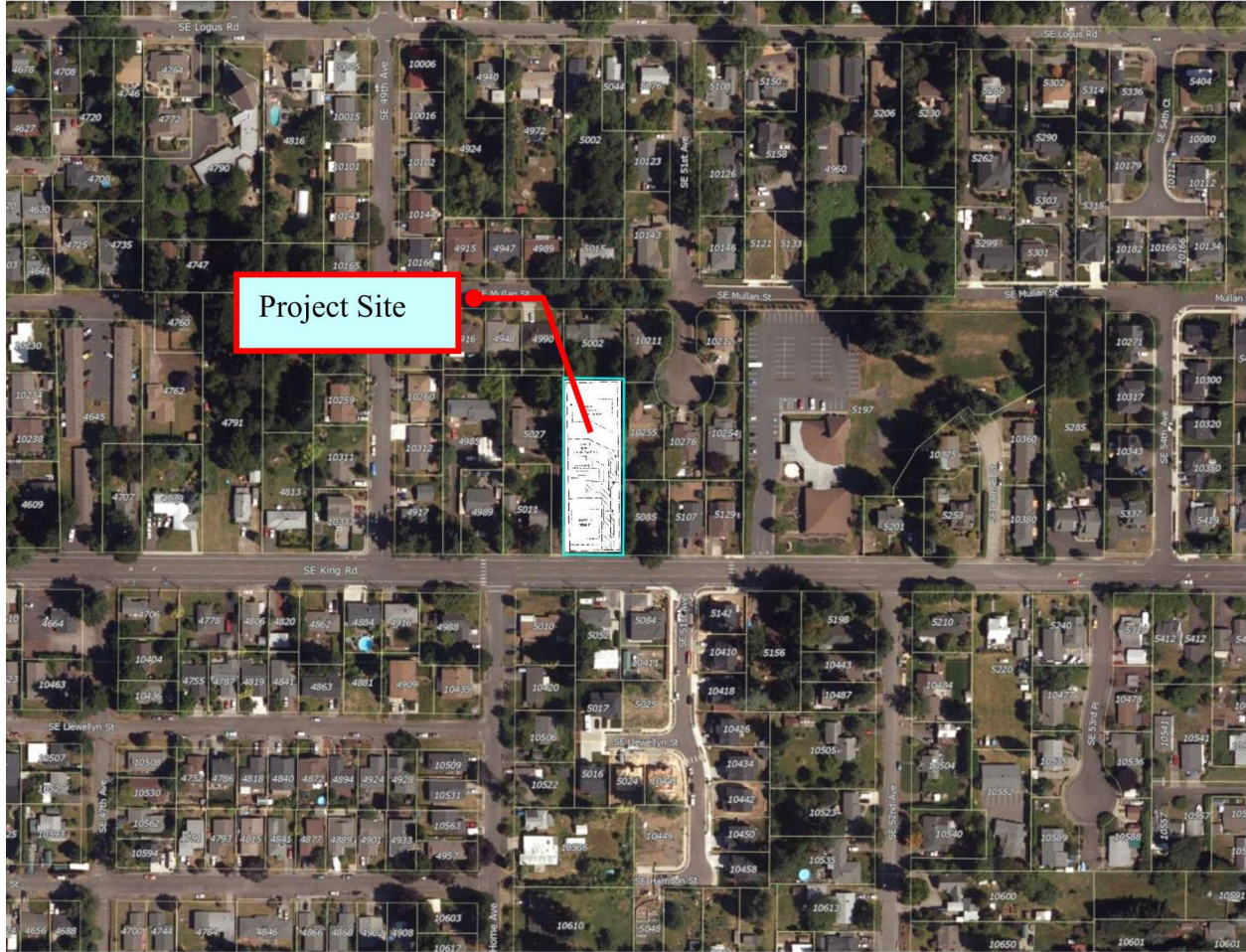
A lot complies with Subsection 19.1203.3 if it:

1. Has a north-south dimension of 90 ft or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis (see Figure 19.1203.3).

Response: *All three of the parcels meet the Basic Requirement with a dimension of at least 90 feet along the north / south dimension.*

#end#

3 Parcel MLP
Access Management/Clear Vision
5053 SE King Road, Milwaukie, OR



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November 2021

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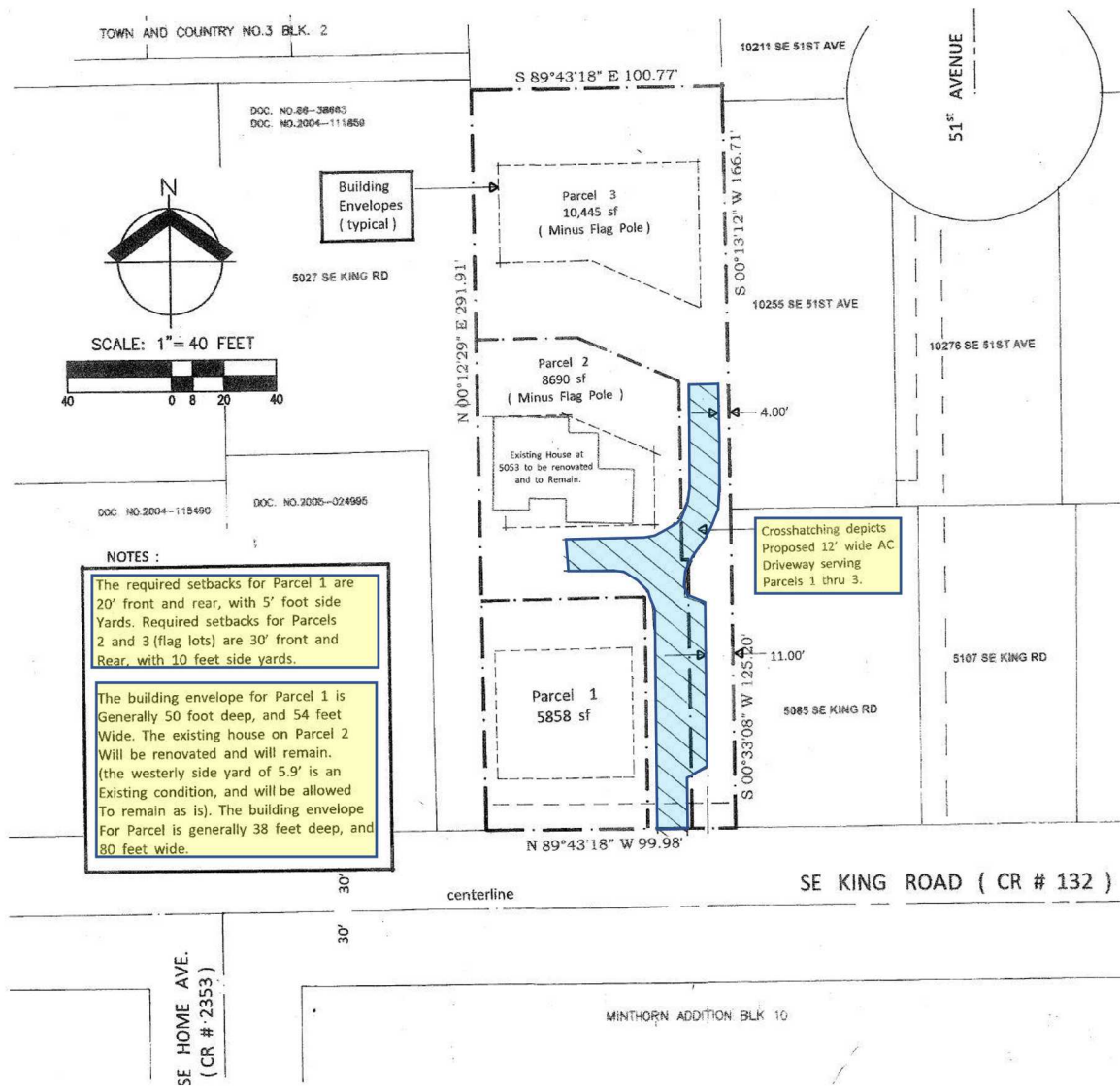
EXP: June 2022

Project Description

The subject property address (Tax Lot 12E30CD06100) is located at 5053 SE King Road in City of Milwaukie, Oregon which is approximately 0.67 Acres and is occupied by an old single-family dwelling (1,375 S.F.) The proposed 3 parcel MINOR Land Partition will have one shared access to SE King Road approximately 25 feet west of the southeast property corner.

The final site layout, shown in Figure 1, will consist of an approximately 10,445 S.F. flag lot to the north, a 7,375 S.F. lot containing the existing house in the middle and a 5,967 S.F. lot along the south property line.

Figure 1- Site Layout



Background Data

A Pre-Application meeting was held on 10-14-2021 with representatives, consultant's and staff present and the proposed 3 lot partition, lay out and access topics were reviewed, and this summary Site Access and Clear Vision report was requested to be included as part of the final submittal packet.

The following brief analysis is presented to address any traffic concerns that may remain.

The site will consist of 3 single family parcels in various sizes which will have one shared access to SE King Road. SE King Road (CR #132) is classified as a Minor Arterial which runs east/west within City of Milwaukie, Oregon. The posted speed is 35 mph and I built to standard with one lane of travel in each direction, a center left turn and bike lanes, curb and gutter. There are streetlights on the south side of the street and Tri-Met Bus Line #33 provides service every 15 minutes most of the day.

The existing lot has one access on the west side of the parcel which will be abandoned and replaced with a 12 feet wide shared access on the east side of the parcel per City standards.

SE King Road has a level alignment with no measurable horizontal or vertical curves. There are older asphalt pathways along the frontage of the property which will be replaced with standard concrete sidewalks as part of the frontage and site improvements for the proposed 3 lot partition.

There is a 4 feet tall row of evergreen shrubs on the southern property line along SE King Road which will be removed as part of the frontage improvements.

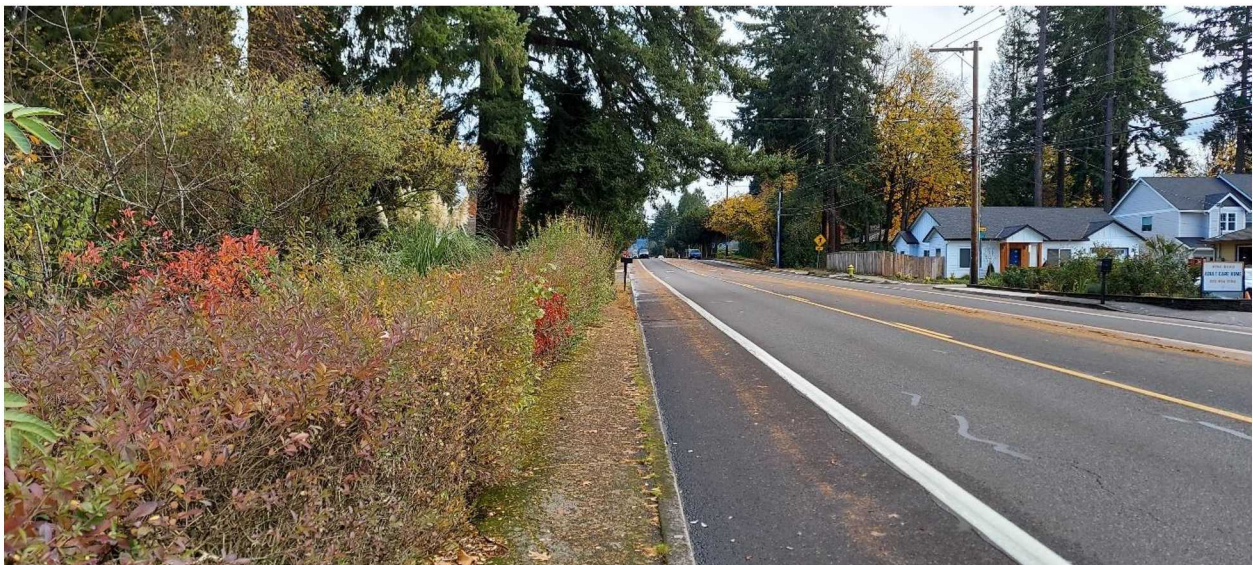


Figure 2 – Site Frontage

Trip Generation

The latest edition of Institute of Transportation Engineering Trip Generation Handbook was used to calculate the anticipated trips in and out of the site for AM, PM and Daily trips as shown in Table 1.

Land Use Type	ITE Code	Dwelling Units	PM Trip Generation	AM Peak		PM Peak		Daily
				In	Out	In	Out	
Single Family Homes	210	3	3<10	1	2	2	1	29

Table 1- Trip Generation

Discussion (Access, Sight Distance, Clear Vision, Circulation, Etc.)

Following City of Milwaukie Engineering Department's directions and provisions under MMC 12.16.040 Access Requirements and Standards, the proposed access will be a paved 12 feet wide driveway with 20 feet of clearance for the truck and emergency access to all three parcels (flag lot).

With removal of the existing 4 feet tall vegetation (hedge) along the frontage with SE King Road, addition of a standard sidewalk, with curb and gutter, and the existing 6 feet wide bike lanes, the sight distance in either direction will meet or exceed the City's requirements for the unobstructed vision triangle.

There will be additional off-street parking spaces to accommodate all three parcels.

The pictures below do show the existing conditions and the applicant will remove all excess vegetation and maintain a clear line of sight in either direction at the access point to SE King Road.



Figure 3-A (top Looking West) SE King Road

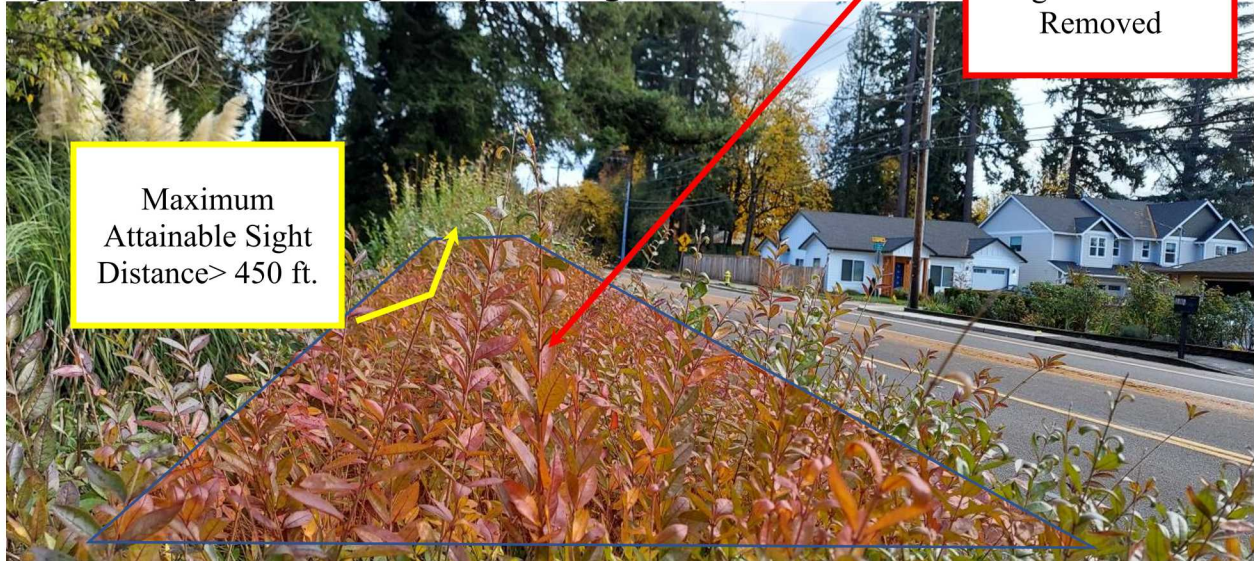


Figure 3-B (bottom Looking East) SE King Road

The applicant will allow one shared access for all three parcels based on provisions of MMC 12.16.040 for Access Spacing along SE King Road for Minor Land Partitions (up to three parcels). Considering SE King Road's current and projected daily and peak hour volumes, its 3-lane configuration, good line of sight, bike lanes, sidewalks and street lighting, there is ample decision time for drivers, bicyclists, and pedestrians to enter or exit the roadway safely.

Conclusions and Recommendations

Based on the proposed 3 lot partition, the PM Peak trip generation will be under 10 trips and the impact to SE King Road will be very little and within the limits of requirements outlined in City of Milwaukie Transportation Impact Study Guidelines.

The applicant shall remove and maintain all vegetation that might obstruct line of sight in either direction of SE King Road. No vehicles will be permitted to park within the vision triangle.