



December 3, 2015

Land Use File: MLP-2015-003

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on December 3, 2015.

Applicant:	Michael and Jani Priestley
Location:	Unaddressed property on SE 36th Ave south of SE Harrison St
Tax Lot:	1S1E36AA 17900
Application Type:	Minor Land Partition (Preliminary Plat)
Decision:	Approved
Review Criteria:	<u>Milwaukie Land Division Ordinance (Title 17):</u> <ul style="list-style-type: none">• Chapter 17.12 Application Procedure & Approval Criteria• Chapter 17.16 Application Requirements and Procedures• Chapter 17.20 Preliminary Plat• Chapter 17.28 Design Standards• Chapter 17.32 Improvements <u>Milwaukie Zoning Ordinance (Title 19):</u> <ul style="list-style-type: none">• Section 19.302 Medium & High Density Residential Zones (including R-3)• Chapter 19.700 Public Facility Improvements• Section 19.1005 Type II Review• Chapter 19.1200 Solar Access Protection
Neighborhood(s):	Ardenwald-Johnson Creek (with proximity to Hector Campbell neighborhood)

Appeal period closes: 5:00 p.m., December 18, 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 Brett Kelter, Associate Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on December 18, 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.

Per MMC Subsection 17.04.050.A, this approval for land division shall expire 1 year after approval. An expired decision may only be reactivated by submitting a new application and fees. Extensions to the approval may be granted in accordance with the provisions of MMC Subsection 17.04.050.B.

Findings in Support of Approval

1. The applicants, Michael and Jani Priestley, have applied for approval of a minor land partition for the unaddressed property just south of 10960 SE 36th Avenue, which is identified on the Clackamas County Tax Assessor map as Tax Lot ID 1S1E36AA17900 (“the subject property”). The applicants are the property owners and have authority to initiate the application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. The application was initially submitted on September 17, 2015, and deemed complete on October 19, 2015. The land use application file number is MLP-2015-003.
2. The site is in the R-3 Medium Density Residential zone and includes no zoning overlays or special areas as designated in MMC Chapter 19.400. The Comprehensive Plan Land Use Designation for the site is Medium Density. The site has frontage on 36th Ave just south of SE Harrison Street and is undeveloped. Adjacent properties on the west side of 36th Ave are also zoned R-3; properties on the east side of 36th Ave are zoned Residential R-7. The immediate vicinity on both sides of the street is developed primarily with single-family detached dwellings, although the large site adjacent to the subject property is developed with multifamily dwellings, as is another large site two lots away to the south.
3. The proposal is to partition the subject property into two parcels of approximately 6,000 sq ft each, large enough to accommodate duplex development as allowed in the R-3 zone. Both parcels will have approximately 52.5 ft of frontage on 36th Ave. The existing public right-of-way on 36th Ave is 60 ft wide; no right-of-way dedication is required. However, street improvements along the frontage will be provided as required by MMC Chapter 19.700, including construction of a 14-ft paved half-street, curb and gutter, 5-ft stormwater planter strip, and 5-ft sidewalk.
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1005 Type II Review
 - MMC Chapter 17.12 Application Procedure & Approval Criteria
 - MMC Chapter 17.16 Application Requirements and Procedures
 - MMC Chapter 17.20 Preliminary Plat
 - MMC Chapter 17.28 Design Standards
 - MMC Chapter 17.32 Improvements
 - MMC Section 19.302 Medium & High Density Residential Zones (including R-3)
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Chapter 19.1200 Solar Access Protection

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

5. As established in MMC Section 19.901, partitions are subject to Type II review. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review. Public notice was mailed to property owners and residents of lots within 300 ft of the subject property on October 21, 2015, with a minimum of 14 days to comment on the application. A notice of the application was posted on the subject property on October 26, 2015.

6. MMC Chapter 17.12 Application Procedure and Approval Criteria

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

- a. MMC Subsection 17.14.040.A.1 requires that the proposed preliminary plat complies with Title 19 Zoning and other applicable ordinances, regulations, and design standards.

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

- b. MMC Subsection 17.14.040.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.

As proposed, the buildable areas for the primary structures on the new parcels are all adequate to accommodate the uses allowed in the R-3 zone. The parcels do not have physical constraints that would necessitate the need for a variance. As proposed, this criterion is met.

- c. MMC Subsection 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; therefore, this criterion is not applicable.

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

The existing public right-of-way on 36th Ave, which has a functional classification as a local street, is 60 ft wide. No additional right-of-way is required, and no changes to the layout of the existing street are proposed. As proposed, this criterion is met.

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

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

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

7. MMC Chapter 17.16 Application Requirements and Procedures

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

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

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

8. MMC Chapter 17.20 Preliminary Plat

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

The applicant's preliminary plat submittal is to scale, shows dimensions, includes a vicinity map, shows existing adjacent structures, indicates minimum setbacks for future development,

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

9. MMC Chapter 17.28 Design Standards

MMC 17.28 establishes design standards for land divisions and boundary changes, including a requirement for conformity with other City development plans, the applicability of MMC Chapter 19.700 Public Facility Improvements, and a requirement to provide utility easements as needed.

In particular, MMC Section 17.28.040 establishes standards for general lot design.

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

The proposed parcels meet the minimum area and dimensional requirements for the underlying R-3 zone. The new parcels are oriented to face the public street on 36th Avenue and conform to the other relevant standards of Title 19 as described in these findings.

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

The proposed parcels are rectilinear in shape, with side lot lines at right angles and the rear lot lines parallel to the street on 36th Ave.

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

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

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

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

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

Neither of the proposed parcels have frontage on more than one public right-of-way.

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

Both parcels in the proposed partition have only one street frontage each, along 36th Ave. As discussed in Finding 11-b, these frontages meet the minimum requirements for street frontage in the R-3 zone.

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

10. MMC Chapter 17.32 Improvements

MMC 17.32 establishes procedures for public improvements, including a requirement to place new utilities underground.

As evidenced by the applicant's submittal materials, all new utilities will be placed underground except the electrical service, which exists as an overhead service on the opposite (east) side of 36th Ave from the proposed partition.

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

11. MMC Section 19.302 Medium and High Density Residential Zones (including R-3)

MMC 19.302 contains standards for Medium and Density Residential zones, including the R-3 zone. The application meets the applicable standards of this section as described below.

- a. MMC Subsection 19.302.2 Allowed Uses

MMC 19.302.2 establishes the uses allowed in the R-3 zone, including single-family detached dwellings and duplexes as outright permitted uses.

The applicant has indicated that both parcels will be developed with duplexes, which is an allowed use in the R-3 zone. At the time of future development, the actual proposed uses will be reviewed for compliance with the standards of this subsection.

As proposed, this standard is met.

- b. MMC Subsection 19.302.4 Development Standards

MMC 19.302.4 establishes development standards for the R-3 zone. The applicable standards are addressed and met as described in Table 1 (Zoning Compliance) below.

The standards for yard setbacks, building height, lot coverage, and minimum vegetation are not applicable at the time of partition and will be addressed at the time of development.

Table 1 – Zoning Compliance Residential Zone R-3 Development Standards			
Standard	Required	Proposed Parcel 1	Proposed Parcel 2
Lot Area	5,000 sq ft for single-family; 6,000 sq ft for duplex	6,048 sq ft	6,052 sq ft
Lot Width	50 ft	52.62 ft	52.65 ft
Lot Depth	80 ft	114.95 ft	114.95 ft
Public Street Frontage	35 ft (for standard lot)	52.62 ft	52.65 ft
Residential Density	Minimum: 11.6 units/acre For site = 3 units	Large enough for 2 units (duplex)	Large enough for 2 units (duplex)
	Maximum: 14.5 units/acre For site = 4 units		

As proposed, the applicable standards of this subsection are met.

c. MMC 19.302.5 Additional Development Standards

MMC 19.302.5 establishes additional development standards applicable to the R-3 zone, including side yards, lot coverage, minimum vegetation, height exceptions, residential densities, building limitations, transition measures, off-street parking, and public facility improvements. The requirements for public facility improvements are addressed in Finding 12; compliance with the other applicable standards will be determined at the time of future development.

Regarding the standard for residential densities, MMC Subsection 19.302.5.F.1 establishes that development of a single-family detached dwelling is exempt from the minimum and maximum density requirements. Although the proposed new parcels are each large enough for duplex development, the allowance of MMC 19.302.5.F.1 provides for the potential development of single-family detached dwellings on one or both parcels. For the purposes of the proposed partition, the minimum and maximum density requirements are met in principle.

As proposed, the applicable standards of this subsection are met.

As proposed, the Planning Director finds that the applicable R-3 zone standards of MMC 19.302 are met.

12. MMC Chapter 19.700 Public Facility Improvements

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

a. MMC Section 19.702 Applicability

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

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

MMC 19.700 applies to the proposed development.

b. MMC Section 19.703 Review Process

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

The applicant had a preapplication conference with City staff prior to application submittal, on May 28, 2015. The proposed development does not trigger a TIS (as addressed in Finding 12-c), but it does require a preliminary plat application; the proposal's compliance with MMC 19.700 is being reviewed as part of the preliminary plat application and a separate TFR application is not necessary. Finding 12-e addresses the proposal's compliance with the approval criteria established in MMC 19.703.3, particularly the required transportation facility improvements.

c. MMC Section 19.704 Transportation Impact Evaluation

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

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

d. MMC Section 19.705 Rough Proportionality

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

Finding 12-e addresses the specific improvements that are required to the subject property's street frontage along 36th Ave, for which a condition of approval has been established. 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.

As conditioned, the proposed development is consistent with MMC 19.705.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

- (1) MMC Subsection 19.708.1 establishes general requirements and standards for streets, including 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. In addition, 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. A condition of approval has been established to ensure that the applicable general requirements and standards are met.

As conditioned, the proposed development is consistent with MMC 19.708.1.

- (2) MMC Subsection 19.708.2 establishes more specific standards for street design and improvement based on functional classification.

The existing right-of-way width of 36th Avenue fronting the proposed development is 60 ft. The Milwaukie TSP and Transportation Design Manual classify the fronting portions of 36th Ave a local street.

In proportion to the potential impacts of the proposed development, a condition of approval has been established to require improvements along 36th Ave. The applicant shall construct a half street improvement on the west side of 36th Ave along the site's frontage. The street improvements include, beginning from the center of the right-of-way, a 14-ft wide paved half-street, curb and gutter, a 5-ft stormwater planter strip, and a 5-ft setback sidewalk.

According to MMC Table 19.708.2, the required right-of-way width for a local street is between 20 ft and 68 ft depending on the required street improvements. The existing right-of-way width on 36th Ave is 60 ft, which is sufficient to accommodate the required improvements. The applicant is not responsible for right-of-way dedication.

As conditioned, the proposed development is consistent with MMC 19.708.2.

- (3) MMC Subsection 19.708.3 establishes sidewalks shall be provided on the public street frontage of all development.

As addressed in Finding 12-e-2, a condition requiring the construction of sidewalks along the frontage of the subject property abutting 36th Ave is included in the street frontage requirements.

As conditioned, the proposed development is consistent with MMC Subsection 19.708.3.

- (4) MMC Subsection 19.708.4 establishes standards for bicycle facilities.

The portion of 36th Ave fronting the proposed development is not classified as a bike route in the Milwaukie TSP. As a result, bicycle facility improvements are not required for the proposed development.

MMC 19.708.4 does not apply to the proposed development.

- (5) MMC Subsection 19.708.5 establishes standards for pedestrian and bicycle paths.

The proposed development property is surrounded by single-family residences. 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.

- (6) MMC Subsection 19.708.6 establishes standards for transit facilities.

The portion of 36th Ave fronting the proposed development is not classified as a transit route in the Milwaukie TSP. As a result, transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

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

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

13. MMC Chapter 19.1200 Solar Access Protection

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

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

The proposed partition will create new parcels in the R-3 zone, which is a zone that allows single-family residences. As discussed in Findings 13-b, 13-c, and 13-d, the solar design standards of MMC 19.1203.3 are applicable, but exemptions and adjustments are warranted.

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

The new parcels created by the proposed partition do not meet the basic requirements for north-south dimension and front-lot-line orientation to a true east-west axis. However, as discussed in Findings 13-c and 13-d, exemptions and adjustments are warranted.

As proposed, and with the exemptions and adjustments warranted as discussed in Findings 13-c and 13-d, the solar design standards are met.

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

In the case of proposed Parcel 2, the adjacent property to the south (10669 SE 36th Avenue) includes an existing single-family dwelling and some vegetation within the required side and rear yard setbacks. Those features produce a shadow pattern that would significantly affect development within the allowable development footprint on Parcel 2, which has a narrow north-south dimension.

The Planning Director finds that an exception from the solar design standards of MMC 19.1203.3 is warranted for Parcel 2.

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

In the case of proposed Parcel 1, the applicant has noted that the application of the solar design standards would render Parcel 1 undevelopable, which would reduce the residential density of the overall subject property to only 1 duplex (2 units). As outlined in Table 1 of Finding 11-b, the minimum required density for the subject property is 3 units.

The Planning Director finds that an adjustment is warranted to reduce the percentage of lots that must comply with the solar design standards of MMC 19.1203.3 to 50%, to ensure that Parcel 1 is developable and can meet the minimum required density for the R-3 zone.

As proposed, and with exemptions and adjustments warranted as provided in MMC Subsections 19.1203.4 and 19.1203.5, respectively, the Planning Director finds that both new parcels are essentially exempt from the solar design standards of MMC 19.1203.3 and that the proposed partition therefore meets the applicable solar access provisions established in MMC 19.1200.

14. As described in Finding 5, public notice of the application was posted on site and mailed as required by the Type II review process established in MMC 19.1005. The application was referred for comment to the following departments and agencies on October 21, 2015: Milwaukie Engineering Department, Milwaukie Building Department, Clackamas Fire District #1, Ardenwald-Johnson Creek and Hector Campbell Neighborhood District Associations (NDAs), Clackamas County, Metro, and TriMet. The responses received are summarized below.

- TriMet – No comment on the proposed plans.
- Clackamas Fire District #1 – No comments for this proposal.
- Lars Campbell, Land Use Chair, Hector Campbell NDA – No problems with the application.
- Milwaukie Engineering Department – The Milwaukie Engineering Department responded with a memorandum regarding public facility improvements and stormwater management requirements. 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.
- Christin Ritz and Sean Rogers, property owners at 10692 SE 36th Avenue – Concern about potential tree removal on the subject property, the amount of lot coverage to be expected from two new duplexes on the site, and the impacts of increases to residential density and congestion on the street.
- DuWayne and Stephanie Edmunds, property owners at 10606 SE 36th Avenue – Concern about on-street parking congestion and increasing the number of non-owner-occupied rental properties on the street.
- Michael Chojnacki, property owner at 10669 SE 36th Avenue – Concern about potential tree removal on the subject property and impacts to on-street parking.
- Nick Cornilsen, property owner at 10691 SE 36th Avenue – Concern about on-street parking, with a recommendation to require no less than 3 off-street parking spaces for every 2 new dwelling units proposed.

Response to Public Comments: The applicant has demonstrated that duplex development on each new parcel can meet all current standards related to off-street parking (including the requirement for 1 off-street space per dwelling unit, with required spaces located outside the required front yard). There is nothing in the proposal to suggest that new units on the proposed new parcels would exceed normal parking demand.

Regarding tree removal, the City’s only regulations on private property apply when the tree(s) are within a designated natural resource area or where a flag lot partition is proposed. The subject property does not include any designated natural resource areas and the proposed partition does not include any flag lots.

Conditions of Approval

1. The applicant shall submit a final plat application within 6 months of this preliminary plat approval, in accordance with MMC Section 17.24.040. The applicant shall obtain approval of the final plat prior to the expiration of the preliminary plat approval, which is established by MMC Section 17.04.050 as 1 year from the date of this 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/or 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 September 17, 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 Application File #MLP-2015-003.
3. Prior to approval of the final plat, the following shall be resolved:
 - a. Submit a stormwater 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 stormwater management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - b. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - c. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - d. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - e. Provide a payment and performance bond for 100% of the cost of the required public improvements.
 - f. Provide an erosion control plan and obtain an erosion control permit.
 - g. 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.
 - h. Along the 36th Avenue street frontage of the subject property, construct the paved width necessary to achieve 14-ft of asphalt from the right-of-way center line, curb and gutter, and a minimum 5-ft width stormwater planter strip which shall be completely encased by concrete curb.
 - i. Provide a bond in the amount equivalent to the cost of constructing the required 5-ft sidewalk and driveway approaches, to be held by the City until building permits are submitted.
 - j. Provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to final inspection.

- k. 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. New development on either of the new parcels is subject to the applicable standards and requirements of the underlying R-3 zone (MMC Section 19.302) and the rest of MMC Title 19 Zoning, such as for off-street parking, accessory structures,
2. Prior to final inspection for any building on either of the new parcels, the following shall be resolved:
 - a. Construct a private stormwater management system (e.g., drywell) on the proposed development property for runoff created by the proposed development. Connect all rain drains to the private stormwater management system.



Dennis Egner, AICP
Planning Director

cc: Michael and Jani Priestly, Applicant (16991 Maple Cir, Lake Oswego, OR 97034)
Danelle Isenhardt of Isenhardt Consulting, Applicant's representative (P.O. Box 2364,
Beaverton, OR 97075)
Planning Commission (*via e-mail*)
Alma Flores, Community Development Director (*via e-mail*)
Chuck Eaton, Engineering Director (*via e-mail*)
Chrissy Dawson, Engineering Technician II (*via e-mail*)
Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Matt Amos, CFD#1 (*via e-mail*)
NDAs: Ardenwald-Johnson Creek and Hector Campbell (*via e-mail*)
Interested Persons
Land Use File: MLP-2015-003