

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

Application for Land Use Action

Master File #: **R-2021-004**

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 checked="" type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input checked="" type="checkbox"/> Replat <input checked="" 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 checked="" 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 • Compensation for Reduction in Property Value (Measure 37) Daily Display Sign • Appeal • Appeal
---	--	---

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): VICTORIA RYSTADT
 Mailing address: 14945 SW SEQUOIA PKWY #150 PDX State/Zip: OR 97224
 Phone(s): 503 962 9653 Email: victoriarysladt@gmail.com
 Please note: The information submitted in this application may be subject to public records law

APPLICANT'S REPRESENTATIVE (if different than above): MARK DANE PLANNING
 Mailing address: 825 SE ~~3RD~~ 32ND AVENUE PDX State/Zip: OR 97214
 Phone(s): 503 332 7167 Email: markdaneplanning@gmail.com

SITE INFORMATION:

Address: 10544 | 10586 | 10616 SE HOME AVE 12E306D12100
 Map & Tax Lot(s): 12E31BA00700
 Comprehensive Plan Designation: _____ Zoning: _____ Size of property: _____

PROPOSAL (describe briefly):

AN EIGHT LOT SUBDIVISION RETAINING THREE HOMES + EXTENDING SE HARRISON WEST TO SE HOME

SIGNATURE:

[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: MARK DANE Date: 10-21-21

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: 21-0004PA

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	R-2021-004	\$ 2,000			Initial materials received 10/21/21; revised docs received 10/25/21 Payment received 11/08/21
Concurrent application files	VR-2021-019	\$ 1,500	25%	Multiple applications	
		\$			
		\$			
Deposit (NR only)					

Deposit Authorization Form received

TOTAL AMOUNT RECEIVED: \$ 3,500 RECEIPT #: RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s): Hector Campbell

Notes:

AN APPLICATION FOR THE DEVELOPMENT AND SUBDIVISION OF AN EIGHT LOT SUBDIVISION INCLUDING THE RETENTION OF THREE EXISTING HOMES FRONTING ONTO HOME AVENUE

“SHAH & TRIPP ESTATES”

Applicant:

Victoria Rystadt
Oregon Real Estate Agent, MORE Realty
14945 SW Sequoia Pkwy, Ste 150, Portland, OR 97224
503.962.9653 / victoriarystadt@gmail.com

Civil Engineer:

Tom Sisul
SISUL ENGINEERING / A Division of Sisul Enterprises, Inc.
375 PORTLAND AVENUE, GLADSTONE, OREGON 97027
(503) 657-0188 / FAX (503) 657-5779 Tomsisul@sisulengineering.com

Land Planner:

Mark Dane
Mark Dane Planning Inc.
825 SE 32nd Avenue
Portland OR 97225
503-332-7167 / markdaneplanning@gmail.com

Land Surveyor

Toby G Bolden, PLS, CFedS / Survey Manager
Centerline Concepts Land Surveying, Inc.
19376 Molalla Avenue, Suite 120
Oregon City, OR 97045
Ph: 503.650.0188

Property

Site Address: 10610 SE Home Ave, Milwaukie, 97222
Owner: Alec Shah / 225 SW Carson St Portland, OR 97219
Jurisdiction: [Milwaukie](#)
Map Number: 12E31BA
Tax lot Number: 12E31BA00700
Parcel Number: 00089488
Document Number: 2021-043160
Census Tract: 021100

Primary Address: 10586 & 10544 SE Home Ave, Milwaukie, 97222
Owner: Stephan Tripp
Jurisdiction: [Milwaukie](#)
Map Number: 12E30CD
Tax lot Number: 12E30CD10100
Parcel Number: 00080450
Document Number: 2020-022296
Census Tract: 021100

Introduction

The applicant Victoria Rystadt is proposing the subdivision of two tax lots 12E31BA00700 & 12E30CD10100 into an eight-lot subdivision. This will include three lots for the existing homes at 10544, 10586, and 10610 SE Home Avenue. Of the five 'new' lots one will be undersized, and not meet the minimum lot width. The northern property boundary of the Lot has been determined by the south wall of the house at 10610 SE Home Avenue.

Of the eight lots – two: Lots 1 and 4 do not meet the minimum lot size nor lot width. The applicant is requesting two variances – one for lot width, and one for lot size.

Regarding setbacks all existing homes meet all setbacks except the north wall of lot 3, where the existing home will be 3.6-feet away from the proposed dedication of right-of-way. This is however permitted under CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS. More specifically 19.504 SITE DESIGN STANDARDS; subsection 19.504.2 Maintenance of Minimum Ordinance Requirements, which states that

“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”

The project will complete the street stub of SE Harrison Street out to Home Avenue providing fire, and vehicular access, and will develop full street improvements for lots 5 – 8,

The applicant has also proposed a 100 x 10-ft water quality swale adjacent to lot 2. Each new house will treat and detain its own water before permitting it to access the public system. The amount of new public infrastructure is relatively small. The design of the system is predicated on entering the shallow storm system west of Home Avenue. Once the Project Engineer, and City engineer have determined that this system would be applicable the civil will provide the calculations for the 25-year storm event et al.

Zoning Compliance (MMC Title 19)

Use Standards (e.g., residential, commercial, accessory)

Comment: The development property is located in the Residential R-5 zone where single-family residential uses are permitted outright.

Dimensional Standards

Comment: Under 19.301.4. the minimum lot size is 5,000 sq ft, with a minimum width of 50 ft and minimum depth of 80 ft. Standard lots must have a minimum of 35 ft of frontage on a public street. All lots will meet the 35-ft frontage requirement. However, Lot 1, and Lot 4 do not meet the minimum 50-ft lot width. There will have to be some nudging of lots to try and minimize the number of variances required. The applicant would like to work with staff to better determined the more acceptable path. A Type II variance would allow a reduction of up to 10% of the required lot depth (up to 5 ft in this case), but a Type III variance will be required for lot area (there is no Type II option) It may be that a type III variance is required for lot size, and width.

The minimum density for the R-5 zone is 7.0 dwelling units per acre, with a maximum density of 8.4 units per acre. MMC Subsection 19.202.4 establishes procedures for rounding density calculations and requires that the area of all right-of-way dedications (such as for new streets) be subtracted from the gross area prior to calculating density.

Development standards for the lots themselves (including setbacks, building height, lot coverage, etc.) are also found in MMC Table 19.301.4 and are more relevant at the building permit stage, except where existing structures will remain (such as the existing house on Lot 1).

The required street improvements will require right-of-way dedication along the two new lots to the east. The street improvements shall include new curb, new gutter, new set back sidewalks, and landscape strips/planters. These improvements should match the existing street improvements as completed by the development to the east (Mission Park, and 5048 SE Harrison St).

A 48-ft wide right-of-way, with minimum 5-ft wide setback sidewalks, and 28-ft wide paved surface between curbs is the required street design.

LOT #	MIN STANDARD	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8
LOT SIZE	5,000	4094 *	7091	8236	4023 *	5362	5685	5428	5034
LOT WIDTH	50	41.27 **	72.38	83.07	40.29 **	50.1	50	50	51
STREET	35	41.27	72.38	83.07	40.29	50.1	50	50	51
LOT DEPTH	80	99.33	99.33	99.66	99.66	107.75	112	101.5	100
F Y SETBACK	20	20	10.9^	20	20	20	20	20	20
S S Y SETBACK	15	N/A 4.5 ^^^	21.5	3.6 ^^	N/A	N/A	N/A	N/A	N/A
S Y SETBACK	5	5.4	6.3	5	5	5	5	5	5
R Y SETBACK	20	20	20	20	20	20	20	20	20
MAX HEIGHT AT S.Y.S	20	>20	>20	>20	#	#	#	#	#
MAX LOT COVERAGE	35%	24%	32%	27%	#	#	#	#	#
MIN VEG IN F.Y.	40%	77%	61%	82%	#	#	#	#	#

* VARIANCE TO LOT SIZE REQUIRED

** VARIANCE TO WIDTH REQUIRED

^ EXISTING FY SETBACK

^^ PROPOSED SETBACK BETWEEN EXISTING HOUSE AND NEW STREET

^^^ EXISTING SIDEYARD SETBACK BETWEEN THE OETH PROPERTY INE AND THE EXISTING HOME.

TO BE PROCESSED UNDER BUILDING PERMIT

Overlay Zones (MMC 19.400)

Comment: There are no special overlays for the subject property

Site Improvements/Site Context

Landscaping Requirements

Comment: Single-family residential development requires a few specific requirements for landscaping: A minimum vegetation requirement = 25% of lot area; front yard minimum vegetation = 40% of front yard (measured between the front face of the house and the front property, so not simply the area within required front yard setback of 20 ft) ; Related to landscaping, parking and maneuvering areas cannot exceed 50% of the front yard area (as per MMC Subsection 19.607.1.D) The applicant does not anticipate the proposed residential development not be able to comply with these standards.

Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)

Comment: There are no specific pedestrian or bicycle improvements required for single-family residential development, therefore no onsite ped / bicycle improvements are proposed.

Connectivity to surrounding properties

Comment: The applicant has proposed the construction of full street improvements for the four lots on the eastern portion of the property, while connecting through to the intersection of Home and Harrison. This allows for a reasonable connectivity, completing the block of the current Harrison Street terminating at the east property line of the Parcel.

Building Design Standards (MMC 19.505)

Comment: This proposal is for the development of the property. No home plans are being submitted as part of this application. Subsection 19.505.1 provides design standards for single-family dwellings, including for building articulation, street-facing façade design, main entrances, and detailed design. Compliance with these standards will be confirmed at the building permit stage.

Downtown Design Standards (MMC 19.508)

Comment: This subsection is not applicable

Parking Standards (MMC 19.600)

Residential Off-Street Parking Requirements

Comment: Table 19.605.1, a minimum of one off-street parking space is required per single-family dwelling unit. Section 19.607 establishes requirements for residential off-street parking. The required parking spaces will be at least 9 ft wide and 18 ft deep, and will be located within the garage and not in the required front yard or street-side (i.e., within the first 20 ft of the property as measured from the property line

The applicant anticipates each of the five non-built lots will have a two-car garage with a two car driveway for a total of four off-street spaces.

Multi-Family/Commercial Parking Requirements

Comment: This subsection is not applicable

Approval Criteria (MMC 19.900)

Community Service Use (CSU) (MMC 19.904)

Comment: This subsection is not applicable

Conditional Use (MMC 19.905)

Comment: This subsection is not applicable

Development Review (MMC 19.906)

Variance (MMC 19.911)

Comment: From the initial pre-app, it appears that variances will be required for at least two elements of the project: lot width and lot area. Up to 3 variance requests can be included in a single variance application (for that single application fee). With multiple variance requests, if any of the variances requires Type III review, all variances must be evaluated with Type III review. The question arises whether the variance request can be for a single lot or multiple lots

The applicant understands that MMC 19.911.4.B establishes approval criteria for Type III variances in general. The applicant may choose to use either the broadly applicable Discretionary Relief criteria or the more narrowly focused Economic Hardship criteria, though please note that the Economic Hardship criteria are quite stringent.

The applicant would like to use the initial completeness review to accurately determine the number, type, and multiple lot option of the variances. The application, and then narrative will be updated to reflect these changes

Land Division (MMC Title 17)

Design Standards

Comment: 17.28.040 establishes general standards for lot design, including a requirement for rectilinear lots (as practicable) and limits on compound lot line segments. Cumulative lateral changes in the direction of side or rear lot lines must not exceed 10% of the distance between opposing lot corners along a given lot line, unless a Type III variance is granted. None of the perimeters of this property are parallel or perpendicular. The applicant has therefore proposed to take the east right-of-way and the baseline for the development and has run all internal lines either parallel or perpendicular with this line.

Preliminary Plat Requirements

MMC Section 17.16.060 provides application requirements and procedures for preliminary plats, including a reference to the City's preliminary plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for preliminary plat established in MMC Chapter 17.20.

MMC Section 17.12.040 establishes approval criteria for preliminary plats. The application must include a narrative description demonstrating that the proposal meets all applicable code requirements and design standards, and it must meet the following criteria:

- (1) the proposed plat complies with Title 19 and other applicable regulations & standards.
- (2) the proposed land division allows for reasonable development and does not create the need for a variance.
- (3) the proposed subdivision plat name is not duplicative and satisfies all applicable standards of ORS 92.090(1); and
- (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 pattern.

Sign Code Compliance (MMC Title 14)

Sign Requirements

Comment: This subsection is not applicable

Noise (MMC Title 16)

Noise Mitigation (MMC 16.24)

Comment: This subsection is not applicable

Neighborhood District Associations

Hector Campbell Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association

Hector Campbell NDA Chair : David Aschenbrenner / 2dasch@gmail.com

Regular meeting—second Monday, 6:30pm (online)

ENGINEERING & PUBLIC WORKS COMMENTS

Public Facility Improvements (MMC 19.700)

Applicability (MMC 19.702)

MMC 19.702 establishes the applicability of MMC 19.700, including to new construction and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.

The proposed development would result in new construction that would increase vehicle trips and does therefore trigger the applicability of MMC 19.700.

Transportation Facilities Review (MMC 19.703)

Comment: A Transportation Facilities Review (TFR) Land Use Application is not required for this submittal.

Transportation Impact Study (MMC 19.704)

Comment: A Transportation Impact Study (TIS) is not required for this submittal

Rough Proportionality (MMC 19.705)

Comment: The subject property is developed with three existing single-family homes. There is an existing home addressed at 10544 SE Home Avenue - Lot 1 (grand-fathered on a sub-standard lot). There is a second larger home addressed at 10586 Home Avenue - Lot 2. South of this is a home addressed at 10610 SE Home Avenue - Lot 3. The City has determined that the requirements for right-of-way (ROW) dedication and street improvements must remain proportional to the impacts resulting from development of the proposed new lots. Therefore, no new half street construction would be required along either the existing frontage on Home Avenue, or along any new extension of Harrison Street.

There is a strip of land 45-feet wide south of the house at 10610 SE Home Avenue. The applicant is proposing that this portion of the parent property become a subdivided lot. Because the rest of the 222 ft frontage will remain unimproved the applicant proposing that the frontage of lot 4 remain unimproved to match the properties both to the north and south. However, the applicant understand that the increased burden requires a form of compensation to the City. The applicant is proposing a payment of a fee in lieu of the frontage improvements along the 40-ft frontage of lot 4.

Agency Notification (MMC 19.707)

Comment: This subsection is not applicable

Transportation Requirements (MMC 19.708)

1. General Requirements
2. Street Design Standards
3. Sidewalk Requirements
4. Pedestrian/Bicycle Path Requirements

1. General Requirements
 - a. Access Management: All development subject to MMC 19.700 shall comply with access management standards contained in MMC 12.16
 - b. Clear Vision: All development subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24
 - c. Development in Non-Downtown Zones: Street right-of-way shall be dedicated to the public for street purposes in accordance with MMC 19.708.2. Dedication and construction of a half-street is generally not acceptable; however a half street may be approved where it is essential to allow reasonable development of a property and when the review authority finds that it will be possible for the property adjoining the half-street to dedicate and improve the remainder of the street when it develops. The minimum paved roadway width for a half street shall be the minimum width necessary to accommodate 2 travel lanes pursuant to MMC 19.708.2

Comment: The applicant is proposing the full dedication of right-of-way Infront of lots 5 -8. With sufficient dedication of right-of-way to permit vehicular circulation, and fire access out to Home Avenue. No further dedication or improvement of Home Avenue is proposed.

2. Street Design Standards

Comment: The applicant is proposing for lots 5 – 8 a total right-of-way width of 48-ft, with a minimum travel lane of 10-ft, a minimum setback sidewalk width of 5-ft, and a landscape strip width of 4-ft. The width from curb-to-curb shall be 28-ft including the gutter.

The code states that where landscape strips are required, street trees shall be planted a minimum of every 40-ft in accordance with the Public Works Standards and Milwaukie Street Tree List and Street Tree Planting Guidelines. The applicant has proposed the planting of three street trees on the four lots with a further two street trees on north side of the fire lane on the sideyard of Lot 2

The applicant has proposed a 185-ft reserve curves to relocate the existing centerline at the east line, and westerly stub of SE Harrison so the street can shift south to match the existing centerline of Harrison west of SE Home Avenue. The Public Standards for design speed, horizontal/vertical curves, grades, and curb return radii are met.

3. Sidewalk Requirements

Comment: The proposed sidewalks in front of lots 5-8 will be constructed within the dedicated public right-of-way and designed in accordance with the Public Works Standards and the City of Milwaukie Americans with Disabilities Act Transition Plan. No sidewalks are proposed adjacent to the existing homes, or along the frontage of Lot 4.

4. Design Standards

Comment: The Fire code provides that paths that provide fire access or a public utility corridor shall have a minimum right-of-way width of 20-ft and a minimum improved surface of 15-ft. The applicant is proposing a 20-ft paved surface to allow two-way traffic, and fire protection.

Utility Requirements (MMC 19.709)

Comment: The applicant is proposing a 10-ft Public Utility Easement (PUE) along the street frontage of each new lot, excepting the north street sideyard of lot 3 which will only have 3.6-feet between the north wall of the garage, and the new right-of-way. Upon Preliminary approval the applicant shall provide engineered utility plans to the City Engineer for review and approval prior to construction to demonstrate compliance with all City Standards and requirements.

Flood Hazard Area (MMC 18)

Development Permit (MMC 18.04.100)

Comment: The subject property is not located in a designated flood hazard area.

Environmental Protection (MMC 16)

Weak Foundation Soils (MMC 16.16)

Comment: The proposed development is not located in the City-regulated soil hazard area.

Erosion Control (MMC 16.28)

Comment: An erosion control permit will be submitted at the Construction Document phase of the project.

Tree Cutting (MMC 16.32)

Comment: Any major pruning or removal of trees in the public ROW requires a posting and notice procedure that can take up to five weeks if successful.

Public Services (MMC 13)

Water System (MMC 13.04)

Comment: The applicant is proposing a new water line extension to complete a loop between the current westerly stub of Harrison on the east boundary of the property out to the existing line in Home Avenue. Any portion of the new street is beyond the standard maximum distance permitted between hydrants; the applicant will provide a new hydrant in the underserved area.

The existing water laterals for the three homes will be retained.

Sewer System (MMC 13.12)

Comment: An 8-in concrete sewer main runs along the southern edge of the northern property, coordination for the street improvements will also include sewer connections. The applicant is proposing the connection of a sanitary main out to the main in the road at Home Street.

Stormwater Management (MMC 13.14)

Comment: To ensure the Stormwater mitigation meets the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual. Applicant will provide an infiltration test to be completed by a Geotechnical engineer.

Because Infiltration between curb and sidewalk is allowed, the Applicant will install either a drywell or other approved overflow management discharge point for runoff from the ROW to assure that rain garden(s) or swale(s) are not overwhelmed during a storm event.

Fee in Lieu of Construction (MMC 13.32)

Comment: While Improvements are required to be constructed for the proposed four eastern lots, a Fee in Lieu of Construction is proposed for the proposed 40-ft frontage on Home Ave. the applicant requests that staff provide a FILOC estimate will be provided as soon as possible.

Public Places (MMC 12)

Right of Way Permit (MMC 12.08.020)

Comment: The applicant will apply for a Right-of-Way Permit for all frontage improvements, utility work within the right-of-way, and driveway construction for each lot.

Access Requirements (MMC 12.16.040)

Comment: MMC 12.16.040, states that private property shall be provided street access (driveways). These driveways shall be constructed under a right-of-way permit in accordance with the current Milwaukie Public Works Standards

Clear Vision (MMC 12.24)

Comment: A clear vision area shall be maintained at all driveways and accessways.

Conclusion

Comment: The applicant anticipates that the design as proposed will meet the City's requirements, and where variances are required, they are sufficiently justified to permit staff to recommend approval. As this application proceeds the Applicant will communicate directly with outside agencies

as directed by the City. The applicant anticipates that these may include the following: TriMet / North Clackamas School District /North Clackamas Parks and Recreation District (NCPRD) In addition as part of the construction plan submittal the developer must communicate directly with utility providers. It is anticipated to include the following: PGE / NW Natural / Clackamas River Water (CRW) / Telecomm (Comcast, Century Link) / Water Environmental Services (WES) and finally for Garbage Collection (Waste Management, Hood view Disposal and Recycling)

19.911 VARIANCES

19.911.1 Purpose

Variations provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variations are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variations may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variations shall not be granted that would be detrimental to public health, safety, or welfare.

Comment: *the applicant is requesting two variations to aid in the development of property that is burdened with three existing homes, and the need to provide fire access out to Home Ave. The lot width on both Lots 1 & 4 are a consequence of the distance from the location of the existing homes on Lots 2 & 3. The lot size variance for lots 1 & 4 is the lessor request for variations of adjustments that would be needed for lots 5 – 8 to meet all the R5 standards. It brings the grandfathered house on lot 1 into compliance and allows a smaller lot on lot 4 without having to demolish the home on lot 3. (The sum of the two lots is greater than 10,000 SF on both lots 1 & 2, and on 3 & 4).*

19.911.2 Applicability

A. Eligible Variations

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

Comment: *The applicant is requesting two variations:*

- 1) The first is to the minimum Lot size which in the R5 zone is 5,000 SF. Lots 1 and 4 will be a little over 4,000SF. This is a 20% variance to the code standard.*
- 2) The second variance is for lot width, again for Lots 1 & 4. The minimum lot width under the R5 zone is 50-feet. In both cases the lots are 40-feet wide. There is a need for a 20% variance to lot width.*
- 3) There is a third substandard issue. The north wall of the existing home on Lot 3 will be 3.6-feet away from the proposed south right-of-way of the proposed through Street. However as noted earlier in the text this is permitted under CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS. More*

specifically 19.504 SITE DESIGN STANDARDS; subsection 19.504.2 Maintenance of Minimum Ordinance Requirements, which states that: “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”.

B. Ineligible Variances

A variance may not be requested for the following purposes:

1. To eliminate restrictions on uses or development that contain the word “prohibited.”
2. To change a required review type.
3. To change or omit the steps of a procedure.
4. To change a definition.
5. To increase, or have the same effect as increasing, the maximum permitted density for a residential zone.
6. To justify or allow a Building Code violation.
7. To allow a use that is not allowed outright by the base zone. Requests of this nature may be allowed through the use exception provisions in Subsection 19.911.5, nonconforming use replacement provisions in Subsection 19.804.1.B.2, conditional use provisions in Section 19.905, or community service use provisions in Section 19.904.

Comment: *The variances as proposed are not included under 19.911.1.B. This section is not applicable.*

C. Exceptions

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either “by right” or as part of a specific land use application review process.

Comment: *As noted previously the north wall of the existing home on Lot 3 will be 3.6-feet away from the proposed south right-of-way of the proposed through Street. This is permitted under CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS. More specifically 19.504 SITE DESIGN STANDARDS; subsection 19.504.2 Maintenance of Minimum Ordinance Requirements, which states that: “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”.*

19.911.3 Review Process

A. General Provisions

1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.

Comment: *Given that both the lot size, and lot width variances are a 20% reduction from the standard both variances will have to go through a Type III process and hearing.*

2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.

Comment: *Both variances are being submitted as part of the subdivision application.*

3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

Comment: *The applicant is submitting two variance requests: The first for the lot sizing of Lots 1 & 4; the second for the lot width of lots 1 & 4.*

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.

Comment: *The 20% variance to lot size, and lot width do Not meet the criteria for a type II process.*

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Comment: *The applicant is requesting two type III variances.*

19.911.4 Approval Criteria

A. Type II Variances

Comment: *This section is not applicable.*

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

- a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Comment: *Increasing the lot width of lots 1 and 4 to 51 feet to meet minimum lot width, and lot size would at the very least require partial if not complete demolition of the homes on lots 2 & 3. Removing both homes would allow for lots 1 – 4 to meet all standards but at considerable cost to the homeowners.*

- b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

- (1) The proposed variance avoids or minimizes impacts to surrounding properties.

Comment: *There is an existing home on Lot 1. Granting this variance would allow the house to remain. The external sideyard setback of 4.5-feet on the north side of the house. This is a pre-existing condition and permitted outright. Both lots exceed the minimum lot depth, so there is no additional density or development on adjacent property that would not meet the criteria if the existing homes on lots 1, 2, and 3 were removed. The external south sideyard setback for a new home on lot 4 would remain at 5-feet*

- (2) The proposed variance has desirable public benefits.

Comment: *The variances as proposed allow for the development of the property in a manner which provides additional fire safety to the homes on the current Street stub of SE Harrison Road. It also will complete the necessary circulation pattern anticipated by the earlier development.*

- (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Comment: *The variance permits the retention of the existing homes whilst also permitting the development of 4 new lots with not substandard variance request. The variance requests are a response to current built environment. That while not increasing the underlying density permitted allows for an efficient use of the parent parcels. The impacts to adjacent parcels will NOT be increased because of both variances.*

- c. Impacts from the proposed variance will be mitigated to the extent practicable.

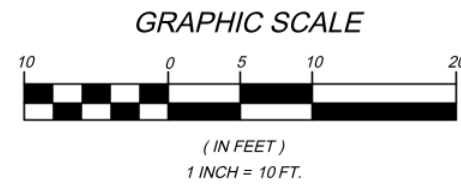
Comment: *The impact of the variance is to allow the retention of two homes. It does not change the external sideyard setbacks, nor compliance with the lot depth on same said external lines.*

2. Economic Hardship Criteria

Comment: *While economic hardship could be argued, the applicant believes that the variance requests rises to criteria outlined under 19.911.4.B.1*

19.911.5 Use Exceptions

Comment: *The variance is NOT being requested under Use Exceptions*

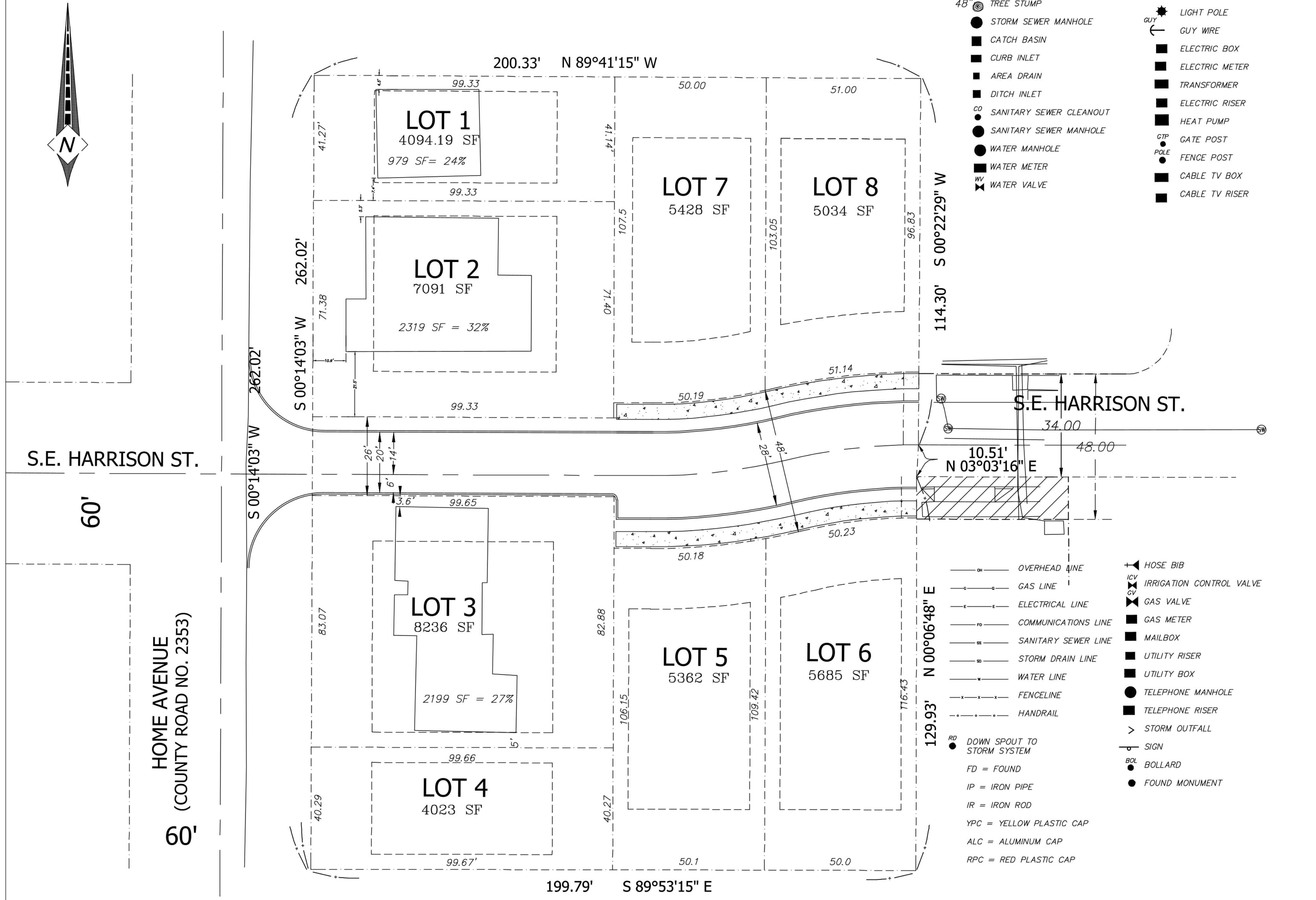


PRELIMINARY PLAT FOR 'SHAH & TRIPP ESTATES'

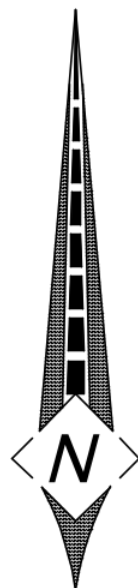
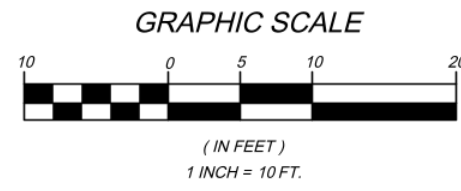
LEGEND:

Some Symbols shown may not be used on map

- | | |
|----------------------------|--------------------------|
| 12" DECIDUOUS TREE | SGP TRAFFIC SIGNAL POLE |
| 24" EVERGREEN TREE | UTILITY POLE |
| 48" TREE STUMP | LIGHT POLE |
| STORM SEWER MANHOLE | GUY WIRE |
| CATCH BASIN | ELECTRIC BOX |
| CURB INLET | ELECTRIC METER |
| AREA DRAIN | TRANSFORMER |
| DITCH INLET | ELECTRIC RISER |
| SANITARY SEWER CLEANOUT | HEAT PUMP |
| SANITARY SEWER MANHOLE | GATE POST |
| WATER MANHOLE | FENCE POST |
| WATER METER | CABLE TV BOX |
| WATER VALVE | CABLE TV RISER |
| OVERHEAD WIRE | HOSE BIB |
| GAS LINE | IRRIGATION CONTROL VALVE |
| ELECTRICAL LINE | GAS VALVE |
| COMMUNICATIONS LINE | GAS METER |
| SANITARY SEWER LINE | MAILBOX |
| STORM DRAIN LINE | UTILITY RISER |
| WATER LINE | UTILITY BOX |
| FENCELINE | TELEPHONE MANHOLE |
| HANDRAIL | TELEPHONE RISER |
| DOWN SPOUT TO STORM SYSTEM | STORM OUTFALL |
| FD = FOUND | SIGN |
| IP = IRON PIPE | BOLLARD |
| IR = IRON ROD | FOUND MONUMENT |
| YPC = YELLOW PLASTIC CAP | |
| ALC = ALUMINUM CAP | |
| RPC = RED PLASTIC CAP | |



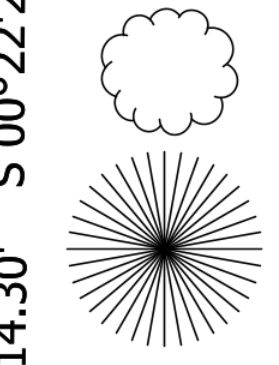
PROPOSED IMPROVMENTS PLAN FOR 'SHAH & TRIPP ESTATES'



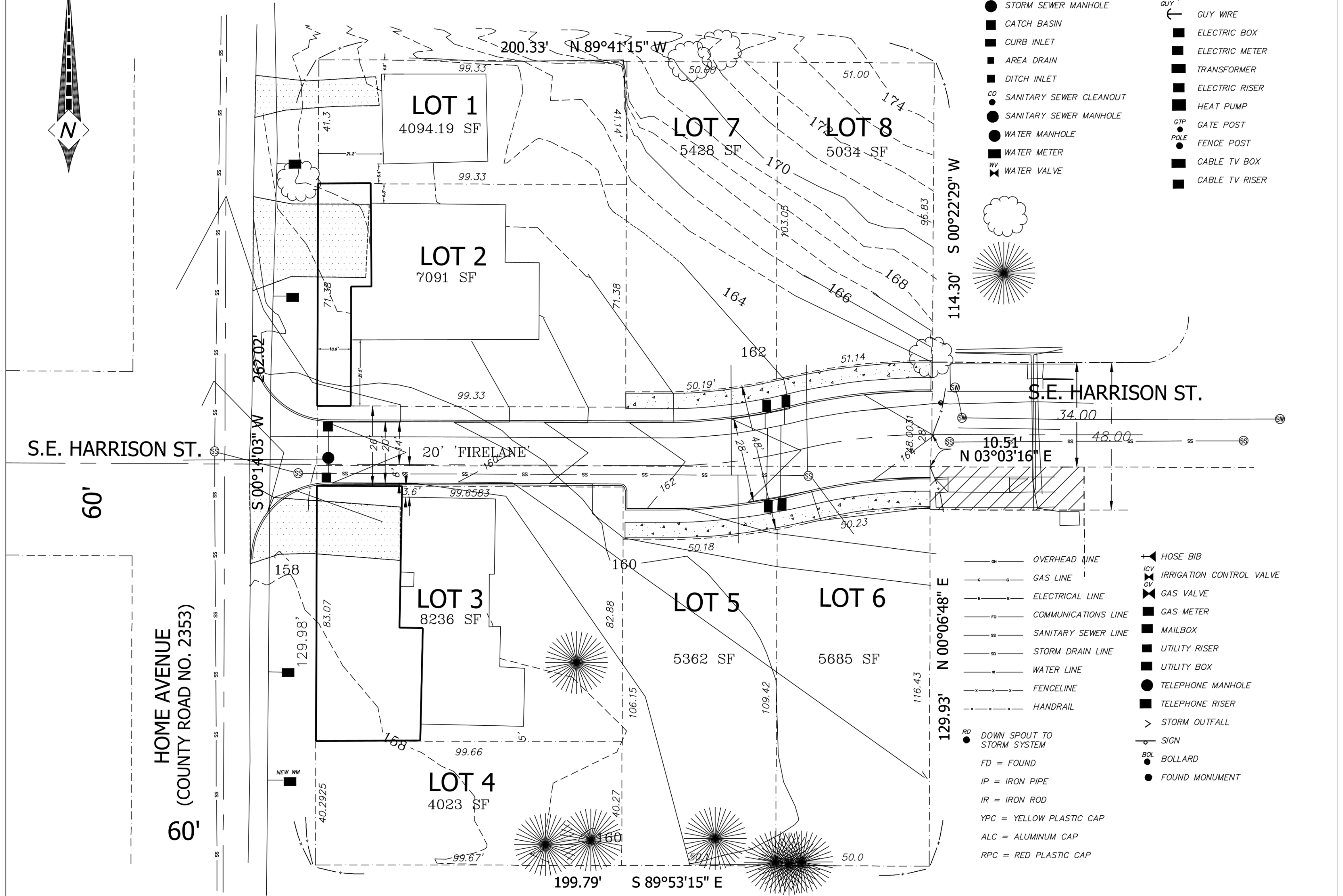
LEGEND:

Some Symbols shown may not be used on map

- | | |
|-------------------------|--------------------------|
| 12" DECIDUOUS TREE | SGP TRAFFIC SIGNAL POLE |
| 24" EVERGREEN TREE | UTILITY POLE |
| 48" TREE STUMP | LIGHT POLE |
| STORM SEWER MANHOLE | GUY WIRE |
| CATCH BASIN | ELECTRIC BOX |
| CURB INLET | ELECTRIC METER |
| AREA DRAIN | TRANSFORMER |
| DITCH INLET | ELECTRIC RISER |
| SANITARY SEWER CLEANOUT | HEAT PUMP |
| SANITARY SEWER MANHOLE | GATE POST |
| WATER MANHOLE | FENCE POST |
| WATER METER | CABLE TV BOX |
| WATER VALVE | CABLE TV RISER |



- | | |
|----------------------------|--------------------------|
| OVERHEAD WIRE | HOSE BIB |
| GAS LINE | IRRIGATION CONTROL VALVE |
| ELECTRICAL LINE | GAS VALVE |
| COMMUNICATIONS LINE | GAS METER |
| SANITARY SEWER LINE | MAILBOX |
| STORM DRAIN LINE | UTILITY RISER |
| WATER LINE | UTILITY BOX |
| FENCELINE | TELEPHONE MANHOLE |
| HANDRAIL | TELEPHONE RISER |
| DOWN SPOUT TO STORM SYSTEM | STORM OUTFALL |
| FD = FOUND | SIGN |
| IP = IRON PIPE | BOLLARD |
| IR = IRON ROD | FOUND MONUMENT |
| YPC = YELLOW PLASTIC CAP | |
| ALC = ALUMINUM CAP | |
| RPC = RED PLASTIC CAP | |



REQUEST TO RESERVE SUBDIVISION / CONDOMINIUM NAME

Clackamas County Surveyor's Office
150 Beaver Creek Road, #325
Oregon City, OR 97045
(503) 742-4475
E-mail address: surveyor@clackamas.us

PLAT NAME REQUESTED:

"SHAH AND TRIPP ESTATES"

TWP/RANGE: 12E31BA00700 + 12E30CD10100
SECTION#:
TAX LOT#(s):
Location of Plat:

I understand that if the above name plat is not pending or recorded within two years, the name will be removed from the reserved list.

RESERVED BY: MARK DANE

DATE:

12.29.21

TELEPHONE:

503-332-7167

FAX:

← - - - - -

EMAIL ADDRESS: markdaneplanning@gmail.com

PLAT SURVEYOR: #

NAME OF DEVELOPER: VICTORIA RYSTADT / STEPHAN TRIPP

ADDRESS: 10586 SE HOME AVE, MILWAUKEE, OR

TELEPHONE:

503-962-9653

FAX:

() -

EMAIL ADDRESS: victoriarystadt@gmail.com

APPROVED BY:

APPROVAL DATE:



CITY OF MILWAUKIE

May 7, 2021

Alec Shah
225 SW Carson St
Portland, OR 97219

Re: Preapplication Report

Dear Alec:

Enclosed is the Preapplication Report Summary from your meeting with the City on 4/22/2021, concerning your proposal for action on property located at 10610 SE Home Ave.

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 Manager may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Manager may require a new preapplication conference.

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

Sincerely,

Tempest Blanchard

Tempest Blanchard
Administrative Specialist II



CITY OF MILWAUKIE
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503.786.7600
 planning@milwaukieoregon.gov
 building@milwaukieoregon.gov
 engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 21-0004PA

This report is provided as a follow-up to the meeting that was held on 4/22/2021 at 10:00 AM

The Milwaukie Municipal Code is available here: www.qcode.us/codes/milwaukie/

APPLICANT AND PROJECT INFORMATION

Applicant:	Alec Shah	Applicant Role:	Property Owner
Applicant Address:	225 SW Carson St Portland, OR 97219		
Company:	N/ARFr-		
Project Name:			
Project Address:	10610 SE Home Ave	Zone:	R-5
Project Description:	Partition this lot into four lots: the current house being on one of the lots and extnd Harrison St.		
Current Use:	Single-unit dwelling with attached garage		
Applicants Present:	Alec Shah and Stephan Tripp (owner of 10586 SE Home Ave)		
Staff Present:	Jennifer Backhaus, Engineering Technician III; Janine Gates, Assistant Planner; and Brett Kelter, Associate Planner.		

PLANNING COMMENTS

Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	In the Residential R-5 zone, single-family residential uses are permitted outright.
<input checked="" type="checkbox"/>	Dimensional Standards	<p>Dimensional standards for R-5 lots are provided in Milwaukie Municipal Code (MMC) Table 19.301.4. Minimum lot size is 5,000 sq ft, with a minimum width of 50 ft and minimum depth of 80 ft. Standard lots must have a minimum of 35 ft of frontage on a public street; flag lots are not allowed for this project per MMC 17.28.050 Flag Lot Development and Future Access.</p> <p>The minimum density for the R-5 zone is 7.0 dwelling units per acre, with a maximum density of 6.2 units per acre. MMC Subsection 19.202.4 establishes procedures for rounding density calculations and requires that the area of all right-of-way dedications (such as for new streets) be subtracted from the gross area prior to calculating density.</p> <p>Development standards for the lots themselves (including setbacks, building height, lot coverage, etc.) are also found in MMC Table 19.301.4 and are more relevant at the building permit stage, except where existing structures will remain (such as the existing house on Lot 1).</p>

		<p>As proposed, the proposed lot south of the current home appears to not meet the minimum standards for lot width (50 ft) and lot area (5,000 sq ft). A Type II variance would allow a reduction of up to 10% of the required lot depth (up to 5 ft in this case), but a Type III variance will be required for lot area (there is no Type II option).</p> <p>The required street improvements will require right-of-way dedication along the two new lots to the east. The street improvements shall include new curb, new gutter, new set back sidewalks, and landscape strips/planters. These improvements should match the existing street improvements as completed by the development to the east (Mission Park, and 5048 SE Harrison St).</p> <p>A 48-ft wide right-of-way, with minimum 5-ft wide setback sidewalks, and 28-ft wide paved surface between curbs is the required street design. The applicant should coordinate these improvements with the property to the north with regards to right-of-way dedication and/or purchasing additional property to facilitate street improvements.</p>
--	--	--

Land Use Review Process

<input checked="" type="checkbox"/>	Applications Needed	<ul style="list-style-type: none"> • Replat (subdivision replat) • Variance (up to three variance requests per application) • Final Plat (processed separately, after preliminary plat approval) <p>The applicant should submit a complete electronic copy of all application materials for the City's initial review. Due to the COVID pandemic, hard copies of materials are not currently desired. A determination of the application's completeness will be issued within 30 days.</p> <p>Once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. As long as measures remain in place to address the COVID pandemic, the public hearing will be conducted online. 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.</p> <p>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.</p> <p>The 2021 schedule for Planning Commission hearings, including dates by which an application must be deemed complete in order to be eligible for a particular hearing date, is attached for reference</p>
-------------------------------------	----------------------------	---

<input checked="" type="checkbox"/>	Fees	<ul style="list-style-type: none"> • Replat (Subdivision Replat) (Type III) = \$2,000 • Variance (Type III) = \$2,000 (reduced to \$1,500 with discount) • Final Plat (Type I) = \$200 (will be processed separately, after preliminary approval) <p><i>Note:</i> For multiple applications, there is a 25% discount offered for each application fee beyond the most expensive one.</p>
-------------------------------------	-------------	---

<input checked="" type="checkbox"/>	Review Type: Choose an item.	<ul style="list-style-type: none"> • Subdivision Replat = Type III • Variance = Type III (processed according to highest review type for any variance) • Final Plat = Type I
-------------------------------------	-------------------------------------	---

Overlay Zones (MMC 19.400)

<input type="checkbox"/>	Willamette Greenway	(There are no special overlays for the subject property.)
<input type="checkbox"/>	Natural Resources	

<input type="checkbox"/>	Historic Preservation	
<input type="checkbox"/>	Flex Space Overlay	
Site Improvements/Site Context		
<input checked="" type="checkbox"/>	Landscaping Requirements	<p>For single-family residential development, there are only a few specific requirements for landscaping:</p> <ul style="list-style-type: none"> • Minimum vegetation requirement = 25% of lot area • Front yard minimum vegetation = 40% of front yard (measured between the front face of the house and the front property, so not simply the area within required front yard setback of 20 ft) • Related to landscaping, parking and maneuvering areas cannot exceed 50% of the front yard area (as per MMC Subsection 19.607.1.D)
<input type="checkbox"/>	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	There are no specific pedestrian or bicycle improvements required for single-family residential development.
<input checked="" type="checkbox"/>	Connectivity to surrounding properties	<p>The adjacent property to the north at 10586 SE Home Ave is also interested in dividing their property. The property owners of 10610 SE Home Ave and 10586 SE Home Ave plan to coordinate with the construction and cost of the street improvements. This will allow for a more cohesive roadway and make the development of both lots less costly.</p> <p>See MMC 19.703 for street and frontage improvement requirements.</p>
<input type="checkbox"/>	Circulation	
<input checked="" type="checkbox"/>	Building Design Standards (MMC 19.505)	MMS Subsection 19.505.1 provides design standards for single-family dwellings, including for building articulation, street-facing façade design, main entrances, and detailed design. Compliance with these standards will be confirmed at the building permit stage.
<input type="checkbox"/>	Downtown Design Standards (MMC 19.508)	
Parking Standards (MMC 19.600)		
<input checked="" type="checkbox"/>	Residential Off-Street Parking Requirements	<p>As per MMC Table 19.605.1, a minimum of one off-street parking space is required per single-family dwelling unit.</p> <p>MMC Section 19.607 establishes requirements for residential off-street parking. The required parking space must be at least 9 ft wide and 18 ft deep and cannot be located in the required front yard or street-side (i.e., within the first 20 ft of the property as measured from the property line). All required parking spaces, as well as all parking and maneuvering areas within a required front or side yard, must have a durable and dust-free surface. Areas for boat and RV parking can be graveled, as can be any maneuvering and unrequired parking areas outside a required front or side yard.</p>
<input type="checkbox"/>	Multi-Family/Commercial Parking Requirements	
Approval Criteria (MMC 19.900)		
<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	
<input type="checkbox"/>	Conditional Use (MMC 19.905)	

<input type="checkbox"/>	Development Review (MMC 19.906)	
<input checked="" type="checkbox"/>	Variance (MMC 19.911)	<p>It appears that variances will be required for at least two elements of the project: lot width and lot area. Up to 3 variance requests can be included in a single variance application (for that single application fee). With multiple variance requests, if any of the variances requires Type III review, all variances must be evaluated with Type III review.</p> <p>MMC 19.911.4.B establishes approval criteria for Type III variances in general. The applicant may choose to use either the broadly applicable Discretionary Relief criteria or the more narrowly focused Economic Hardship criteria, though please note that the Economic Hardship criteria are quite stringent.</p>
Land Division (MMC Title 17)		
<input checked="" type="checkbox"/>	Design Standards	<p>MMC Section 17.28.040 establishes general standards for lot design, including a requirement for rectilinear lots (as practicable) and limits on compound lot line segments. Cumulative lateral changes in the direction of side or rear lot lines must not exceed 10% of the distance between opposing lot corners along a given lot line, unless a Type III variance is granted. Lot 8 shows a compound lot line segment in its SE corner resulting from the shape of the overall subject property—this aspect is not under the applicant’s control and so is allowable.</p> <p>MMC Section 17.28.050 precludes flag lots where there is potential for future street access or roadway development. Harrison Street dead-ends at the eastern boundary of the subject property and can be extended westward to provide frontage for two of the proposed new lots.</p>
<input checked="" type="checkbox"/>	Preliminary Plat Requirements	<p>MMC Section 17.16.060 provides application requirements and procedures for preliminary plats, including a reference to the City’s preliminary plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for preliminary plat established in MMC Chapter 17.20.</p> <p>MMC Section 17.12.040 establishes approval criteria for preliminary plats. The application must include a narrative description demonstrating that the proposal meets all applicable code requirements and design standards, and it must meet the following criteria:</p> <p>(1) the proposed plat complies with Title 19 and other applicable regulations & standards;</p> <p>(2) the proposed land division allows for reasonable development and does not create the need for a variance;</p> <p>(3) the proposed subdivision plat name is not duplicative and satisfies all applicable standards of ORS 92.090(1); and</p> <p>(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 pattern.</p>
<input checked="" type="checkbox"/>	Final Plat Requirements (See Engineering Section of this Report)	<p>MMC Section 17.16.070 provides application requirements and procedures for final plats, with a reference to the City’s final plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for final plat established in MMC Chapter 17.24.</p> <p>MMC Section 17.12.050 establishes the following approval criteria for final plats:</p> <p>(1) Compliance with the preliminary plat approved by the approval authority, with all conditions of approval satisfied.</p> <p>(2) The preliminary plat approval has not lapsed.</p> <p>(3) The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities.</p>

		<p>(4) The plat contains a donation to the public of all common improvements, including streets, roads, parks, sewage disposal, and water supply systems.</p> <p>(5) All common improvements required as conditions of approval have been described and referenced on the plat, and where appropriate, instruments to be recorded have been submitted.</p> <p>(6) The plat complies with the Zoning Ordinance and other applicable ordinances and regulations.</p> <p>(7) Submission of signed deeds when access control strips are shown on the plat.</p> <p>(8) The plat contains an affidavit by the land surveyor who surveyed that the land represented on the plat was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92.060. The plat must indicate the initial point of the survey and give the dimensions and kind of such monument and its reference to some corner established by the U.S. Survey or giving two or more objects for identifying its location.</p> <p>Note that construction of all required public improvements must be completed, inspected, and accepted by the City prior to the City's sign-off on the final plat, unless an arrangement for bonding or other interim measure is made and agreed upon by the City.</p>
Sign Code Compliance (MMC Title 14)		
<input type="checkbox"/>	Sign Requirements	
Noise (MMC Title 16)		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
Neighborhood District Associations		
<input checked="" type="checkbox"/>	Hector Campbell	<p>Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Hector Campbell NDA.</p> <p><u>Hector Campbell NDA Chair</u></p> <p>David Aschenbrenner</p> <p>2dasch@gmail.com</p> <p>Regular meeting—second Monday, 6:30pm (online)</p>
	Choose an item.	
	Choose an item.	
Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
ENGINEERING & PUBLIC WORKS COMMENTS		
Public Facility Improvements (MMC 19.700)		

<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	<p>MMC 19.702 establishes the applicability of MMC 19.700, including to new construction and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.</p> <p>The proposed development would result in new construction that would increase vehicle trips and does therefore trigger the applicability of MMC 19.700.</p>
<input type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	A Transportation Facilities Review (TFR) Land Use Application is not required.
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)	A Transportation Impact Study (TIS) is not required.
<input checked="" type="checkbox"/>	Rough Proportionality (MMC 19.705)	<p>The subject property is developed with an existing single-family house. The requirements for right-of-way (ROW) dedication and street improvements are proportional to the impacts resulting from development of the proposed new lots.</p> <p>Street improvements, or collection of a fee in lieu of construction, are required along the frontages of the proposed undeveloped lots where existing improvements do not meet current City standards.</p> <p>ROW dedication for an extension of Harrison St will be required along the entire length frontage of the two proposed eastern lots. Fee in Lieu of Construction will be required for the proposed 40-ft frontage of the fourth lot to the south of the lot that will retain the existing house.</p> <p>No ROW dedication or frontage improvements are proportional for the lot with the existing house, as it presents no new impacts as part of the proposed land division.</p>
<input type="checkbox"/>	Agency Notification (MMC 19.707)	
<input checked="" type="checkbox"/>	Transportation Requirements (MMC 19.708) <ol style="list-style-type: none"> 1. General Requirements 2. Street Design Standards 3. Sidewalk Requirements 4. Pedestrian/Bicycle Path Requirements 	<ol style="list-style-type: none"> 1. General Requirements <ol style="list-style-type: none"> a. Access Management: All development subject to MMC 19.700 shall comply with access management standards contained in MMC 12.16 b. Clear Vision: All development subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24 c. Development in Non-Downtown Zones: Street right-of-way shall be dedicated to the public for street purposes in accordance with MMC 19.708.2. Dedication and construction of a half-street is generally not acceptable, however a half-street may be approved where it is essential to allow reasonable development of a property and when the review authority finds that it will be possible for the property adjoining the half-street to dedicate and improve the remainder of the street when it develops. The minimum paved roadway width for a half-street shall be the minimum width necessary to accommodate 2 travel lanes pursuant to MMC 19.708.2 2. Street Design Standards <ol style="list-style-type: none"> a. The total right-of-way shall have a width of 48-ft, with a minimum travel lane of 10-ft, a minimum setback sidewalk width of 5-ft, and a landscape strip width of 4-ft. The width from curb-to-curb shall be 28-ft including the gutter. b. Where landscape strips are required, street trees shall be planted a minimum of every 40-ft in accordance with the Public Works Standards and Milwaukie Street Tree List and Street Tree Planting Guidelines c. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards. 3. Sidewalk Requirements <ol style="list-style-type: none"> a. Sidewalks shall be provided on the public street frontage of all developments per the requirements of this chapter. Sidewalks shall be constructed within the dedicated public right-of-way and designed in accordance with the Public Works Standards and the City of Milwaukie American's with Disabilities Act Transition Plan. 4. Design Standards

		a. Paths that provide fire access or a public utility corridor shall have a minimum right-of-way width of 20-ft and a minimum improved surface of 15-ft.
<input checked="" type="checkbox"/>	Utility Requirements (MMC 19.709)	<p>A 10-ft Public Utility Easement (PUE) is required along each new lot. The applicant shall provide engineered utility plans to the City Engineer for review and approval prior to construction to demonstrate compliance with all City Standards and requirements. The City Engineer shall monitor the progress of all public utility improvements by the applicant to ensure project completion and compliance with all city permitting requirements and standards.</p> <p>Utility improvements are subject to the requirements of MMC 12.08. Follow-up action, such as facility inspection, bond release, and enforcement, shall be considered part of the monitoring process.</p>
Flood Hazard Area (MMC 18)		
<input type="checkbox"/>	Development Permit (MMC 18.04.100)	The subject property is not located in a designated flood hazard area.
<input type="checkbox"/>	General Standards (MMC 18.04.150)	
<input type="checkbox"/>	Specific Standards (MMC 18.04.160)	
<input type="checkbox"/>	Floodways (MMC 18.04.170)	
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	The proposed development is not located in the City-regulated soil hazard area.
<input checked="" type="checkbox"/>	Erosion Control (MMC 16.28)	An erosion control permit is required for the proposed.
<input checked="" type="checkbox"/>	Tree Cutting (MMC 16.32)	Any major pruning or removal of trees in the public ROW requires a posting and notice procedure that can take up to five weeks if successful.
Public Services (MMC 13)		
<input checked="" type="checkbox"/>	Water System (MMC 13.04)	<p>Connection and extension of City utilities is subject to plan and application review. Application for City utility billing connection shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application</p> <p>A system development charge must be paid prior to new connections to city water.</p>
<input checked="" type="checkbox"/>	Sewer System (MMC 13.12)	<p>Connection and extension of City utilities is subject to plan and application review. It shall be the permittee's or representative's responsibility to request inspection of the work and to allow reasonable time for the City to schedule the inspection. Inspections shall be requested for and made during the normal business hours of the City. Should inspections be required during nonbusiness hours, the permittee shall reimburse the City for all overtime costs incurred.</p> <p>An 8-in concrete sewer main runs along the southern edge of the northern property, coordination for the street improvements should also include sewer connections.</p> <p>A system development charge must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer.</p>

☒	Stormwater Management (MMC 13.14)	<p>Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual. Applicant will be required to provide an infiltration test to be completed by a Geotechnical engineer.</p> <p>Infiltration between curb and sidewalk is allowed. Applicant will need to install a drywell or other approved overflow management discharge point for runoff from the ROW to assure that rain garden(s) or swale(s) are not overwhelmed during a storm event.</p> <p>A system development charge must be paid prior to building permit issuance.</p>
☒	System Development Charge (MMC 13.28.040)	<p>All new development or intensification of use shall be subject to system developments charges.</p> <p>Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges</p> <p>Additional information is available here: https://www.milwaukieoregon.gov/building/system-development-charges-sdcs</p>
☒	Fee in Lieu of Construction (MMC 13.32)	<p>Improvements are required to be constructed for the proposed two eastern lots, and Fee in Lieu of Construction will be collected for the proposed 40-ft frontage on Home Ave.</p> <p>A FILOC estimate will be provided as soon as possible.</p>

Public Places (MMC 12)

☒	Right of Way Permit (MMC 12.08.020)	<p>A Right-of-Way Permit will be required for all frontage improvements, utility work within the right-of-way, and driveway construction for each lot.</p>
☒	Access Requirements (MMC 12.16.040)	<p>Per MMC 12.16.040, private property shall be provided street access via accessways (driveways). These driveways shall be constructed under a right-of-way permit in accordance with the current Milwaukie Public Works Standards</p>
☒	Clear Vision (MMC 12.24)	<p>A clear vision area shall be maintained at all driveways and accessways.</p>

Additional Engineering & Public Works Notes

The city strongly recommends coordination with the adjacent property to the north to complete street and frontage improvements.

BUILDING COMMENTS

All drawings must be submitted electronically through www.buildingpermits.oregon.gov

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at www.buildingpermits.oregon.gov. Each permit type and subpermit type are separate permits and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.

Note: Plumbing and electrical plan reviews (when required) are done off site so two (2) paper copies will be required for those reviews only. Paper copies should be delivered to our office for processing.

Site utilities require a separate plumbing permit. This permit will require plumbing plan review so two (2) paper copies will be required for this review. Paper copies should be delivered to the Building Division office for processing. The grading plan submitted to the Engineering Department does not cover this review.

If you have any building related questions, please email us at building@milwaukieoregon.gov.

Additional Building Notes

e.g. sprinklers, accessibility, alarms, bathrooms, exits, elevator

OTHER FEES

<input type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *1% (0.1)
<input type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *0.12% (0.0012)
<input type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)

FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

COORDINATION WITH OTHER AGENCIES

Applicant must communicate directly with outside agencies. These may include the following:

- Metro
- Trimet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS

State or County Approvals Needed

<input type="checkbox"/>	Boiler Approval (State)	
<input type="checkbox"/>	Elevator Approval (State)	
<input type="checkbox"/>	Health Department Approval (County)	

Arts Tax

<input type="checkbox"/>	Neighborhood Office Permit	
--------------------------	-----------------------------------	--

Other Right-of-Way Permits

<input type="checkbox"/>	Major:	
<input type="checkbox"/>	Minor:	
<input type="checkbox"/>	Painted Intersection Program Permits:	
<input type="checkbox"/>	artMOB Application	
<input type="checkbox"/>	Traffic Control Plan (Engineering)	
<input type="checkbox"/>	Parklet:	
<input type="checkbox"/>	Parklet Application/ Planning Approval	
<input type="checkbox"/>	Engineering Approval	
<input type="checkbox"/>	Building Approval	
<input type="checkbox"/>	Sidewalk Café:	
<input type="checkbox"/>	Tree Removal Permit:	

Infrastructure/Utilities

Applicant must communicate directly with utility providers. These may include the following:

- PGE
- NW Natural
- Clackamas River Water (CRW)
- Telecomm (Comcast, Century Link)
- Water Environmental Services (WES)
- Garbage Collection (Waste Management, Hoodview Disposal and Recycling)

Economic Development/Incentives

<input type="checkbox"/>	Enterprise Zone:	
<input type="checkbox"/>	Vertical Housing Tax Credit:	
<input type="checkbox"/>	New Market Tax Credits:	
<input type="checkbox"/>	Housing Resources:	

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

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 a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. 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
Harmony Drake	Permit Technician	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

ENGINEERING DEPARTMENT

Steve Adams	City Engineer	503-786-7605
Jennifer Backhaus	Engineering Technician III	503-786-7617

PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Koliass	Senior Planner	503-786-7653
Brett Kolver	Associate Planner	503-786-7657
Mary Heberling	Assistant Planner	503-786-7658
Janine Gates	Assistant Planner	503-786-7627

COMMUNITY DEVELOPMENT DEPARTMENT

Kelly Brooks	Interim Community Development Director	503-786-7616
Alison Wicks	Development Project Manager	503-786-7661
Christina Fadenrecht	Housing & Economic Development Assistant	503-786-7624
Tempest Blanchard	Administrative Specialist II	503-786-7600
Emilie Bushlen	Administrative Specialist II	503-786-7600

CLACKAMAS FIRE DISTRICT

Mike Boumann	Lieutenant Deputy Fire Marshal	503-742-2673
Lt. Alex McGladrey	Fire Inspector	503-742-2660

Pre-Application Meeting Comments:

To: Janine Gates, City of Milwaukie

From: **Alex McGladrey**, Deputy Fire Marshal, Clackamas Fire District #1

Date: **20/04/2021**

Re: **21-004PA, Partition at 10610 SE Home Street**

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 and Building Code Officials. The following items should be addressed by the applicant:

Fire Department Apparatus Access

- 1) Provide address numbering that is clearly visible from the street
- 2) No part of a building may be more than 150 feet from an approved fire department access road.
- 3) Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants) and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- 4) Driveways serving up to three, single family dwellings or duplexes may be reduced to 12 feet in width, but shall provide 20 feet of clear width.
- 5) The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28 feet and 48 feet respectively, measured from the same center point.
- 6) Access roads between 12% and 15% grade will only be approved if fire sprinklers are installed in all new structures served by that road. Access roads in excess of 15% grade are generally not approved.
- 7) Provide an approved turnaround for dead end access roads exceeding 150 feet in length.

Note: Some options include providing a fire department turnaround, establishing an access road from Home Ave, residential fire sprinklers may be considered as an alternate when approved by the Fire Marshal.

- 8) Fire Department turnarounds shall meet the dimensions found in the fire code applications guide.
- 9) Fire department access roads must support a 75,000 lb. fire apparatus.
- 10) Gates across access roads must be pre-approved by the Fire District.
- 11) When fire access and water supply requirements cannot be met, installing residential fire sprinklers may be accepted as an alternate on a case by case basis.

Water Supply

- 1) Fire Hydrants, One and Two-Family Dwellings & Accessory Structures: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), additional fire hydrants and mains shall be provided.
- 2) For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:
 - a. <3,600 square feet (including attached garage)
 - i. 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)
 - b. >3,600 square feet (including attached garage)
 - i. Shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1)
 - ii. Shall meet hydrant coverage as specified in appendix C of the current Oregon Fire Code, (OFC , Table C105.1)

Note: In lieu of the above fire flow requirements, residential fire sprinklers may be considered as an alternate when approved by the Fire Marshal.

- 3) A Fire Access and Water Supply plan is required for subdivisions. 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 or hydraulic model when applicable and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. In addition, a PDF version shall be sent directly alex.mcgladrey@clackamasfire.com for review.
- 4) The applicant must obtain a stamp of approval from Clackamas Fire District #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.

Please see our design guide at:

<http://www.clackamasfire.com/wp-content/uploads/2020/07/2020-07-08-Fire-Code-Applications-Guide.pdf>

*Call or email with any questions. alex.mcgladrey@clackamasfire.com

Thank you,

Alex McGladrey
Deputy Fire Marshal
Clackamas Fire District #1
503-742-2662