



June 2, 2015

Land Use File(s): MLP-2015-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on June 2, 2015.

Applicant(s): Robert Sarkisian Ruta
Location(s): 11840 SE Beckman Ave
Tax Lot(s): 12E31DB00700
Application Type(s): Minor Land Partition
Decision: Approved, with Conditions
Review Criteria: **Milwaukie Zoning Ordinance:**

- MMC 19.301, Low Density Residential Zones
- MMC 19.504.8, Flag Lot Design and Development Standards
- MMC 19.700, Public Facility Improvements
- MMC 19.1005 Type II review
- MMC 17.12.040, Approval Criteria for Preliminary Plat
- MMC 17.20, Preliminary Plat
- MMC 17.28, Design Standards
- MMC 17.32, Improvements

Neighborhood(s): Linwood

Appeal period closes: 5:00 p.m., June 17, 2015

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Associate Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on June 17, 2015, which is 15 days from the date of this decision. Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

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

Findings in Support of Approval

1. The applicant, Robert Sarkisian Ruta, has applied for approval of a minor land partition for the property at 11840 SE Beckman Ave (Tax Lot ID 12E31DB00700) (site). The applicant is the property owner, and has authority to initiate the application per Milwaukie Municipal Code (MMC) 19.1001.6.A. The application was initially submitted on March 16, 2015, and deemed complete by the City of Milwaukie (City) as of April 14, 2015 when revised application materials were submitted by the applicant. The application has been assigned land use file number MLP-2015-001.
2. The site is in the R7 Low Density Residential zone and has no overlay zones or special areas designated in MMC Chapter 19.400. The Comprehensive Plan Land Use Designation for the site and adjacent properties is Low Density. The site has frontage on Beckman Ave and has an existing dwelling on the western portion of the site. The remainder of the site is undeveloped. Surrounding uses are single family residential dwellings also in the R7 zone.
3. The proposal is to partition the site into 3 parcels. The existing dwelling, garage, and barn are proposed to be demolished (Parcel 1). A double flag lot is proposed (Parcels 2 and 3). Parcel 2 would be a flag lot to the east of Parcel 1 with access onto SE Beckman Ave and a flag lot pole on the northern side of the site, and would be a vacant developable parcel in the R7 zone. Parcel 3 would be east of Parcel 2 with access onto SE Beckman Ave and a flag lot pole on the northern side of the site and would be a vacant developable parcel in the R7 zone. The applicant proposes a 20-ft private access easement that would allow access to all three parcels from SE Beckman Ave. The partition would involve dedication of 5 ft of right-of-way from the western portion of the site to SE Beckman Ave and construction of a 5-ft sidewalk and 3-ft planter strip. The site's existing driveway on SE Beckman Ave would be closed and a new combined driveway access would be constructed on the north side of the property.
4. The standards and criteria that are applicable to the applications are:
 - MMC 19.301, Low Density Residential Zones
 - MMC 19.504.8, Flag Lot Design and Development Standards
 - MMC 19.700, Public Facility Improvements
 - MMC 19.1005 Type II review
 - MMC 17.12.040, Approval Criteria for Preliminary Plat
 - MMC 17.20, Preliminary Plat
 - MMC 17.28, Design Standards
 - MMC 17.32, Improvements

Portions of the Milwaukie Municipal Code not addressed in these findings are found not to be applicable for purposes of rendering this land use decision.

5. MMC 19.901 establishes that a partition is subject to Type II review. The applications have been reviewed pursuant to the procedures for a Type II Review per MMC 19.1005. The application was deemed complete as of April 14, 2015.

- a. Per MMC 19.1005.1, the applicant had a preapplication conference on January 29, 2015.
 - b. Public Notice was provided for these applications pursuant to MMC 19.1005.3.
 - (1) Per MMC 19.1005.3.A, the applications were referred for comment to the groups listed in Finding 17 on April 30, 2015.
 - (2) Per MMC 19.1005.3.B, a notice that conforms to the requirements of that subsection was sent to the parties listed in MMC 19.1005.3.B.1 on May 1, 2015.
 - (3) Per MMC 19.1005.3.C, a notice sign was posted on May 4, 2015.
 - c. The City has issued a notice of decision on May 22, 2015 that conforms to the requirements of MMC 19.1005.5.
6. MMC 19.301 contains standards for Low Density Residential zones, including the R7 zone. The applications meet the standards of this section as described below.
- a. MMC 19.301.2 establishes uses allowed in the R7 zone. Development on the parcels will be subject to the uses allowed in this subsection.
 - b. MMC 19.301.4 establishes development standards for the R7 zone. The standards are met as follows:

Table 1 – Zoning Compliance

Residential Zone R-7 Development Standards				
	R-7 Zone Standards	Parcel 1	Parcel 2	Parcel 3
Lot Area	7,000 sq ft for single-family; 14,000 sq ft for duplex	7,025 sq ft	7,731 sq ft (excludes access pole)	8,316 sq ft (excludes access pole)
Lot Width	60 ft	66 ft	80 ft	80 ft
Lot Depth	80 ft	106 ft	95 ft	101 ft
Public Street Frontage	35 ft, 25 ft for single flag lot	66 ft	35 ft	35 ft
Lot Coverage	30% max.	0%; existing structures to be removed	0%	0%
Minimum Vegetation	35% min.	60% (approx.)	90% +	100%
Front Yard Setback	20 ft	NA	NA	NA
Side Yard Setback	5 ft / 10 ft	NA	NA	NA
Maximum Building Height	35 ft / 2.5 stories	NA	NA	NA

Side Yard Height Plane	45 degree angle, 20 ft above ground	NA	NA	NA
Rear Yard Setback	20 ft	NA	NA	NA
Residential Density	5.0 units/acre minimum; 6.2 units per acre maximum	3 dwelling units – see Finding for MMC 19.301.5.D [Net area of 29,480 sq ft = .68 ac 3.3 units minimum; 4.2 units maximum]		

- c. MMC 19.301.5.A establishes side yards for the R7 zone. The applicant's materials state that the proposed dwellings will comply with these standards.
 - d. MMC 19.301.5.C requires that a minimum of 40% of a front yard be vegetated. The applicant's materials state that the proposed dwellings will comply with these standards.
 - e. MMC 19.301.5.D requires that land divisions are required to meet the density requirements for the base zone. Based on the net lot area of 29,480 sf, the site's minimum density requirement is 3.3 units and the maximum density allowed is 4.2 units. Per the rounding procedures in MMC 19.202.4.B, the minimum density is rounded down to the nearest whole number for fractions of 0.50 and below, and maximum residential density is rounded down to the nearest whole number for fractions of 0.75 and below. The resulting minimum and maximum density for the site is 3 units and 4 units, respectively. The proposal results in 3 parcels that can each accommodate a single-family dwelling.
 - f. MMC 19.301.5.F states that 1 primary dwelling per lot is allowed in the R7 zone. All parcels will comply when development occurs.
 - g. MMC 19.301.5.G states that off-street parking and loading standards in Chapter 19.600 are applicable. Development on the parcels will be evaluated for compliance with these standards when development of a primary structure occurs.
 - h. MMC 19.301.5.H states that the Public Facility Improvements in Chapter 19.700 are applicable. These are addressed in Finding 8.
7. MMC 19.504.8 establishes flag lot design and development standards. This section is met as described below.
- a. MMC 19.504.8.A states that flag lots in all zones are subject to the development standards of MMC 19.504.8. Parcels 2 and 3 are flag lots and would be subject to the development standards in this subsection. Parcel 1 does not meet the definition of 'flag lot' in MMC 19.201 and is not subject to the development standards on MMC 19.504.8 (MMC 19.201, "Flag lot means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot; the development area or "flag" which comprises the actual building site, and the access strip or "pole" which provides access from the street to the flag").
 - b. MMC 19.504.8.B contains development standards for flag lots.
 - (1) MMC 19.504.8.B.1 states that the areas contained within the accessway or pole portion of the lot shall not be counted toward meeting the minimum lot area

requirement. Parcel 2 flag has 7,731 sf in area outside of the accessway and complies with the minimum lot area requirement for the R7 zone. Parcel 3 flag has 8,316 sf in area outside of the accessway and complies with the minimum lot area requirement for the R7 zone.

- (2) MMC 19.504.8.B.2 establishes yard setbacks of for flag lot development requiring a minimum 30-ft front and rear yard and 10-ft side yards. Future development on Parcel 2 and Parcel 3 will be required to comply with these standards.
- c. MMC 19.504.8.C prohibits variances of lot area, lot width, and lot depth standards. There are no variances requested for creation of Parcel 2 and Parcel 3.
 - d. MMC 19.504.8.D establishes standards for flag lot frontage, accessway, and driveway design.
 - (1) MMC 19.504.8.D.1 requires that flag lots shall have frontage and access on a public street and that the minimum width of the accessway and street frontage is 25 ft. This standard is not applicable as the proposal is for a double flag lot.
 - (2) MMC 19.504.8.D.2 requires that abutting flag lots shall have a combined frontage and accessway of 35 ft. Parcels 2 and 3 have frontage and access on SE Beckman Ave and the access pole and street frontage is 35 ft wide.
 - (3) MMC 19.504.8.D.3 contains standards for driveway design and emergency vehicle access. The proposed driveway would provide access to all 3 parcels through the access pole portion of the lots via an access easement.
 - (a) MMC 19.504.8.D.3.a requires that driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards. As conditioned, the proposed driveway will be constructed in accordance with these standards.
 - (b) MMC 19.504.8.D.3.b requires that driveways serving single flag lots shall have a minimum paved width of 12 ft. The proposed driveway is 20 ft wide and exceeds the required minimum paved width.
 - (c) MMC 19.504.8.D.3.c requires that 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. The proposed driveway is centered within the accessway.
 - (d) MMC 19.504.8.D.3.d requires that a paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required. Clackamas Fire District #1 (CFD) reviewed the proposed partition and had no comments regarding the proposed access and turnaround as shown on the plans. As conditioned, the plat shall also include appropriate easements or restrictions to maintain a 12-ft wide paved driveway with a 20-ft wide unobstructed driving surface and minimum 13 ft 6 in vertical clearance.
 - (e) MMC 19.504.8.D.3.e requires that driveways serving 2 flag lots shall be consolidated and have a minimum shared driveway width of 16 ft. The proposed driveway would serve only 2 flag lots and the parent lot with access easements to provide access to all three lots and a paved width of 20 ft is proposed. This standard is met.

- (f) MMC 19.504.8.D.3.f requires that the flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable. The proposed driveway would be a consolidated access that would serve the parent lot (Parcel 1) and the flag lots (Parcels 2 and 3). This standard is met.
 - (g) MMC 19.504.8.D.3.g requires that design standards for shared driveways serving more than 3 lots shall be specified by the Engineering Director after consultation with the Fire Marshal. The proposed driveway would serve 3 lots and CFD has reviewed the proposed partition. As conditioned, the driveway, turnaround, and future development on Parcels 1-3 shall comply with CFD requirements.
 - (h) MMC 19.504.8.D.3.h requires that 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. The proposed driveway is not suitably sized to allow the combined needs of parking and emergency access requirements. As conditioned, no parking signage shall be installed and maintained within the access pole area.
- (4) MMC 19.504.8.E contains standards for protection of adjoining properties for flag lot development. 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.
- (a) MMC 19.504.8.E.1 requires that 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.

As conditioned, planting and screening required pursuant to this subsection will be required prior to final inspection and occupancy of structures on Parcels 2 and 3.
 - (b) MMC 19.504.8.E.2 requires that 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 in MMC 19.504.8.E.2.a – c. Parcels 2 and 3 are part of the parent lot from which the flag lot is created, and screening on lot lines adjoining these parcels is not required. The applicant proposes a 7-ft clearance between the edge of pavement for the common access driveway and property line. A 6-ft high fence and vegetation in compliance with the regulations will be installed.
 - (c) MMC 19.504.8.F requires that 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.

As conditioned, no trees shall be removed from Parcels 2 and 3 unless required for development of the site, including construction of a primary structure, driveways necessary to access the site, and provision of utilities to the site. Prior to removal of any trees on site 6 in or greater in diameter, as measured at the lowest limb or 4 ft above the ground, whichever is less, the applicant shall submit a written statement explaining why removal of the tree is necessary for site development and demonstrating that there are no practicable alternatives to removal. The applicant's submittal materials state that any trees that are required to be removed, replanting shall be per the standards in MMC 19.504.8.F.

- (d) MMC 19.504.8.G requires that a landscaping plan shall be submitted to the Planning Director prior to issuance of a building permit for new construction. The applicant's submittal materials state that a landscaping plan will be submitted with the building permit application.

8. MMC 19.700 contains regulations for Public Facility Improvements. The proposal complies with these regulations as described in this finding.

- a. MMC Chapter 19.700 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to partition the existing parcel into 3 new lots. The partition triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

- b. MMC 19.704 requires submission of a transportation impact study documenting the development impacts on the surrounding transportation system.

The proposed development will not trigger a significant increase in trip generation and therefore does not require a transportation impact study.

MMC 19.704 does not apply to the proposed development.

- c. MMC 19.705 requires that transportation impacts of the proposed development be mitigated in rough proportion of the impacts.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service previous to the proposed development.

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

- d. MMC 19.708.1 requires that all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

MMC Section 19.708.1 requires all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

The applicant shall construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach apron shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line.

The applicant shall remove all signs, structures, or vegetation in excess of 3 ft in height from “vision clearance areas” at intersections of streets, driveways, and alleys.

The proposed development, as conditioned, is consistent with MMC 19.708.1.

- e. MMC Section 19.708.2 establishes standards for street design and improvement.

The applicant shall construct a half street improvement on the east side SE Beckman Avenue along the site’s frontage. The street improvement includes construction of a 14-ft wide paved half street, standard curb, minimum 4-foot wide planter strip, and minimum 5-ft wide setback sidewalk. The 14-ft paved half-street and curb are already installed along the development property, the applicant is only responsible for the planter strip and sidewalk.

The existing right-of-way width of SE Beckman Avenue fronting the proposed development is 40 ft. The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of SE Beckman Avenue a local street. According to Table 19.708.2 Street Design Standards, the required right-of-way width for a local street is between 20 ft and 68 ft depending on the required street improvements. The required right-of-way needed for the required street improvements is 50 ft. The applicant is responsible for 5 ft of right-of-way dedication along SE Beckman Avenue fronting the development property.

The proposed development, as conditioned, is consistent with MMC Section 19.708.2.

- f. MMC 19.708.3 requires that sidewalks shall be provided on the public street frontage of all development.

The construction of sidewalks along the proposed development property abutting SE Beckman Avenue is included in the street frontage requirements.

The proposed development, as conditioned, is consistent with MMC Section 19.708.3.

- g. MMC 19.708.4 establishes standards for bicycle facilities.

The portion of SE Beckman Avenue fronting the proposed development is not classified as a bike route in the Milwaukie Transportation System Plan. As a result, bicycle facility improvements are not required for the proposed development.

MMC 19.708.4 does not apply to the proposed development.

- h. MMC 19.708.5 establishes standards for pedestrian and bicycle paths.

The proposed development property is surrounded by single family residences. Except for sidewalks required by MMC 19.708.3, the proposed development does not present an opportunity to provide a pedestrian or bicycle path and is not required to provide one.

MMC 19.708.5 does not apply to the proposed development.

- i. MMC Section 19.1408.6 establishes standards for transit facilities.

The portion of Beckman Ave fronting the proposed development is not classified as a transit route in the Milwaukie Transportation System Plan. As a result, transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

9. MMC 19.1200 contains standards for solar access. The proposed partition complies with these standards as described below.

- a. MMC 19.1203.2 states that the standards of Chapter 19.1200 apply to applications for a development to create lots in single-family zones, and are applicable to the proposed partition.

- b. MMC 19.1203.4 states that an exemption from the standards of 19.1203.3 if an on-site shade condition applies to the site. A crown cover over at least 80% of the relevant portion exists. The exemption is approved provided that the applicant preserve at least 50% of the crown cover on the lot.

As conditioned, the proposal is consistent with Section 19.1200.

10. MMC 17.12.040 contains approval criteria for a preliminary plat. These criteria are met as described below.

- a. MMC 17.14.040.A.1 requires that the proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards. These findings demonstrate that the proposed preliminary plat comply with the applicable ordinances, regulations, and design standards in the Milwaukie Municipal Code.

- b. MMC 17.14.040.A.2 requires that the proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard. The buildable areas for the primary structures on the parcels are all adequate to accommodate the uses allowed in the R7 zone. The parcels do not have physical constraints that would necessitate the need for a variance.

- c. MMC 17.14.040.A.3 requires that the proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1). The proposed plat is a partition plat, and this criterion is not applicable.

- d. MMC 17.12.040.A.4 requires that the streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern. This criterion is satisfied within the confines of what the City can obtain for street right-of-way per MMC Chapter 19.700 in that the dedication of right-of-way for SE Beckman Ave will conform with the direction, width, and alignment of other sections of those rights-of-way in the vicinity. No other road connections through the site are desirable because the rights-of-way would not offer an opportunity to connect to another right-of-way through redevelopable parcels.

- e. MMC 17.12.040.A.5 requires a detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards. The applicant has submitted this information in the materials submitted for the land use application.

11. MMC 17.20 contains the information required for a preliminary plat application. The materials submitted by the applicant satisfy the requirements of this chapter.
12. MMC 17.28 contains design standards for land divisions and boundary changes. The proposed partition satisfies these as described below.
 - a. MMC 17.28.010 requires that partitions and subdivisions shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof and shall conform with the requirements of state laws and with the standards established by the City. As demonstrated by these findings, the partition conforms with all applicable city criteria and standards.
 - b. MMC 17.28.020 requires that all land divisions and boundary changes that increase the number of lots shall be subject to the requirements and standards contained in Chapter 19.700 Public Facility Improvements and the Public Works Standards for improvements to streets, sidewalks, bicycle facilities, transit facilities, and public utilities. As described elsewhere in these findings, the proposed partition complies with Chapter 19.700. Utilities and work within the right-of-way will be reviewed by the Milwaukie Engineering Department for conformance with Public Works Standards.
 - c. MMC 17.28.040 contains standards for lot design.
 - (1) MMC 17.28.040.A requires that the lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19. The proposed parcels have adequate size and dimensions for development and uses allowed in the R7 zone, and conform to the standards of Title 19 as described in these findings.
 - (2) MMC 17.28.040.B requires that lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street. The proposed parcels are rectilinear in shape, with side lot lines at right angles and the rear lot lines parallel to the street.
 - (3) MMC 17.28.040.C limits compound lot lines for side or rear lot lines. There are no compound lot lines proposed for side or rear lot lines on either parcel other than the change in direction allowed for transition between the accessway and the flag portion of Parcels 2 and 3.
 - (4) MMC 17.28.040.D allows lot shape standards to be varied pursuant to MMC 19.911. No variance is requested in this application.
 - (5) MMC 17.28.040.E states that double frontage and reversed frontage lots should be avoided except in certain situations. None of the parcels in the proposed partition have frontage on more than 1 public right-of-way.
 - (6) MMC 17.28.040.F requires that pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access. This standard applies when a lot has frontage on more than 1 street. All parcels in the proposed partition have only 1 street frontage. As established in Finding 6.b, these frontages meet the minimum required street frontage in the R7 zone.
 - d. MMC 17.28.080 contains criteria for public open spaces. The Milwaukie Comprehensive Plan does not identify any planned park or open space for the site. As such, no dedication for public open space is required.

13. MMC 17.28.050 establishes regulations for the circumstances under which flag lot partitioning is allowed – “Applicants for flag lot partitioning must show that access by means of a dedicated public street is not possible. Consideration shall be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots. The creation of flag lots shall not preclude the development of street access to surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots may be allowed as an interim measure. In this case, Planning Commission review shall be required and the flag lot(s) must be designed to allow for future street development. Dedication of the future street right-of-way shall be required as part of final plat approval.”

Access by means of a dedicated street on this site is not possible. The site is 101.11 ft wide. It is also not possible to dedicate right-of-way for a north/south street along the eastern or western boundary of the site. The minimum dedication needed to accommodate the street would leave the lots with less than the required 80 ft lot depth required in the R7 zone. Creation of a flag lot does not preclude street access that would limit the development potential of surrounding properties. Adjacent properties are able to obtain frontage from SE Beckman Ave for purposes of further land division.
14. MMC 17.28.060 contains flag lot design standards.
 - a. MMC 17.28.060.A requires that flag lot design is consistent with MMC Subsection 19.504.8. As established in Finding 8, the flag lot is consistent with this subsection.
 - b. MMC 17.28.060.B prohibits creation of more than 2 flag lots within the boundaries of the original parent lot. The proposed partition contains 2 flag lots.
15. MMC 17.28.070 prohibits flag lots in new subdivisions and subdivisions platted after August 20, 2002. The proposed land division would create only 3 lots and is not a subdivision.
16. MMC 17.32 describes required public improvements. The applicant proposes that all public improvements will meet the standards of this chapter.
17. As described in Finding 5, public notice of these applications was posted on site and mailed to parties identified in the Milwaukie Municipal Code. The applications were referred for comment to the following: Milwaukie Engineering Department, Milwaukie Building Department, Clackamas Fire District #1, and the Linwood Neighborhood District Association. The responses received are summarized below. Agencies did not respond if a response is not listed below.
 - Milwaukie Building Department – no comment
 - Milwaukie Engineering Department – the Milwaukie Engineering Department responded with a memorandum regarding public improvements and stormwater. The memorandum has been incorporated as the findings for MMC Chapter 19.700 and in the “Conditions of Approval” and “Other Requirements” sections of this notice.
 - Clackamas Fire District #1 – responded with a memorandum summarizing standards for water supply. These requirements are incorporated into the findings and conditions of approval.

Conditions of Approval

1. The applicant shall submit a final plat application within 6 months of the preliminary plat approval in accordance with MMC Subsection 17.24.040. The applicant shall obtain approval of the final plat prior to the expiration of this preliminary plat approval.

2. The applicant's final plat application shall include the items listed on the City of Milwaukie Final Plat Checklist. The following specific items and changes are required as part of the application:
 - a. A written narrative describing all changes made to the final plat that are not related to these conditions of approval.
 - b. A final plat that substantially conforms to the plans received by the Planning Department on March 16, 2015 and approved by this action, except as modified by these conditions of approval.
 - c. The plat shall include spaces for signatures by the Milwaukie Planning Director and Milwaukie Engineering Director, and a note indicating that this partition is subject to the requirements of City of Milwaukie Land Use Applications MLP-2015-001.
 - d. The plat shall include appropriate access easements on Parcels 2 and 3 for the benefit of all parcels, including responsibilities for maintenance of the easement areas.
 - e. The plat shall include appropriate easements or restrictions to maintain a 12-ft wide paved driveway with a 20-ft wide unobstructed driving surface and minimum 13-ft 6-in vertical clearance for fire apparatus access.
 - f. In order to comply with the requirements for an exemption to MMC 19.1203.3 Design Standards for Solar Access for New Development, the plat shall include language stating that, per MMC 19.1203.4, 50% of the tree crown cover shall be preserved.
3. Prior to approval of the final plat, the following shall be resolved.
 - a. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - b. Dedicate 5 ft of right-of-way on SE Beckman Avenue fronting the proposed development property.
 - c. Construct 4-ft wide landscape strip and 5-foot wide setback sidewalk fronting the proposed development property on SE Beckman Avenue. The half-street improvements include all necessary storm water system improvements necessary to accommodate the street improvements.
 - d. Construct a driveway approach to the new flag lots (Parcels 2 and 3) and combine the access with Parcel 1 to meet all guidelines of the Americans with Disabilities Act (ADA) prior to final inspection. The driveway approach apron shall be between 9 ft and 20 ft in width, at least 7.5 ft from the side property line.
 - e. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - f. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - g. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - h. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.

- i. Provide an erosion control plan and obtain an erosion control permit.
- j. Install all underground utilities, including stubs for utility service prior to surfacing any streets. Relocate or provide a private utility easement for all utilities encroaching onto adjacent properties.
- k. Provide a final approved set of Mylar “As Constructed” drawings to the City of Milwaukie prior to final inspection.
- l. Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.

Other requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process. They are included for the applicant’s convenience and do not necessarily represent all standards or requirements that may be applicable.

1. The Time Limit on Approval established in MMC 17.04.050 applies to this proposed partition.
 - a. MMC 17.040.050.A: All decisions on boundary changes and land divisions shall expire 1 year after the date of approval. Reactivation of expired decisions may only be made by submission of a new application and related fees. *Staff note - approval of a final plat must occur prior to the expiration of the preliminary plat approval on which the final plat is based.*
 - b. MMC 17.04.050.B: Approvals may be extended up to 6 months upon submission of formal request to the original decision-making authority. One extension of the approval period not to exceed 6 months will be granted if the criteria in MMC 17.04.050.B are satisfied.
2. The requirements on MMC 17.24 for preparation and recording the final plat are as follows:
 - a. MMC 17.24.040: Within 6 months of City approval the applicant shall submit the final plat for City signatures. Approval of the final plat shall be null and void if the plat is not submitted within the time specified or if the plat is not recorded within 30 days after the date the last required signature has been obtained. One copy of the recorded plat shall be supplied to the City.
 - b. MMC 17.04.120.B: Prior to recording a lot consolidation, property line adjustment, subdivision, or partition plat or replat, the applicant shall submit the recording instruments to the Planning Director for a determination of consistency with the City Code and required approvals.
 - c. MMC 17.04.120.A: Recording instruments for boundary change, subdivision, partition, and replat shall be submitted to the County Surveyor within 6 months of City approval.
3. At the time of application for a development permit on Parcels 2 and 3, the applicant shall submit landscaping plans meeting the standards of MMC 19.504.8.G. The plans shall include replanting per the standards in MMC 19.504.8.F for any trees that were required to be removed for development.

4. At the time of application for a development permit on all parcels, the applicant shall submit plans that meet water supply requirements as identified by Clackamas Fire District #1:
 - a. Where a portion of a structure is more than 600 ft 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. Current hydrants are located adjacent to 11985 SE Beckman, and 11717 SE Beckman, which do not appear to meet this requirement.
5. Prior to final inspection for any building on the proposed development site, the following shall be resolved:
 - a. Construct a private storm management system (e.g. drywell) on the proposed development property for runoff created by the proposed development. Connect all rain drains to the private storm management system.



Dennis Egner, AICP
Planning Director

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Alma Flores, Community Development Director (*via e-mail*)
Jason Rice, Engineering Director (*via e-mail*)
Brad Albert, Civil Engineer (*via e-mail*)
Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Matt Amos, CFD#1
NDA(s): Linwood (*via e-mail*)
Interested Persons
Land Use File(s): MLP-2015-001