

Mission Park

Subdivision Land Use Application

Milwaukie, OR 97222

July 13, 2016

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MILWAUKIE PLANNING DEPARTMENT

Mission Park

Subdivision Land Use Application

Prepared for:

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Prepared by:

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July 13, 2016

Ms. Vera Koliass AICP, Associate Planner
CITY OF MILWAUKIE, OREGON
Planning Department
6101 SE Johnson Creek Blvd.
Milwaukie OR 97206

RE: Mission Park Subdivision
FILE #: S-2016-001
Response for additional information - Completeness of Application

Dear Vera,

This letter is submitted in response to your incompleteness letter dated June 24, 2016 requesting additional information in order to deem the Mission Park Subdivision, File #S-2016-001 complete. This letter and enclosed materials are submitted by the applicant to supplement the application plans, narrative responses, and exhibits submitted to date. As per your letter, twenty-two (22) copies of all original and revised materials are enclosed.

Each of the items in your letter are addressed as follows:

Information Necessary to Complete Application

1. Compliance with MMC Title 17.20 – Preliminary Plat

- a. *Sheet P100 of the submitted plan set denotes a different property owner than the owner listed on page 1 of the application narrative. Please revise the submittal so that this information is correct and consistent within the application sections.*
Response: Sheet P100 of the preliminary engineering plan set and the application narrative have both been revised to reflect consistent property owner information.
- b. *The preliminary plat as submitted (Sheet P300) has not been stamped by an Oregon registered land surveyor as required.*
Response: Sheet P300 of the preliminary engineering plan set has been stamped by an Oregon registered land surveyor.
- c. *The preliminary plat as submitted (Sheet P300) does not include the location by section, township, and range and does not include a legal description as required. The property description noted on Sheet P100 identifies only tax map and lot information with 2 lots listed, whereas 6 lots are the extent of the property.*
Response: Sheet P300 of the preliminary engineering plan set has been revised to include the subject property location by section, township, and range, as well as a legal description. Sheet P100 has been revised to reflect the appropriate property description.
- d. *Contour lines with intervals at a minimum of 2 feet for slopes up to 10 percent and 5 feet for slopes over 10 percent have not been included on the existing conditions plan (Sheet P200); only spot elevations have been included on this sheet.*

Response: Sheet P200 of the preliminary engineering plan set has been revised to reflect contour lines with intervals at a minimum of 2 feet for slopes up to 10 percent and 5 feet for slopes over 10 percent.

- e. *The preliminary plat as submitted (Sheet P300) identifies Tract A (1,272 SF): what is the purpose of Tract A? Information regarding its use, ownership, etc. does not appear to be included.*

Response: Sheet P300 of the preliminary engineering plan set has been revised to reflect a public right-of-way dedication of 1,272 S. F. previously labeled Tract A.

2. Compliance with MMC Title 17.28 – Design Standards

3. Compliance with MMC Title 19.708

Response: The application narrative has been revised to address the subsections you cited in your completeness letter from these Chapters. Additionally, the preliminary engineering plan set has been revised to reflect sidewalk connectivity at the west end of the proposed Lewellyn St., as well as ADA compliant ramps at the end of all sidewalks.

4. *A 6.5' dedication on King Road frontage was not included in the plans. This dedication was required, and identified in the pre-application conference notes. This dedication will adjust the northern property line of Lot 1, which will in turn affect the adjoining lot. Please review and revise plans accordingly.*

Response: The preliminary engineering plan sets have been revised to include a 6.5' dedication on King Road frontage.

Lastly, your letter noted the number of existing trees on the property and the fact that the removal of these trees for development is not currently regulated. The applicant, Mission Homes NW, has retained a Certified Arborist to inventory and assess the condition of all trees on the subject property 12" in size and greater.

With submittal of this letter and enclosed revised materials, it is our understanding that this land use application is complete. We look forward to your confirmation of completeness.

Please feel free to contact me if you have any questions.

Sincerely,

Westlake Consultants, Inc.



Kenneth L. Sandblast, AICP
Director of Planning

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List of Exhibits

- A Land Use Application Form
- B Land Use Application Submittal Requirements Checklist
- C Preliminary Plat Checklist and Procedures
- D Preliminary Title Report
- E Pre-Application Conference Report
- F Storm Drainage Report
- G Geotechnical Report
- H Preliminary Engineering Plan Set
- I Subdivision Naming Approval
- J Future Connectivity and Development Concept Plan
- K Tax Map 1S2E30CD

Application and Subject Site Summary

SUBJECT PROPERTY: Tax Map 12E30CD
Tax Lots: 6900, 7400, 7700, 7701, 10300, 10400

PROPERTY LOCATION: 5126 SE King Rd.
Milwaukie, OR 97222

PROPOSAL: 14 Lot Subdivision

SITE SIZE: 2.66 Acres

ZONING DESIGNATION: R-5

PROPERTY OWNER: Paul Deggendorfer
11813 NE 15th Ave.
Vancouver, WA 98684

Eva Maria Deggendorfer
PO Box 1689
Lake Oswego, OR 97222

APPLICANT: Mission Homes NW, LLC.
PO Box 1689
Lake Oswego, OR 97035
Phone: (503) 781 - 1814

APPLICANT'S REPRESENTATIVE: Ken Sandblast, AICP
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15115 SW Sequoia Parkway, Suite 150
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Project Description

The proposed development subdivision comprised of 14 lots and 2 tracts on a 2.66 acre property fronting the south side of King Rd., west of SE 52nd Ave. in the City of Milwaukie (5126 SE King Rd, Milwaukie, OR 97222, Tax Map 12E30CD, Tax Lots: 6900, 7400, 7700, 7701, 10300, 10400). Two existing single family dwellings will be removed. Fourteen new lots will be served by two new public streets, SE 51st Ave. and Llewellyn Street. SE 51st Ave. will run north to south through the property, connecting to SE King Rd. on the north end of the site. Llewellyn St. will connect to SE 51st Ave. near the center of the site, ending near the western boundary of the property.

City utility services are available providing public water and public sewer in the adjacent King Road public right-of-way. The proposed 14-lot subdivision proposes to extend public sanitary and water lines as necessary to serve all of the proposed new lots.

Compliance with Applicable Standards for Subdivision Approval

After reviewing the City of Milwaukie Municipal Code, the applicant has found the following sections to be applicable to this subdivision preliminary plat application:

Chapter 12.16.040 Access Requirements and Standards

Chapter 12.24.030 Requirements

Chapter 17.12 Application Procedure and Approval Criteria

Chapter 17.16 Application Requirements and Procedure

Chapter 17.20 Preliminary Plat

Chapter 17.28 Design Standards

Chapter 17.32 Improvements

Chapter 17.44 Exceptions and Variances

Chapter 19.300 Base Zones

Chapter 19.400 Overlay Zones and Special Areas

Chapter 19.500 Supplementary Development Regulations

Chapter 19.600 Off-Street Parking and Loading

Chapter 19.700 Public Facility Improvements

Chapter 19.10000 Review Procedures

Chapter 19.1200 Solar Access Protection

Land Use Permit Request: Subdivision Preliminary Plat Application

As noted in *Milwaukie Municipal Code 17.12.020.E. (Application Procedure)*, subdivision preliminary plat applications shall be processed as a Type III Review in accordance with Section 19.1006. This application presents facts and narrative responses for approval of the Subdivision Preliminary Plat Application, pursuant to applicable requirements of the Milwaukie Municipal Code.

The following text recites applicable provisions of the Milwaukie Municipal Code, followed by a **Response** statement from the Applicant. References are made to several attached **Exhibits** containing evidence in support of the application.

TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards.

Response: The applicant has satisfied this condition by providing street access to the proposed lots in compliance with the provisions set forth in the Milwaukie Public Works Standards.

B. Access Spacing

1. Standards

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of three hundred (300) feet.

Response: These provisions are not applicable as no accessways on arterial or collector streets are proposed.

C. Accessway Location

1. Double Frontage

When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

Response: This provision is not applicable as no double frontage lots are proposed.

2. Location Limitations

Individual access to single-family residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the Engineering Director only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

Response: This provision is not applicable as no individual access to lots from arterial or collector streets is proposed.

3. Distance from Property Line

The nearest edge of the driveway apron shall be at least seven and one-half (7½) feet from the side property line in residential districts and at least ten (10) feet from the

side property line in all other districts. This standard does not apply to accessways shared between two or more properties.

Response: The applicant has satisfied this provision by proposing lots that will allow future houses to be site upon each lot with driveways that can satisfy the standards of this section.

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curb, the distance shall be measured from the nearest intersecting street edge of pavement.

- a. *At least forty-five (45) feet for single-family residential properties accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.*

Response: The applicant has satisfied this provision by proposing lots that will allow future houses to be site upon each lot with driveways that can satisfy the standards of this section.

- b. *At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.*

Response: This provision is not applicable as the proposed development does not include any accessways on a collector road.

- c. *At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.*

Response: This provision is not applicable as the proposed development does not include any accessways on an arterial road.

D. Number of Accessway Locations

1. Safe Access

Accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

Response: The applicant has satisfied this provision by designing the proposed subdivision with the minimum necessary amount of accessways, so as to ensure safe circulation, and to not inhibit the carrying capacity of the streets. Each proposed lot has one access onto a public street. Lots 1, 2, 3, 9, 10, 11, 12, 13, and 14 take access onto SE 51st Ave. Lots 4, 5, 6, 7 and 8 take access onto Llewellyn St.

2. Shared Access

The number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multifamily areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared

accessways or internal access between uses shall be established by means of common access easements.

Response: This provision is not applicable as shared accessways and accessways on collector and arterial streets are not proposed.

3. Single-Family Residential

One (1) accessway per property is allowed for single-family residential uses.

- a. For lots with more than one (1) street frontage on a local street and/or neighborhood route, one (1) additional accessway may be granted. Under such circumstances, a street frontage shall have no more than one (1) driveway approach.*

Response: This provision is not applicable as no lots with more than one street frontage are proposed.

- b. For lots with one (1) street frontage on a local street and/or neighborhood route, one (1) additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the Engineering Director. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50)-foot spacing cannot be met, an additional accessway shall not be granted.*

Response: This provision is not applicable as the proposed subdivision does not propose lots with more than one accessway.

E. Accessway Design

1. Design Guidelines

Driveway approaches shall meet all applicable standards of the Americans with Disabilities Act and Milwaukie Public Works Standards.

Response: The applicant acknowledges this provision. All future driveway approaches will comply with applicable standards of the Americans with Disabilities Act and Milwaukie Public Works Standards.

F. Accessway Size

- 2. Single-family attached and detached residential uses shall have a minimum driveway apron width of nine (9) feet and a maximum width of twenty (20) feet.*

Response: The applicant has satisfied this provision by designing all proposed driveway aprons with a width of 20 feet.

12.24.030 REQUIREMENTS

A. No person shall maintain, or allow to exist on property which they own or which is in their possession or control, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of City streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

Response: The applicant acknowledges the applicable provisions of this section

B. A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection as provided by Section 12.24.040.

Response: The applicant is aware of these provisions. A clear vision area will be maintained at all driveways and accessways. Lots 1, 3, 8, 10 and 11 being adjacent to intersections, will also maintain a clear vision area. Compliance can be assured through a condition of approval.

C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum height of six (6) feet. (Ord. 2004 § 1, 2009; Ord. 1679 § 3, 1990)

Response: The applicant is aware of these provisions. A clear vision area will be maintained at all driveways and accessways. Lots 1, 3, 8, 10 and 11 being adjacent to intersections, will also maintain a clear vision area. Compliance can be assured through a condition of approval.

TITLE 17: LAND DIVISION

17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT

A. Approval Criteria

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

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

Response: The applicant is in compliance with this provision, as demonstrated by this application narrative and submitted exhibits, including preliminary engineering plans, preliminary plat and stormwater report.

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

Response: The applicant is in compliance with this provision as the proposed development will not create a need for a variance of any land division or zoning standard.

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

Response: The applicant is in compliance with this provision as the proposed subdivision plat name satisfies the applicable provisions of ORS 92.090(1) and is not duplicative (see Exhibit J).

- 4. The streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all*

other respects unless the City determines it is in the public interest to modify the street or road pattern.

Response: The applicant has satisfied this provision by proposing streets and roads laid out so as to conform to the width, general direction, and all other respects of that of SE King Rd., SE Home Ave., and SE 52nd Ave.

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

Response: The applicant is in compliance with this provision as this narrative herein and submitted exhibits demonstrate how the proposal satisfies all applicable code sections and design standards.

B. Conditions of Approval

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

Response: The applicant is aware of this provision. Compliance can be assured through a condition of approval.

17.16.060 PRELIMINARY PLAT FOR PARTITION AND SUBDIVISION

The following shall accompany applications for partition:

- A. *Completed application form signed by all owners of property included in the proposal;*

Response: The applicant has satisfied this provision by including with this application a completed application form signed by all property owners (see Exhibit A).

- B. *Application fee as adopted by the City Council;*

Response: The applicant has satisfied this provision by including with this application all associated fees.

- C. *Completed and signed “submission requirements” and “partition checklist” or “subdivision checklist” forms as appropriate;*

Response: The applicant has satisfied this provision by including with this application a completed and signed submission requirements form and subdivision checklist form (see Exhibit B and Exhibit C).

- D. *All information specified on the “submission requirements” and “partition checklist” or “subdivision checklist” forms as appropriate;*

Response: The applicant has satisfied this provision by including with this application a completed and signed submission requirements form and subdivision checklist form; all information specified is appropriate (see Exhibit B and Exhibit C).

- E. *Requirements and information specified in Chapter 17.20; and*
Response: The applicant has satisfied this provision by reviewing Chapter 17.20 and addressing compliance with all provisions found to be applicable to this application.
- F. *Any additional information as may be needed to demonstrate compliance with approval*
Response: The applicant has satisfied this provision by reviewing the Milwaukie Municipal Code and addressing compliance with all provisions found to be applicable to this application.

17.20.010 SUBMISSION OF PLANS

Applicants for partition, subdivision, and replat shall prepare a preliminary plat and such improvement plans and other supplemental material including as may be required to describe and represent the objectives of the proposal. (Ord. 1907 (Attach. 1), 2002)

Response: The applicant has satisfied this provision by including with this application a preliminary plat (see Exhibit H), improvement plans, and all other necessary supplemental materials to properly represent the objectives of the proposal.

17.20.020 SCALE

The preliminary plat shall be drawn at a scale and on a sheet size that reliably and conveniently represents design details sufficient for the proper plan review and determination of compliance with this title. (Ord. 1907 (Attach. 1), 2002)

Response: The applicant has satisfied this provision by providing a preliminary plat drawn to scale and on a sheet size to insure all design details are legible (see Exhibit H).

17.20.030 GENERAL INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

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

Response: The applicant has satisfied this provision by providing a preliminary plat prepared by a land surveyor registered in the state of Oregon.

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

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

11. *Other information as maybe specified on application forms and checklists prescribed by the Planning Director.*

Response: The applicant has satisfied 17.20.030.B.(1-11) by including all required general information with the preliminary plat (see Exhibit H).

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

Response: The applicant has satisfied 17.20.030.C by including all necessary design standards with the vicinity map (see Exhibit H).

17.20.050 EXISTING CONDITIONS

The following shall be shown on the preliminary plat:

A. Location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features, such as section lines and corners, City boundary lines, and monuments.

B. Contour lines related to an established benchmark or other datum approved by the Engineering Director, with intervals at a minimum of 2 feet for slopes up to 10% and 5 feet for slopes over 10%.

C. Location within the area to be divided, and in the adjoining streets and property, of existing sewers, water mains, culverts, storm drain system, and electric conduits or lines proposed to service the property to be subdivided, and invert elevations of sewer manholes, drain pipes, and culverts.

D. Zoning and existing uses within the tract and 200 feet on all sides, including the location and use of all existing structures indicating those that will remain and those to be removed.

E. Approximate location of areas subject to inundation or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract including wetlands and watercourses as shown on City-adopted natural resource and Title 3 maps.

F. Natural features such as rock outcroppings, drainages whether seasonal or perennial, wooded areas, and isolated trees, including type and caliper.

G. Floodway and floodplain boundary.

H. Areas containing slopes of 25% or greater. (Ord. 1907 (Attach. 1), 2002)

Response: The applicant has satisfied 17.20.050 by including all applicable design standards for this 14-lot subdivision on the preliminary plat (see Exhibit H).

17.20.060 PROPOSED CONDITIONS

A. 12 copies of a preliminary plat shall be submitted to the Planning Director. The plat shall include the following information:

- 1. Date, north point, scale, address, assessor reference number, and legal description;*
- 2. Name and address of the record owner or owners and of the person who prepared the site plan;*

3. *Approximate acreage and square feet under a single ownership, or if more than 1 ownership is involved, the total contiguous acreage of all landowners directly involved in the partition;*
4. *For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and rights-of-way; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities;*
5. *Location of existing structures, identifying those to remain in place and those to be removed;*
6. *Lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements;*
7. *Existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees, topography, and other structures;*
8. *Elevation and location of flood hazard boundaries;*
9. *The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; whether roads will continue beyond the plat; and existing and proposed grade profiles. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.*

Response: The applicant has satisfied 17.20.050.A.(1-9) by including all applicable design standards with the preliminary plat (see Exhibit H).

B. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.

Response: As depicted on the submitted preliminary plat, the 14 lots proposed in this application provide for the complete subdivision of the property under its current R5 zoning (see Exhibit I).

C. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title, Title 19, and City design standards, including the Public Works Standards.

Response: The applicant has satisfied this provision by utilizing this narrative to demonstrate compliance with all applicable provisions of Title 17, Title 19, and City design standards, including the Public Works Standards.

D. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title, Title 19, and City design standards, including the Public Works Standards.

Response: The applicant has satisfied this provision by submitting plans and drawings which demonstrate compliance with all applicable provisions of Title 17, Title 19, and City design standards, including the Public Works Standards.

G. A drainage summary report and plan prepared in accordance with the applicable Public Works Standards.

Response: The applicant has satisfied this provision by submitting with this application a drainage summary report and plan prepared in accordance with the applicable Public Works Standards (see Exhibit F).

H. Proposed deed restrictions, if any, in outline form.

Response: The applicant has satisfied this provision by submitting with this application a title deed verifying ownership of the property (see Exhibit D).

I. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: The applicant has satisfied this provision by submitting with this application detailed information regarding improvements to be made by the developer (see Exhibit H).

17.28.010 CONFORMITY OF SUBDIVISION

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. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: The applicant has satisfied this provision by proposing a subdivision which conforms to the development plans of the City, in accordance with the requirements of state laws and the standards established by the City.

17.28.020 PUBLIC FACILITY IMPROVEMENTS

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. (Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: The applicant has satisfied this provision by reviewing Chapter 19.700 Public Facility Improvements and the Public Works Standards, and proposing designs in compliance with all applicable provisions (see Exhibit H).

17.28.030 EASEMENTS

A. Utility Lines

Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be provided in accordance with applicable design standards in the Public Works Standards.

Response: The applicant has satisfied this provision by providing easements for sewers, water mains, electric lines and other public utilities where necessary in accordance with applicable design standards set out by the Public Works Standards (see Exhibit H).

B. Watercourses

If a subdivision is traversed by a watercourse such as a drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of construction and maintenance. Streets, parkways, bicycle ways, or pedestrian ways parallel to major watercourses may be required. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: This provision is not applicable as the proposed subdivision is not traversed by a watercourse.

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

A. Size and Shape

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.

Response: The applicant has satisfied this provision by proposing lots appropriate for the area and type of use. All lot standards established by Title 19 and applicable to the R-5 zone have been satisfied (see Exhibit H).

B. Rectilinear Lots Required

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.

Response: The applicant has satisfied this provision by proposing rectilinear lots. Sidelines of the proposed lots run at right angles to the street upon which the lots face, and rear lot lines run parallel to the street (see Exhibit H).

C. Limits on Compound Lot Line Segments

Changes in direction along side and rear lot lines shall be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 10% of the distance between opposing lot corners along a given lot line is prohibited. Changes in direction shall be measured from a straight line drawn between opposing lot corners.

Response: As depicted on Sheet P300, the preliminary plat: (i) Lot 5 and Lot 6 have front lot lines on the Llewellyn public right-of-way and are proposed to be served via a shared private driveway easement and (ii) Lot 7 has a rear lot change of direction of 2.7'. When calculated using the methodology of this section, this 2.7' length is a 4.4% cumulative lateral change of direction which is less than 10%. This code section is satisfied.

D. Adjustments to Lot Shape Standard

Lot shape standards may be adjusted subject to Section 19.911 Variances.

Response: This provision is not applicable, as the applicant is not requesting a lot shape variance.

E. Limits on Double and Reversed Frontage Lots

Double frontage and reversed frontage lots should be avoided, except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

Response: This provision is not applicable as no lots with double frontage or reversed frontage are proposed.

F. Measurement of Required Frontage

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. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: The applicant has satisfied this provision by measuring all frontage along the street upon which the lots takes access. The minimum street frontage requirement for a standard lot in the R-5 zone is 35 feet (see Table 19.301.4. Low Density Residential Development Standards). Lots 5 and 6 having 35 feet of street frontage have the smallest amount of street frontage of the 14 proposed lots. All applicable lot frontage standards have been satisfied (see Exhibit H).

17.28.050 FLAG LOT DEVELOPMENT AND FUTURE ACCESS

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. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: This provision is not applicable as no flag lots are proposed.

17.28.060 FLAG LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot design shall be consistent with Subsection 19.504.8.

B. More than 2 Flag Lots Prohibited

The division of any unit of land shall not result in the creation of more than 2 flag lots within the boundaries of the original parent lot. Successive land divisions that result in more than 2 flag lots are prohibited. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: These provisions are not applicable as no flag lots are proposed.

17.28.070 FLAG LOT LIMITATIONS

Flag lots are prohibited in new subdivisions and subdivisions platted after August 20, 2002, the effective date of Ordinance #1907. (Ord. 2051 § 2, 2012; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: This provision is not applicable as no flag lots are proposed.

17.32.010 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by the applicant, either as a requirement of these regulations or their own option, shall conform to the requirements of this title and to improvement standards and specifications in the Public Works Standards and Chapter 19.700 Public Facility Improvements. The improvements shall be installed in accordance with the following procedure:

- A. *Work shall not begin until plans have been checked for adequacy and approved by the City in writing. All such plans shall be prepared in accordance with requirements of the City.*

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

- B. *Work shall not begin until the City has been notified in advance, and if work is discontinued for any reason, it shall not be resumed until the City is notified.*

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

- C. *Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.*

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

- D. *All underground utilities, installed in streets by the applicant, including but not limited to, water, sanitary sewers, and storm drains shall be constructed prior to the surfacing of streets. Stubs for service connections shall be extended to property lines long enough to avoid disturbing the street improvements when service connections are made. How utilities are to be serviced shall be indicated.*

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

- E. *A map showing all public improvements as built shall be filed with the City upon completion of the improvements. All such maps shall be prepared in accordance with*

requirements of the City. (Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

17.32.030 GUARANTEE

All improvements installed by the applicant shall be guaranteed as to workmanship and material for a period of 1 year following acceptance by the City. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the Engineering Director. Said cash or bond shall comply with the terms and conditions of Section 17.24.060. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

17.44.010 VARIANCE

A variance of any provision of this title may only be granted in accordance with Section 19.911. (Ord. 2025 § 3, 2011; Ord. 1907 (Attach. 1), 2002)

Response: This provision is not applicable as the applicant is not requesting a variance.

TITLE 19: ZONING

19.301 LOW DENSITY RESIDENTIAL ZONES

19.301.2 Allowed Uses in Low Density Residential Zones

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

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

Table 19.301.2 Low Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Standards/Additional Provisions
Residential Uses				
Single-family detached dwelling	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes Subsection 19.910.2 Duplexes
Residential home	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	N	III	III	Subsection 19.910.3 Manufactured Dwelling Parks.
Senior and retirement housing	CU	CU	CU	Subsection 19.905.9.G Senior and Retirement Housing
Accessory and Other Uses				
Accessory use	P	P	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	P	P	Subsection 19.301.3 Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	Section 19.904 Community Service Uses
Home occupation	P	P	P	Section 19.507 Home Occupation Standards

Response: The applicant has satisfied this provision as single-family detached dwellings are a permitted use in the R-5 zone (see Table 19.301.2)

19.301.4 Development Standards

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

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

Table 19.301.4				
Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)				Subsection 19.501.1 Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100		80	
4. Minimum street frontage requirements (ft)				
a. Standard lot			35	
b. Flag lot			25	
c. Double flag lot			35	
B. Development Standards				
1. Minimum yard requirements for primary structures (ft)				Subsection 19.301.5.A Side Yards
a. Front yard	20	20	20	Subsection 19.501.2 Yard Exceptions
b. Side yard	10	5/10	5	Subsection 19.504.8 Flag Lot Design and Development Standards
c. Street side yard	20	20	15	
d. Rear yard	20	20	20	

Table 19.301.4 CONTINUED				
Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
B. Development Standards CONTINUED				
2. Maximum building height for primary structures	2.5 stories or 35 ft, whichever is less			Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit				Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)	20			
b. Slope of plane (degrees)	45			
4. Maximum lot coverage (percent of total lot area)	30%		35%	Section 19.201 "Lot coverage" definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	35%	30%	25%	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.7 Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre)				Subsection 19.301.5.D Residential Densities
a. Minimum	3.5	5.0	7.0	
b. Maximum	4.4	6.2	8.7	Subsection 19.501.4 Density Exceptions

Response: The property is zoned R5, a Low Density Residential zoning district as per the provisions of this section. The applicant has satisfied the provisions of *19.301.4 Development Standards* by reviewing Table 19.301.4 Low Density Residential Development Standards, and proposing a 14-lot preliminary plat that complies with all applicable lot standards, development standards and density requirements for the R-5 Zone (see Exhibit H).

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

Response: This provision is not applicable as the applicant's site is zoned R-5.

B. Lot Coverage

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

1. Decreased Lot Coverage for Large Lots

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

Response: The minimum lot size for a single-family detached home in the R-5 zone is 5,000 sq. ft. Lot 1 at 7,126 sq. ft. is the largest of the 14 proposed lots. This provision is thereby not applicable as no proposed lots are more than 2.5 times larger than the minimum lot size for the R-5 zone.

2. Increased Lot Coverage for Single-Family Detached Dwellings

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 and no taller than one story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance. A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

Response: This provision is not applicable as the applicant is in compliance with all applicable standards for maximum lot coverage percentages (see Exhibit H). No Type II variance per Subsection 19.911.4.A is requested.

3. Increased Lot Coverage for Duplexes

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

Response: This provision is not applicable as no duplexes are proposed.

4. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

Response: This provision is not applicable as no detached accessory dwellings are proposed.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Response: At the future time of building permit, this section will be reviewed for compliance.

D. Residential Densities

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

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

Response: The applicant has satisfied this provision by complying with all applicable minimum and maximum development densities. The minimum density requirement for the R-5 zone is 7 dwellings per acre and the maximum density requirement for the R-5 zone is 8.7 dwellings per acre. The 14 proposed lots total 79,501 sq. ft. or 1.82 acres, therefore there are approximately 7.69 dwellings per acre, and all applicable minimum and maximum density requirements have been satisfied (see Exhibit H).

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: This provision is not applicable as no accessory structures are proposed.

F. Number of Dwelling Structures

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

Response: The applicant has satisfied this provision by proposing only one primary dwelling per lot (see Exhibit H).

G. Off-Street Parking and Loading

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

Response: The applicant has reviewed Chapter 19.600 and has satisfied all applicable standards regarding off-street parking and loading.

H. Public Facility Improvements

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

Response: The applicant has reviewed Chapter 19.700 and has satisfied all applicable standards regarding transportation requirements and public facility improvements.

I. Additional Standards

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

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

(Ord. 2051 § 2, 2012)

Response: Subsections 19.504.4 (Buildings on the Same Lot), 19.504.8 (Flag Lot Design and Development Standards), and 19.506.4 (Manufactured Dwelling Siting and Design Standard, Siting Standards) are not applicable as more than one building on the same lot, flag lots, and manufactured dwellings are not proposed. Future building permits for single family detached houses on each of the 14 lots proposed in this application will be reviewed for compliance with Subsection 19.505.1 (Design Standards for Single-Family Dwellings and Duplexes) and Subsection 19.505.2 (Garage and Carport Standards).

19.501 GENERAL EXCEPTIONS

The exceptions listed in Subsections 19.501.1–4 below are “by right” exceptions. “By right” exceptions require no special review or approval by the City to implement.

19.501.1 Lot Size Exceptions

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations:

A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911.

B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.

Response: The applicant has satisfied all lot size dimensional requirements, and does not require any lot size exceptions.

19.501.2 Yard Exceptions

A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.

Table 19.501.2.A CONTINUED Additional Yard Requirements	
Major Street	Distance from Centerline (plus yard requirements in zone)
King Road	40'

Response: The applicant has reviewed Table 19.501.2.A (Additional yard Requirements) and all proposed lots are in compliance with all applicable provisions of this section. Lot 1 is the only proposed lot with frontage on King Road. A measurement of 40 feet from the centerline of King Road, in addition to the street side yard minimum of 15 ft. for the R-5 zone has been incorporated into the design of Lot 1 (see Exhibit H).

B. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features extending from an accessory structure shall not be closer than 3 ft from a property line.

Response: The applicant is aware of these provisions. Provisions will be satisfied at the time of future building permit and approval. Compliance can be assured through conditions of approval.

C. A covered porch on a single-family detached dwelling may extend 6 ft into a required front yard if the following standards are met.

1. *The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.*
2. *The surface of the porch does not exceed 18 in high above the average grade.*
3. *The porch is at least 5 ft from the front lot line.*

Response: The applicant is aware of these provisions. Provisions will be satisfied at the time of future building permit and approval. Compliance can be assured through conditions of approval.

19.501.3 Building Height and Side Yard Height Plane Exceptions

A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height and side yard height plane limitations of the Zoning Ordinance, except as provided in an L-F Zone.

B. The following encroachments into a side yard height plane are allowed:

1. *Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.*
2. *The gable end of a roof, provided that the encroachment is not more than 8 ft high above the side yard height plane or more than 40 ft wide.*
3. *Dormers, with the following limitations:*

- a. *The highest point of any dormer is at or below the height of the primary roof ridge.*
- b. *The encroachment is not more than 6 ft high above the side yard height plane or more than 8 ft wide.*
- c. *The combined width of all dormers does not exceed 50% of the length of the roof on which they are located.*

Response: The applicant is aware of these provisions. Provisions will be satisfied prior to the design of homes. Compliance can be assured through conditions of approval.

19.501.4 Density Exceptions

In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same. (Ord. 2051 § 2, 2012; Ord, 2025 § 2, 2011)

Response: This provision is not applicable as no variances to density requirements are requested.

19.504 SITE DESIGN STANDARDS

19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

Response: The applicant has satisfied this provision by maintaining a clear vision area on the corners of all property at the intersection of two streets.

19.504.2 Maintenance of Minimum Ordinance Requirements

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

Response: The applicant has satisfied this provision as no lot area, yard, other open space, or off-street parking or loading area reduced by conveyance have been proposed.

19.504.3 Dual Use of Required Open Space

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

Response: The applicant has satisfied this provision as no lot area, yard or off-street parking area has been used to meet the required lot area, yard or off-street parking area for another use.

19.504.4 Buildings on the Same Lot

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

Response: The applicant has satisfied this provision as only one primary dwelling unit

is proposed per lot.

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

Response: This provision is not applicable as the proposed development is zoned R-5.

19.504.5 Distance from Property Line

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

Response: This provision is not applicable as the R-5 zone has required side and rear yard setbacks.

19.504.6 Transition Area Measures

Where commercial, mixed use, or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

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

Response: These provisions are not applicable as the proposed development is not zoned commercial, mixed use or industrial.

19.504.7 Minimum Vegetation

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

Response: The applicant will satisfy this provision as no more than 30% of the required vegetation area shall be covered in mulch or bark dust. Compliance can be assured through conditions of approval.

19.504.8 Flag Lot Design and Development Standards

A. Applicability

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

B. Development Standards

1. Lot Area Calculation

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

2. Yard Setbacks for Flag Lots

- a. *Front and rear yard: The minimum front and rear yard requirement for flag lots is 30 ft.*
- b. *Side yard. The minimum side yard for principal and accessory structures in flag lots is 10 ft.*

C. Variances Prohibited

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

D. Frontage, Accessway, and Driveway Design

1. *Flag lots shall have frontage and access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.*
2. *Abutting flag lots shall have a combined frontage and accessway of 35 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 15 ft.*
3. **Driveway Design and Emergency Vehicle Access**
 - a. *Driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.*
 - b. *Driveways serving single flag lots shall have a minimum paved width of 12 ft.*
 - c. *Driveways shall be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.*
 - d. *A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.*
 - e. *Driveways serving 2 flag lots shall be consolidated and have a minimum shared driveway width of 16 ft.*
 - f. *The flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable.*
 - g. *Design standards for shared driveways serving more than 3 lots shall be specified by the Engineering Director after consultation with the Fire Marshal.*
 - h. *Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.*

E. Protection of Adjoining Properties

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

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

good and healthy condition. The requirement to maintain required screening and planting is continuous.

2. *Impacts to neighboring lots due to use of the flag lot driveway shall be mitigated to the greatest extent practicable through screening and planting. Continuous screening along lot lines of the flag lot abutting any neighboring lot that is not part of the parent lot from which the flag lot was created is required as described below. See Figure 19.504.8.E.*
 - a. *Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.*
 - b. *Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot accessway. Dense planting shall be used to provide screening along the accessway in areas where fencing is not permitted.*
 - c. *All required screening and planting shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.*

F. Tree Mitigation

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

G. Landscaping Plan Required

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

1. *A list of existing vegetation by type, including number, size, and species of trees.*
2. *Details for protections of existing trees.*
3. *List of existing natural features.*
4. *Location and space of existing and proposed plant materials.*
5. *List of plant material types by botanical and common names.*
6. *Notation of trees to be removed.*
7. *Size and quantity of plant materials.*
8. *Location of structures on adjoining lots, and location of windows, doors, and outdoor use areas on lots that adjoin the flag lot driveway.*

Response: These provisions are not applicable as no flag lots are proposed.

19.504.9 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways

shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

B. Location

A walkway into the site shall be provided for every 300 ft of street frontage.

C. Connections

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

D. Routing

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

E. Design Standards

Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

Response: These provisions are not applicable as the proposed development is for single-family residential development.

19.504.10 Setbacks Adjacent to Transit

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

When adjacent to a street served by transit, new commercial, office, or institutional development, including uses authorized under Section 19.904 Community Service Uses, shall be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.*
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 ft.*
- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.*

D. If the site abuts more than 1 street served by transit, then the maximum setback requirement need only apply to 1 street. (Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

Response: These provisions are not applicable as the proposed development is not zoned for commercial, office or institutional development.

19.505 BUILDING DESIGN STANDARDS

19.505.1 Design Standards for Single-Family Dwellings and Duplexes

C. Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

a. For buildings with 30-60 ft of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.

- (1) A porch at least 5 ft deep.
- (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
- (3) A bay window that extends at least 2 ft wide.
- (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
- (5) A gabled dormer.

b. For buildings with over 60 ft of street frontage, at least 1 element in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided for every 30 ft of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.

c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

2. Eyes on the Street

At least 12% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

3. Main Entrance

At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least 1 porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from 1 exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.

- f. *Roof line offsets of at least 2 ft from the top surface of 1 roof to the top surface of the other.*
- g. *Tile or wood shingle roofs.*
- h. *Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.*
- i. *Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.*
- j. *Gable roof, hip roof, or gambrel roof design.*
- k. *Window trim around all windows at least 3 in wide and 5/8 in deep.*
- l. *Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.*
- m. *Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.*
- n. *One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.*
- o. *Bay window at least 2 ft deep and 5 ft long.*
- p. *Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.*

Response: The applicant is aware of this provision. Compliance will be reviewed at the time of future building permit.

5. *Standards for Duplexes*

In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.

- a. *The exterior finish of the structure must be the same for both units.*
- b. *The eaves must be uniform for the entire structure.*
- c. *The window and door trim must be the same in type, size, and location for the entire structure.*
- d. *Windows must match in proportion and orientation for the entire structure.*
- e. *For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, 1 main entrance with internal access to both units is allowed.*
- f. *For duplexes facing 1 frontage, the following standards apply.*
 - (1) *Only 1 entrance is required to face the frontage.*
 - (2) *Where more than 1 entrance to the structure faces the street, each separate entrance is required to meet the standards of Subsection 19.505.1.C.3.*
 - (3) *A second entrance from a side or rear yard is not allowed within 10 ft of the side or rear property line.*

Response: These provisions are not applicable as no duplexes are proposed.

19.505.2 *Garage and Carport Standards*

C. Standards

1. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:
 - a. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
 - b. A garage may extend up to 5 ft in front if the garage is part of a 2-story façade that has a window at least 12 sq ft in area on the second story that faces the street.
2. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing façades.

The maximum allowed garage width may be increased to 50% of the total width of the street-facing façade if a total of 7 detailed design elements in Subsection 19.505.1.C.4 are included on the street-facing façade.
3. Garages may be side-oriented to the front lot line if the eyes on the street standard in Subsection 19.505.1.C.2 is met.

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

19.605.1 Minimum and Maximum Requirements

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

Response: The applicant has satisfied this provision by providing the minimum off-street parking requirement for the R-5 zone of one parking space per dwelling unit. There is no maximum off-street parking requirement for the R-5 zone (see Table 19.605.1).

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

A. Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

B. Location

1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.
2. No portion of the required parking space is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
 - a. Within the required front yard or within 15 ft of the front lot line, whichever is greater.
 - b. Within a required street side yard.

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

- 1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
 - a. Required parking space(s).*
 - b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.*
 - c. All off-street parking and maneuvering areas for a residential home.**
- 2. Maneuvering areas and unrequired parking areas that are outside of a required front or side yard are allowed to have a gravel surface.*

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

D. Parking Area Limitations

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

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to rowhouses, which are subject to the standards in Subsection 19.505.5.

- a. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area.*
- b. Uncovered parking spaces and maneuvering areas cannot exceed 30% of the required street side yard area.*
- c. No more than 3 residential parking spaces are allowed within the required front yard. A residential parking space in the required front yard is any 9- x 18-ft rectangle that is entirely within the required front yard that does not overlap with another 9- x 18-ft rectangle within the required front yard.*

Response: The applicant is aware of these provisions and will address compliance when designing the proposed off-street parking.

Figure 19.607.1.D

Front and Street Side Yard Parking Area Limits

E. Additional Driveway Standards

- 1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 10 ft of the right-of-way boundary.*

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

Response: The applicant is aware of this provision. Compliance can be assured through conditions of approval.

19.703 REVIEW PROCESS

19.703.1 Preapplication Conference

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

Response: This provision has been satisfied as the applicant attended a pre-application conference with the City on Thursday, March 10th, 2016.

19.703.2 Application Submittal

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

A. Development Permit Application

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

B. Transportation Facilities Review (TFR) Land Use Application

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

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

Response: This provision is not applicable as a TFR is not required. The 14-lot residential development currently proposed is projected to generate 14 new trips during the evening peak hour, with 9 entering and 5 exiting the site. The estimated daily traffic volumes for the site are 140 new trips, with half entering and half exiting.

19.703.3 Approval Criteria

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

A. Procedures, Requirements, and Standards

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

Response: The applicant has satisfied this provision and has documented compliance with the standards of Chapter 19.700 and the Public Works Standards via this narrative.

B. Transportation Facility Improvements

Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction.

Development in downtown zones that is exempt per Subsection 19.702.3.B shall only be required to provide transportation improvements that are identified by a Transportation Impact Study as necessary to mitigate the development's transportation impacts. Such development is not required to provide on-site frontage improvements.

Response: To satisfy this provision, at the time of development the applicant will provide transportation improvements and mitigation in rough proportion to the potential impacts of the development. Compliance can be assured through conditions of approval.

C. Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the City's basic safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submittal of a development permit application, an applicant shall demonstrate that the development property has or will have all of the following:

- 1. Adequate street drainage, as determined by the Engineering Director.*
- 2. Safe access and clear vision at intersections, as determined by the Engineering Director.*
- 3. Adequate public utilities, as determined by the Engineering Director.*
- 4. Access onto a public street with the minimum paved widths as stated in Subsection 19.703.3.C.5 below.*
- 5. Adequate frontage improvements as follows:*
 - a. For local streets, a minimum paved width of 16 ft along the site's frontage.*
 - b. For nonlocal streets, a minimum paved width of 20 ft along the site's frontage.*
 - c. For all streets, a minimum horizontal right-of-way clearance of 20 ft along the site's frontage.*
- 6. Compliance with Level of Service D for all intersections impacted by the development, except those on Oregon Highway 99E that shall be subject to the following:*
 - a. Level of Service F for the first hour of the morning or evening 2-hour peak period.*
 - b. Level of Service E for the second hour of the morning or evening 2-hour peak period.*

Response: The applicant will satisfy these provisions by demonstrating compliance upon submittal of a development permit application.

19.704.2 TIS General Provisions

A. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.

Response: The provisions of section 19.704.2. are not applicable as a transportation impact study is not required.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

Response: The applicant has utilized this narrative to address compliance with the access management standards contained in Chapter 12.16.

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

Response: The applicant has utilized this narrative to address compliance with the clear vision standards contained in Chapter 12.24.

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection 19.304.6.

Response: This provision is not applicable as the proposed development is not within a downtown zone.

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the PAR is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the PAR for that street frontage. The following general provisions apply only to street frontages that are not shown in the PAR and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

- 1. Streets shall be designed and improved in accordance with the standards of this chapter and the Public Works Standards. ODOT facilities shall be designed consistent with State and federal standards. County facilities shall be designed consistent with County standards.*
- 2. Streets shall be designed according to their functional classification per Figure 8-3b of the TSP.*
- 3. Street right-of-way shall be dedicated to the public for street purposes in accordance with Subsection 19.708.2. Right-of-way shall be dedicated at the corners of street intersections to accommodate the required turning radii and transportation facilities in accordance with Section 19.708 and the Public Works Standards. Additional dedication*

may be required at intersections for improvements identified by the TSP or a required transportation impact study.

4. *The City shall not approve any development permits for a proposed development unless it has frontage or approved access to a public street.*
5. *Off-site street improvements shall only be required to ensure adequate access to the proposed development and to mitigate for off-site impacts of the proposed development.*
6. *The following provisions apply to all new public streets and extensions to existing public streets.*
 - a. *All new streets shall be dedicated and improved in accordance with this chapter.*
 - b. *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 Subsection 19.708.2.*
7. *Traffic calming may be required for existing or new streets. Traffic calming devices shall be designed in accordance with the Public Works Standards or with the approval of the Engineering Director.*
8. *Railroad Crossings*

Where anticipated development impacts trigger a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval.
9. *Street Signs*

The City shall install all street signs, relative to traffic control and street names, as specified by the Engineering Director. The applicant shall reimburse the City for the cost of all such signs installed by the City.
10. *Streetlights*

The location of streetlights shall be noted on approved development plans. Streetlights shall be installed in accordance with the Public Works Standards or with the approval of the Engineering Director.

Response: These provisions govern implementation following approval of a plan to construct a public street. Compliance can be assured through a condition of approval.

E. Street Layout and Connectivity

1. *The length, width, and shape of blocks shall take lot size standards, access and circulation needs, traffic safety, and topographic limitations into consideration.*
2. *The street network shall be generally rectilinear but may vary due to topography or other natural conditions.*
3. *Streets shall be extended to the boundary lines of the developing property where necessary to give access to or allow for future development of adjoining properties.*
 - a. *Temporary turnarounds shall be constructed for street stubs in excess of 150 ft in length. Drainage facilities shall be constructed to properly manage stormwater runoff from temporary turnarounds.*

- b. Street stubs to adjoining properties shall not be considered turnarounds, unless required and designed as turnarounds, since they are intended to continue as through streets when adjoining properties develop.*
 - c. Reserve strips may be required in order to ensure the eventual continuation or completion of a street.*
- 4. Permanent turnarounds shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over abutting property shall not be grounds for construction of a turnaround. For proposed land division sites that are 3 acres or larger, a street ending in a turnaround shall have a maximum length of 200 ft, as measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. For proposed land division sites that are less than 3 acres, a street ending in a turnaround shall have a maximum length of 400 ft, measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. Turnarounds shall be designed in accordance with the requirements of the Public Works Standards. The requirements of this subsection may be adjusted by the Engineering Director to avoid alignments that encourage nonlocal through traffic.*
- 5. Closed-end street systems may serve no more than 20 dwellings.*

Response: The applicant examined the subject property’s existing conditions, as well as the surrounding street network, circulation needs and traffic safety prior to the design of the proposed streets, Llewellyn St. and SW 51st Ave. To show possible future development of surrounding properties the applicant has provided a future connectivity and development concept plan (see Exhibit J). This plan depicts conceptually how surrounding adjacent properties to the south and east of the subject site may be divided under current zoning and served by the public streets proposed in this application. When overall configuration, gross lot areas, existing improvements, minimum setbacks and current zoning are combined for each, adjacent parcels east and south are divisible as depicted on Exhibit J and in the case of Tax Lot 10600 and 10700, not dividable. The proposed public streets in this application to allow for and provide for future development adjoining properties. There are no permanent turnarounds proposed. The applicable provision of these sections are satisfied.

F. Intersection Design and Spacing

- 1. Connecting street intersections shall be located to provide for traffic flow, safety, and turning movements, as conditions warrant.*
- 2. Street and intersection alignments for local streets shall facilitate local circulation but avoid alignments that encourage nonlocal through traffic.*
- 3. Streets should generally be aligned to intersect at right angles (90 degrees). Angles of less than 75 degrees will not be permitted unless the Engineering Director has approved a special intersection design.*
- 4. New streets shall intersect at existing street intersections so that centerlines are not offset. Where existing streets adjacent to a proposed development do not align properly, conditions shall be imposed on the development to provide for proper alignment.*
- 5. Minimum and maximum block perimeter standards are provided in Table 19.708.1.*
- 6. Minimum and maximum intersection spacing standards are provided in Table 19.708.1.*

Response: In satisfaction of these subsections, this subdivision application proposes local public streets on the property that are designed and located to provide for traffic flow and turning movements into and through the subject site. As depicted on Exhibit J, the proposed local streets are aligned at right angles and facilitate local circulation. The proposed SE 51st local public street will intersect with the existing King Road and there is no existing intersection centerline offsets involved given there is no existing street opposite the subject site on the north side of King Road. Future extension of the proposed local street comply with block perimeter local street standards.

As depicted on Exhibit K, this application proposes a 14 lot subdivision and a new local street intersection onto King Road, an arterial street, in approximately the middle of the existing block between SE Home and SE 52nd Avenues which is less than 530' minimum distance between Arterial intersections. The intersection location is proposed in this location due to a combination of existing conditions including the total length of public street frontage of the subject site on King Road, existing driveway access of the adjacent property at the northeast corner of the subject site, underlying R5 zoning lot area and dimensional standards, and the proposed 6.5 feet of King Road right-of-way dedication along the subject site King Road frontage. Further, as depicted on Exhibit K, the Tax Assessor map for the subject site, this application is a replat of the existing 32 lots in the Minthorn Addition subdivision plat underlying the subject site. As per Section 19.702.1.C, the entire Chapter 19.700 is applicable to replats that increase the number of lots. The replatted 14 lots resulting from this application is less than the existing 32 platted lots. Thus, the minimum 530' arterial intersection spacing standard is not applicable to this application.

<i>Table 19.708.1 Street/Intersection Spacing</i>			
<i>Street Classification</i>	<i>Minimum Distance Between Street Intersections</i>	<i>Maximum Distance Between Street Intersections</i>	<i>Maximum Block Perimeter</i>
<i>Arterial</i>	<i>530'</i>	<i>1,000'</i>	<i>2600'</i>
<i>Collector</i>	<i>300'</i>	<i>600'</i>	<i>1800'</i>
<i>Neighborhood Route</i>	<i>150'</i>	<i>530'</i>	<i>1650'</i>
<i>Local</i>	<i>100'</i>	<i>530'</i>	<i>1650'</i>

19.708.2 Street Design Standards

Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on existing conditions and the surrounding development pattern. The additional street design

standards in Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.

Street Classification	Full-Width Right of Way Dimension	Individual Street Elements					
		Travel Lane (Center Lane)	Bike Lane	On-Street Parking	Landscape Strips	Sidewalk Curb Tight	Sidewalk Setback
Arterial	54'-89'	11'-12' (12'-13')	5'-6'	6'-8'	3'-5'	8'-10'	6'
Collector	40'-74'	10'-11'	5'-6'	6'-8'	3'-5'	8'	6'
Neighborhood	20'-68'	10'	5'	6'-8'	3'-5'	6'	5'
Local	20'-68'	8' or 10'	5'	6'-8'	3'-5'	6'	5'
Truck Route	34'-89'	11'-12' (12'-13')	5'-6'	6'-8'	3'-5'	8'-10'	Per street classification
Transit Route	30'-89'	10'-12' (12'-13')	5'-6'	6'-8'	3'-5'	Per street classification	Per street classification

A. Additional Street Design Standards

These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. *Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.*
2. *Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.*
3. *Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.*
4. *Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the Engineering Director, and where such a reduction would not result in a safety hazard.*
5. *Where a curb is required by the Engineering Director, it shall be designed in accordance with the Public Works Standards.*
6. *Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.*
7. *On-street parking in industrial zones shall have a minimum width of 8 ft.*
8. *On-street parking in commercial zones shall have a minimum width of 7 ft.*
9. *On-street parking in residential zones shall have a minimum width of 6 ft.*
10. *Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.*

11. *Landscape strip widths shall be measured from back of curb to front of sidewalk.*
12. *Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Standards and the Milwaukie Street Tree List and Street Tree Planting Guidelines.*
13. *Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.*
14. *A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.*

Response: As depicted on the preliminary plan set submitted with this application, SE 51st Avenue is proposed with 32' wide asphalt which provides for on-street parking on both sides of street and SE Llewlyn Street is proposed with 28' of asphalt which provides for parking on one side of street. All proposed on-street parking will have a minimum width of 6'.

19.708.3 Sidewalk Requirements and Standards

B. Sidewalk Requirements

1. Requirements

Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.

2. Design Standards

Sidewalks shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards.

3. Maintenance

Abutting property owners shall be responsible for maintaining sidewalks and landscape strips in accordance with Chapter 12.04.

Response: As Pre-Application Conference Notes from the City of Milwaukie staff the applicant has proposed curb-tight 6 foot sidewalks on Llewellyn St. and SE 51st Ave. Proposed sidewalks are designed to satisfy all applicable Milwaukie Development Standards. ADA compliant ramps are proposed at the end of all sidewalks (see Exhibit H).

19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

19.1003.2 Application Submittal Requirements

A. Application form, including signature(s) of the property owner or public agency initiating the application.

B. Deed, title report, or other proof of ownership.

C. Detailed and comprehensive description of all existing and proposed uses and structures, including a summary of all information contained in any site plans. The description may need to include both a written and graphic component such as elevation drawings, 3-D models, and photo simulations, etc. For applications where the subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site “story pole” installations that simulate the proposed development, and photographic representations thereof, may be required at the time of application submittal.

D. Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations, and development standards.

E. Site plan(s), preliminary plat, or final plat as applicable.

F. All materials identified on the Submittal Requirements form, including the signature(s) of the applicant submitting the materials.

G. Payment of all applicable land use application fee(s) and deposit(s), based on the fee schedule in effect on the date of application submittal.

H. Copy of a valid preapplication conference report if one was required per Subsection 19.1002.2.

Response: The applicant has satisfied this provision by submitting with this application all required materials (see page i – List of Exhibits)

19.1006 TYPE III REVIEW

19.1006.1 Preapplication Conference

A preapplication conference is required for Type III applications per Section 19.1002.

Response: This provision has been satisfied as the applicant attended a pre-application conference with the City on Thursday, March 10th, 2016.

19.1006.2 Type III Application Requirements

A. Type III applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.

Response: The applicant has satisfied this provision by including with this application all submittal materials required by Subsection 19.1003.2 (see page i – List of Exhibits).

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.3 Design Standard

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

A. Basic Requirement

A lot complies with Subsection 19.1203.3 if it:

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

Figure 19.1203.3

Solar Lot Option 1: Basic Requirements

B. Protected Solar Building Line Option

In the alternative, a lot complies with Subsection 19.1203.3 if a solar building line is used to protect solar access as follows:

- 1. A protected solar building line is designated on the plat or in documents recorded with the plat; and*
- 2. The protected solar building line is oriented within 30 degrees of a true east-west axis; and*
- 3. There are at least 70 ft between the protected solar building line and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and*

4. There are least 45 ft between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80% of their south-facing wall will not be shaded by structures or nonexempt vegetation (see Figure 19.1202.1-4).

C. Performance Option

In the alternative, a lot complies with Subsection 19.1203.3 if:

1. *Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis, and at least 80% of their ground floor south wall will be protected from shade by structures and nonexempt trees using appropriate deed restrictions; or*
2. *Habitable structures built on that lot will orient at least 32% of their glazing, and at least 500 sq ft of their roof area, to face within 30 degrees east or west of true south, and that glazing and roof area are protected from shade by structures and nonexempt trees using appropriate deed restrictions.*

19.1203.4 Exemptions from Design Standard

A development is exempt from Subsection 19.1203.3 if the Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.

A. Slopes

The site, or a portion of the site for which the exemption is sought, is sloped 20% or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.

B. Off-Site Shade

The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.

1. *Shade from an existing or approved off-site dwelling in a single-family residential zone, and from topographic features, is assumed to remain after development of the site.*
2. *Shade from an off-site structure in a zone other than a single-family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.*
3. *Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; they are part of a developed area, public park, or legally reserved open space; they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.*
4. *Shade from other offsite sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.*

C. On-Site Shade

The site, or a portion of the site for which the exemption is requested:

- 1. Is within the shadow pattern of on-site features such as, but not limited to, structures and topography which will remain after the development occurs; or*
- 2. Contains nonexempt trees at least 30 ft tall and more than 6 in. in diameter measured 4 ft above the ground, which have a crown cover over at least 80% of the site or the relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The City shall be made a party to any covenant or restriction created to enforce any provision of this section. The covenant or restriction shall not be amended without written City approval.*

D. Completion of Phased Subdivision

The site is part of a phased subdivision, none of which was subject to Section 19.1203, and the site and the remainder of the unplatted portion of the phased subdivision contains no more than 20% of the lots in all phases of the subdivision.

19.1203.5 Adjustment to Design Standard

The Director shall reduce the percentage of lots that must comply with Subsection 19.1203.3, to the minimum extent necessary, if he or she finds the applicant has shown it would cause or is subject to one or more of the following conditions.

A. Adverse Impacts on Density, Cost, or Amenities

- 1. If the design standard in Subsection 19.1203.3.A is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g., grading, water, storm drainage, sanitary systems, and road) and solar-related off-site site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Subsection 19.1203.3.A would reduce density or increase costs per lot in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development:
 - a. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10% or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor, USGS, or other officially recognized topographic information;*
 - b. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or Development Ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed;*
 - c. Existing road patterns must be continued through the site or must terminate on the site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access;*
 - d. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.**

2. *If the design standard in Subsection 19.1203.3.A applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Subsection 19.1203.3.A is relevant to whether a significant development amenity is lost or impaired.*

Response: As per the applicable provisions of this section, the design standard for solar access for a development creating lots in a single-family zone are contained in Section 19.1203.3, including the basic requirement of 80% of lots having a north-south dimension of 90 ft or more and a front lot line oriented within 30 degrees of a true east-west axis. Two of the proposed 14 lots comply with this basic requirement which is 14.3%. Given the overall configuration of the subject site and the requirement of extending a public right-of-way into and through the property to serve the 14 lots as well as adjacent future development, the design standard cannot be met. None of the exemptions of Section 19.1203.4 are applicable to this application. This application requests reduction to the percentage of lots complying with the basic requirement. As per Section 12.1203.5.A.1, when the basic design requirement of 80% is applied the resulting density is less than the 14 lots proposed. This reduction in density is a result of the overall dimensions and configuration of the subject property. In satisfaction of Section 19.12305.A.1.c, the combination of minimum City design standards for public rights-of-way, existing road patterns surrounding the property and applicable connectivity road standards result in a way that prevents proposed lots and streets from being oriented for solar access.

Summary and Request

The applicant has utilized a design team consisting of planning, engineering, development, and environmental disciplines to conduct research and reports and produce a detailed plan for the 2.66 acre site.

The Applicant has presented substantial evidence to demonstrate that the proposed Mission Park Planned Development complies with all applicable standards and approval criteria, and requests approval of the Land Use Request.

Exhibit A

Land Use Application Form



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

PHONE: 503-786-7630
 FAX: 503-774-8236
 E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: _____

Review type*: I II III IV V

CHOOSE APPLICATION TYPE(S):

Land Division: Subdivision

...

...

...

...

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Mission Homes NW, LLC.

Mailing address: PO Box 1689 Zip: 97035

Phone(s): 503.781.1814 E-mail: kdalbey@gmail.com

APPLICANT'S REPRESENTATIVE (if different than above): Ken Sandblast

Mailing address: 15115 SW Sequoia Pkwy., Ste. 150 Zip: 97224

Phone(s): 503.684.0652 E-mail: ksandblast@westlakeconsultants.com

SITE INFORMATION:

Address: 5126 SE King Rd. Map & Tax Lot(s): 12E30CD Tl: 6900, 7400*

Comprehensive Plan Designation: MD Zoning: R-5 Size of property: 2.64 Acres

*7700, 7701, 10300, 10400

PROPOSAL (describe briefly):

Proposed development of 14 lot subdivision on 2.64 acre property fronting the south side of King Rd., west of SE 52nd Ave.

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: *[Signature]* Date: 5-23-16

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

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

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)

Exhibit B

Land Use Application Submittal Requirements Checklist



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below):
 - a. **Base zone standards** in Chapter 19.300.
 - b. **Overlay zone standards** in Chapter 19.400.
 - c. **Supplementary development regulations** in Chapter 19.500.
 - d. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 - e. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

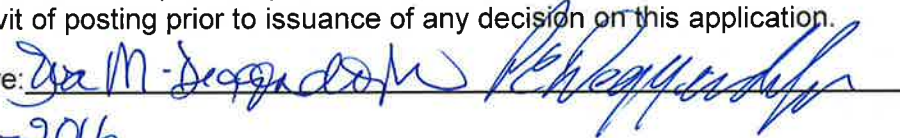
- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: <http://www.milwaukieoregon.gov/communityservices/neighborhoods-program>.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, _____, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 
Date: 5-23-2016

Official Use Only

Date Received (date stamp below):

RESET

Exhibit C

Preliminary Plat Checklist and Procedures



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Preliminary Plat Checklist and Procedures

All applications for partitions and subdivisions require submission of preliminary development plans and supporting information in accordance with the Milwaukie Land Division Ordinance. In special cases, certain items listed below may not be required and can be waived by staff. All items below must be submitted except when authorized by staff signature at the end of the form. Errors, omissions, or poor quality may result in the application being rejected or declared incomplete pursuant to the Milwaukie Zoning Ordinance and/or Land Division Ordinance.

Application Checklist

1. Detailed description of how the proposal complies with Land Division Ordinance Section 17.12 Application Procedure and Approval Criteria.
2. Detailed description of how the proposal complies with Land Division Ordinance Section 17.16 Application Requirements and Procedures.
3. Detailed description of how the proposal and application complies with Land Division Ordinance Section 17.20 Preliminary Plat including the following minimum requirements.
 - a. Preliminary plats shall be prepared by an Oregon registered land surveyor.
 - b. The following general information shall be submitted with the preliminary plat:
 - 1) Proposed name of the subdivision/partition. The name shall not duplicate nor resemble the name of another subdivision in the county. Subdivision names shall be approved by the County Surveyor in accordance with Oregon Revised Statutes Chapter 92.
 - 2) Appropriate identification clearly stating the map is a preliminary plat.
 - 3) Location by section, township, and range; and a legal description sufficient to define the location and boundaries of the area to be divided.
 - 4) Names and addresses of the owner, subdivider, and engineer or surveyor.
 - 5) Other information as may be specified on application forms and checklists prescribed by the Planning Director.
 - c. Vicinity map shall be drawn at an appropriate scale, showing all existing subdivisions, streets, and unsubdivided land between the proposed subdivision and the nearest existing arterial or collector streets; and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property.
4. Existing conditions plan including the following (12 copies):
 - a. Location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features, such as section lines and corners, city boundary lines, and monuments.
 - b. Contour lines related to an established benchmark or other datum approved by the Engineering Director, with intervals at a minimum of 2 feet for slopes up to 10 percent and 5 feet for slopes over 10 percent.

- c. Location within the area to be divided, and in the adjoining streets and property, of existing sewers, water mains, culverts, storm drain system, and electric conduits or lines proposed to service the property to be subdivided, and invert elevations of sewer manholes, drain pipes, and culverts.
 - d. Zoning and existing uses within the tract and 200 feet on all sides, including the location and use of all existing structures indicating those that will remain and those to be removed.
 - e. Approximate location of areas subject to inundation or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract including wetlands and watercourses as shown on City-adopted natural resource and Title 3 maps.
 - f. Natural features such as rock outcroppings, drainages whether seasonal or perennial, wooded areas, and isolated trees, including type and caliper.
 - g. Floodway and floodplain boundary.
 - h. Areas containing slopes of 25 percent or greater
5. The preliminary plat plan shall include the following information (12 copies):
- a. Date, north point, scale, address, assessor reference number, and legal description.
 - b. Name and address of the record owner or owners and of the person who prepared the site plan.
 - c. Approximate acreage and square feet under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the partition.
 - d. For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and right-of-ways; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities.
 - e. Location of existing structures, identifying those to remain in place and those to be removed.
 - f. Dimensioned lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements.
 - g. Existing development and natural features for the site and adjacent properties, including those properties within one 100 feet of the proposal, showing buildings, mature trees, topography, and other structures.
 - h. Elevation and location of flood hazard boundaries.
 - i. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; indication as to whether roads will continue beyond the plat; and existing and proposed grade profiles.
 - j. Lot and block numbers.
6. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.

7. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title and Title 19.
8. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title and Title 19.
9. A drainage summary report and plan that demonstrates estimated pre- and post-development flows, stormwater collection and management measures, and proposed discharges.
10. Proposed deed restrictions, if any, in outline form.
11. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval.
12. 12 copies of a location plan drawn to an appropriate scale (on paper no larger than 8½ by 11 inches) showing nearest cross streets, drives opposite the site, and location of buildings and parking areas on adjoining lots.

Application Procedures

1. A preapplication conference with City staff is highly recommended.
2. Appointments may be made for review of preliminary plat requirements through the Planning Department in advance of formal submission.
3. The Planning Department coordinates with appropriate City departments, the Fire District, and other involved agencies as needed.
4. Applications will be screened for completeness at the time of submission. Incomplete applications will not be accepted.

Please contact Milwaukie Planning staff at 503-786-7630 for any questions or help with this form.

Eva M. Jeggenborfer
EVA M. JEGGENBORFER
Applicant Name

Eva M. Jeggenborfer
Eva M. Jeggenborfer
Applicant Signature

5-23-2016
Date

Waived Items

Signature of
Milwaukie Planner

Date



Exhibit D

Preliminary Title Report



First American

First American Title Company of Oregon

121 SW Morrison St, FL 3

Portland, OR 97204

Phn - (503)222-3651 (800)929-3651

Fax - (877)242-3513

Order No.: 7000-2588048

February 05, 2016

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

SHERRI MARSDEN, Escrow Officer/Closer

Phone: (503)350-5005 - Fax: (866)656-1602- Email: smarsden@firstam.com

First American Title Company of Oregon

5335 SW Meadows Rd #100, Lake Oswego, OR 97035

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Sarah Walters, Title Officer

Toll Free: (800)929-3651 - Direct: (503)790-7857 - Email: sawalters@firstam.com

Revised Preliminary Title Report

County Tax Roll Situs Address: 5096 and 5126 SE King Road, Milwaukie, OR 97222

Proposed Insured Lender: TBD

Proposed Borrower: Mission Homes Northwest, LLC

2006 ALTA Owners Standard Coverage	Liability \$	750,000.00	Premium \$	1,725.00
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	180.00
City Lien/Service District Search			Cost \$	
Other			Cost \$	

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of January 15, 2016 at 8:00 a.m., title to the fee simple estate is vested in:

Paul Deggendorfer, as to Parcels I, II, III and IV and Eva Maria Deggendorfer, as to Parcel V

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
 - B. Affidavit regarding possession
 - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
 7. City liens, if any, of the City of Milwaukie.

Note: There are no liens as of February 05, 2016. All outstanding utility and user fees are not liens and therefore are excluded from coverage.
 8. Easements for utilities over and across the premises formerly included within the boundaries of Magnolia Avenue now vacated, if any such exists.

9. Easement, including terms and provisions contained therein:
Recording Information: July 31, 1953 as [Book 472, Page 48](#)
In Favor of: Portland General Electric Company, an Oregon corporation
For: electrical and telephone lines and rights incidental thereto
Affects: The Southerly portion of the subject property
(Affects Parcel V)
10. Easement Agreement and the terms and conditions thereof:
Between: Laura M. Poole Fuller, who took title as Laura M. Poole
And: Gloria M. Mitchell
Recording Information: June 11, 1974 as Fee No. [74015812](#)
11. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: July 08, 1994
Recording Information: Fee No. [94055563](#)
From: Eva Maria Deggendorfer
To: Paul E. Deggendorfer
For: ingress and egress
Affects: Parcel I
12. Agreement for Easement and the terms and conditions thereof:
Between: Eva Maria Deggendorfer
And: Paul E. Deggendorfer
Recording Information: October 11, 1994 as Fee No. [94080079](#)
(Affects Parcels I and V)
- Said instrument was re-recorded April 02, 1997 as Fee No. [97024047](#).
13. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: Eva Maria Deggendorfer
Grantee/Beneficiary: Household Finance Corporation II
Trustee: Fidelity National Title
Amount: \$4,920.00
Recorded: December 26, 2000
Recording Information: Fee No. [2000 082403](#)
(Affects Parcel II)

Note: This Deed of Trust contains Line of Credit privileges. If the current balance owing on said obligation is to be paid in full in the forthcoming transaction, confirmation should be made that the beneficiary will issue a proper request for full reconveyance.

14. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: Eva Maria Deggendorfer
Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for Landmark Mortgage Company, its successors and assigns
Trustee: Pacific Northwest Title
Amount: \$158,000.00
Recorded: August 17, 2005
Recording Information: Fee No. [2005 078645](#)
(Affects Parcel V)

The beneficial interest under said Deed of Trust has been assigned to Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP, by Assignment recorded May 30, 2012 as Fee No. [2012 033662](#).

15. Notice of Pendency of an action, being a Suit to Foreclose Deed of Trust .
Suit No.: CV15100607
Recorded/Filed: December 01, 2015 as Fee No. [2015 079472](#)
Plaintiff: Keybank National Association
Defendant: Eva M. Deggendorfer aka Eva Marie Deggendorfer; and persons or parties unknown claiming any right, title, lien or interest in the property described in the complaint herein
(Affects Parcel V)

- END OF EXCEPTIONS -

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$980.04
Map No.: 12E30CD06900
Property ID: 00079961
Tax Code No.: 012-002
(Affects Parcel I)

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$895.84
Map No.: 12E30CD07400
Property ID: 00080012
Tax Code No.: 012-002
(Affects Parcel I)

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$452.43
Map No.: 12E30CD07700
Property ID: 00080021
Tax Code No.: 012-002
(Affects Parcel II)

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$568.27
Map No.: 12E30CD07701
Property ID: 00080030
Tax Code No.: 012-002
(Affects Parcel III)

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$2,836.75
Map No.: 12E30CD10300
Property ID: 00080478
Tax Code No.: 012-002
(Affects Parcel IV)

NOTE: Taxes for the year 2015-2016 PAID IN FULL

Tax Amount: \$4,659.93
Map No.: 12E30CD10400
Property ID: 00080487
Tax Code No.: 012-002
(Affects Parcel V)

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION

Filing Address: **Clackamas County**
1710 Red Soil Ct, Suite 110
Oregon City, OR 97045

Recording Fees: **\$ 53.00 First Page**
(Comprised of:
\$ 5.00 per page
\$ 5.00 per document - GIS Fee
\$10.00 per document - Public Land Corner Preservation Fund
\$11.00 per document - OLIS Assessment & Taxation Fee
\$22.00 per document - Oregon Housing Alliance Fee)
\$ 5.00 E-Recording fee per document
\$ 5.00 for each additional page
\$ 5.00 for each additional document title, if applicable
\$ 20.00 Non-Standard Document fee, if applicable



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site. There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive. FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL I: TL 6900 & 7400

PART OF BLOCK 9, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 135 FEET TO A POINT WHICH IS 10 FEET EAST OF THE NORTHWEST CORNER OF LOT 9; THENCE SOUTH PARALLEL WITH THE EAST LINE OF LOTS 10 AND 39 A DISTANCE OF 200 FEET TO A POINT IN THE SOUTH LINE OF LOT 40, SAID BLOCK 9; THENCE EAST A DISTANCE OF 40 FEET TO THE SOUTHEAST CORNER OF LOT 41, SAID BLOCK 9; THENCE SOUTH A DISTANCE OF 30 FEET TO THE CENTER LINE OF VACATED LLEWELLYN STREET; THENCE WEST ALONG THE CENTER LINE OF LLEWELLYN STREET, SAID LINE RUNNING PARALLEL WITH AND 30 FEET SOUTH OF THE SOUTH LINE OF BLOCK 9, A DISTANCE OF 175 FEET TO A POINT DUE SOUTH OF THE SOUTHWEST CORNER OF LOT 35, BLOCK 9; THENCE NORTH 30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 35, BLOCK 9; THENCE CONTINUING NORTH 200 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM AN EASEMENT FOR INGRESS AND EGRESS BEING A PART OF BLOCK 9, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF LOT 14 AND IT'S SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 200 FEET TO A POINT IN THE CENTER OF VACATED LLEWELLYN STREET; THENCE WEST 15 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 14; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE OF LOT 14 AND THE WEST LINE OF LOT 14, TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

PARCEL II: TL 7700

THE SOUTH HALF OF LOTS 33 AND 34, BLOCK 9, MINTHORN ADDITION TO THE CITY OF PORTLAND.

ALSO THAT PORTION OF VACATED MAGNOLIA STREET LYING BETWEEN THE SOUTH LINE OF SAID LOTS AND THE NORTH LINE OF LOTS 15 AND 16, BLOCK 20, MINTHORN ADDITION TO THE CITY OF PORTLAND.

NOTE: This legal description was created prior to January 1, 2008.

PARCEL III: TL 7701

THE SOUTH ONE-HALF OF LOTS 29, 30, 31 AND 32, BLOCK 9, MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

TOGETHER WITH THAT PORTION OF VACATED MAGNOLIA AVENUE THAT INURED TO THE PREMISES BY REASON OF THE VACATION THEREOF.

NOTE: This legal description was created prior to January 1, 2008.

PARCEL IV: TL 10300

LOTS 17, 18, 19 AND 20, BLOCK 20, MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON. TOGETHER WITH THAT PORTION OF VACATED MAGNOLIA AVENUE THAT INURED TO THE PREMISES BY REASON OF THE VACATION THEREOF.

PARCEL V: TL 10400

PART OF BLOCK 20, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 135 FEET TO A POINT WHICH IS 10 FEET EAST OF THE NORTHWEST CORNER OF LOT 9; THENCE SOUTH PARALLEL WITH THE EAST LINE OF LOTS 10 AND 39 A DISTANCE OF 200 FEET TO A POINT IN THE SOUTH LINE OF LOT 40, SAID BLOCK 9; THENCE EAST A DISTANCE OF 40 FEET TO THE SOUTHEAST CORNER OF LOT 41, SAID BLOCK 9; THENCE SOUTH A DISTANCE OF 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 30 FEET TO THE NORTHEAST CORNER OF LOT 8, BLOCK 20; THENCE CONTINUING SOUTH ALONG THE EAST LINE OF LOTS 8 AND 41, SAID BLOCK 20, AND SOUTHERLY EXTENSION THEREOF A DISTANCE OF 230 FEET TO THE CENTER LINE OF VACATED HARRISON STREET; THENCE WEST ALONG SAID CENTER LINE A DISTANCE OF 225 FEET TO A POINT WHICH IS 30 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT 33, SAID BLOCK 20; THENCE NORTH 30 FEET TO SAID SOUTHWEST CORNER; THENCE CONTINUING NORTH ALONG THE WEST LINE OF LOTS 33 AND 16 A DISTANCE OF 200 FEET TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE EAST 50 FEET TO THE NORTHEAST CORNER OF LOT 15; THENCE NORTH 30 FEET TO THE CENTER LINE OF VACATED LLEWELLYN STREET; THENCE EAST ALONG THE CENTER LINE OF SAID VACATED LLEWELLYN A DISTANCE OF 175 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS BEING A PART OF BLOCK 9, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF LOT 14 AND IT'S SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 200 FEET TO A POINT IN THE CENTER OF VACATED LLEWELLYN STREET; THENCE WEST 15 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 14; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE OF LOT 14 AND THE WEST LINE OF LOT 14, TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

Exhibit E

Pre-Application Conference Report

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 3/10/2016 at 10:00am

Applicant Name: Ken Sandblast
Company: Westlake Consultants
Applicant 'Role': Legal Rep
Address Line 1: 15115 SW Sequoia Pkwy
Address Line 2:
City, State Zip: Tigard OR 97224
Project Name: 13 Lot Subdivision
Description: 13 Lot Subdivision - demolish 2 existing dwellings - new road with cul-de-sac and improvements
ProjectAddress: 5126 SE King Rd
Zone: Residential R-5
Occupancy Group:
ConstructionType:
Use: Moderate Density (MD)
Occupant Load:
AppsPresent: Kurt Dalbey, Ken Sandblast
Staff Attendance: Brett Kelper, Chrissy Dawson, Alex Roller, Matt Amos, Claire Lust

BUILDING ISSUES

ADA:
Structural: No Comments at this time.
Mechanical:
Plumbing:
Plumb Site Utilities:
Electrical:
Notes:

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: See attached letter

PUBLIC WORKS ISSUES

Water:

A City of Milwaukie 8-inch water main on SE King Road is available for connection to serve the proposed development. The applicant shall construct a 6-inch diameter ductile iron water mainline within the right of way of the new public street to provide for water service to the development. Construction of any main line improvement within the public right-of-way shall be completed prior to final plat approval.

The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of each new water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer:

A City of Milwaukie 8-inch wastewater main on SE King Road is available for connection to serve the proposed development. The applicant shall construct an 8-inch diameter PVC wastewater mainline and a 48-inch diameter standard sanitary sewer manhole within the right of way of the new public street to provide for wastewater service to the development. Construction of any main line improvement within the public right-of-way shall be completed prior to final plat approval.

Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$893.00 and the second component is the County's fee for treatment of \$5,970 that the City collects and forwards to the County. Both charges are per connection unit. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm:

Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of

the City of Milwaukie Public Works Standards.

The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the most current City of Portland Stormwater Management Manual for design of water quality facilities.

All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$844 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street:

The proposed development fronts the south side of SE King Road, an arterial roadway. The portion of SE King Road fronting the proposed development has a right-of-way width of 60 feet and a paved width of 48 feet with curb on both sides, asphalt sidewalk improvements on the south side and concrete sidewalk improvements on the north side.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

SE KING ROAD

According to Code Table 19.708.2 and the Transportation Design Manual, the arterial street section includes the following:

- 11-foot travel lanes
- 6-foot bike lane with curb
- 6.5-foot landscape strips
- 6-foot setback sidewalks

The necessary improvements to King Road will be a 6 foot setback sidewalk and 6.5 foot planter strip. The curb will remain in the same location but may need to be reconstructed to accomplish a proper turning radius into the new public street serving the development.

NEW PUBLIC STREET

According to Code Table 19.708.2 and the Transportation Design Manual, the local street cross section includes the following:

- 10-foot travel lanes
- 8-foot parking strip (one side) with curb (both sides)
- 5-foot landscape strips
- 5-foot setback sidewalks

The new public street improvement cross-section shall include: a 28-foot paved width asphalt roadway with curb and gutter, 5-foot landscape strips and 5-foot set-back sidewalks on both sides. If an alternate stormwater facility of sufficient size to manage street stormwater runoff is designed, the applicant may forego the 5-foot landscape strips and construct 6-foot curb-tight sidewalks.

Right of Way:

The existing right-of-way width on SE King Road fronting the proposed development is 60 feet in width. According to Code Table 19.708.2, the required right-of-way width for an arterial roadway is 73 feet. The applicant is responsible for a right-of-way dedication, 6.5 feet in width, along the entire portion of SE King Road fronting the proposed development.

The existing right-of-way width of the new public street to serve the proposed development is nonexistent. The applicant is responsible for a right-of-way dedication of sufficient width to accommodate the new street cross-section in accordance with Code Table 19.708.2.

Driveways:

Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukee's Public Works Standards.

Erosion Control:

Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study:

Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukee Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created.

If required, the transportation impact study triggers a Transportation Facilities Review (TFR) Land Use Application to be filed concurrent with the land use application. Once the scope of the proposed development is determined and a deposit of \$1000.00 is paid, the City of Milwaukee will provide a detailed transportation impact study scope for the traffic study.

When the traffic impact study is completed in accordance with the TIS scope, the applicant shall schedule a second pre-application meeting with Milwaukee Engineering Staff. The second pre-application meeting will allow Engineering staff to review and comment on the applicant's traffic impact study prior to submission of any land use applications. The fee for the second pre-application meeting is \$100.00 and a deposit of \$2500.00. Upon completion of the second pre-application meeting, the applicant may submit their land use applications.

PW Notes:

TRANSPORTATION SDC

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,920 per trip generated. The transportation SDC for each Single-Family Residence is \$1,920 (one trip). Credits will be given for any demolished structures, which shall be based upon the existing use of the structures. Transportation SDC will be assessed and collected at the time the building permits are issued.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is \$3,985.00. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation

SDC will be assessed and collected at the time the building permits are issued.

REQUIREMENTS AT FINAL PLAT

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.
- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.
- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.
- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.
- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection.

PLANNING ISSUES

Setbacks:

Yard requirements for the Residential R-5 zone are established in Milwaukie Municipal Code (MMC) Subsection 19.301.4. Minimum front and rear yards are 20 ft, side yards are 5 ft, and street-side yards are 15 ft (for corner lots).

As per MMC Subsection 19.501.2, there is an extra setback requirement for King Road, applied in addition to the underlying zone front or street-side yard setbacks from King Road. The public right-of-way on King Road is 60 ft wide along the subject property's frontage and the additional setback is 40 ft as measured from the centerline of the right-of-way.

Landscape:

In the R-5 zone, a minimum of 25% of the site must be landscaped, including at least 40% vegetation in the front yard (measured from the front property line to the front face of the house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). A maximum of 35% of any R-5 lot may be covered by structures, including decks or patios over 18 in above grade.

Parking:

As per the off-street parking standards of MMC Chapter 19.600, properties that contain single-family dwellings must provide at least 1 off-street parking space per dwelling unit. As per MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. The required spaces cannot be located in a required front or street-side yard and must have a durable and dust-free hard surface.

Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 10 ft of the right-of-way boundary.

Transportation Review:

The proposed subdivision will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. Please see the Public Works notes for more information about the requirements of MMC 19.700 and the necessary right-of-way dedication and street frontage improvements.

Each new lot created in the R-5 zone must provide a minimum of 35 ft of frontage on a public street. The applicant should coordinate with the City's Engineering Department to determine a workable layout for the new streets needed to serve the proposed subdivision. Private streets are not allowed.

The subject property is partially comprised of vacated right-of-way from Llewellyn and Harrison Streets. Although development subsequent to the street vacation(s) has made re-establishment of the Llewellyn Street right-of-way unfeasible, a future reconnection to Harrison Street at Home Avenue to the west would allow redevelopment of several adjacent properties fronting on Home Avenue and Jackson Street. In addition, the new public street that will provide access to the subject property from King Road will allow for redevelopment of several adjacent properties fronting on 52nd Avenue.

Application Procedures: Required land use applications for the proposed action include the following:
* Subdivision (Type III review)

The subject property at 5126 SE King Road is comprised of 6 lots, which encompass portions of various underlying 2,500-sq-ft lots from Blocks 9 and 20 of the Minthorn Addition platted in 1890. The minimum size for new lots in the R-5 zone is 5,000 sq ft. The proposed development requires replatting the subject property using the subdivision process.

The current fee for subdivision applications (preliminary plat review) is \$4,400, plus \$100 for each lot over 4 lots. The applicant should submit 5 complete copies of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the associated Neighborhood District Associations (NDAs), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed. Note: The subject property is within the Hector Campbell NDA but is within 300 ft of the boundaries of the Lewelling and Linwood NDAs, so referrals will be made to all three NDAs.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Once the Planning Commission makes a decision on the application, notice of the decision will be issued, initiating a 15-day appeal period for the applicant and any party who has established standing by submitting comments or participating in the public hearing process. Following the appeal period, the applicant may submit the necessary Final Plat application, which will require Type I review (current fee, \$200).

Prior to submitting the subdivision application, the applicant is encouraged to present the project at the regular meetings of the Hector Campbell NDA (6:30 p.m. on the second Monday of every month at the City's Public Safety Building, 3200 SE Harrison St), the Lewelling NDA, (7:00pm on the second Wednesday of every month at Lewelling Elementary, 5325 SE Logus Rd), and the Linwood NDA (7:00pm on the second Thursday of every month at Linwood Elementary, 11909 SE Linwood Ave).

Natural Resource Review: The subject property does not include any designated natural resource areas.

Lot Geography: The subject property is comprised of 6 lots, with a total area of approximately 115,000 sq ft (2.64 acres). The property has frontage on King Road to the north.

Planning Notes:

The minimum density requirement for the R-5 zone is 7.0 units per acre, with a maximum density of 8.7 units per acre. The area of right-of-way dedications and publically or commonly owned open spaces (such as stormwater tracts) is subtracted from the gross site area for the purpose of calculating density. Standards for calculating density, including rounding, are established in MMC Subsection 19.202.4.

MMC Section 17.28.040 establishes general design standards for new lots, including a requirement for rectilinear lots unless impractical and a limitation on compound lot line segments. As per MMC Section 17.28.070, flag lots are prohibited in new subdivisions.

Currently, there are no City regulations for tree removal on private property, except where flag lot development is proposed or where there are natural resource designations on the site. Neither situation applies to the proposed project.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Sam Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Vacant - Civil Engineer - 503-786-7609

Chrissy Dawson - Engineering Tech II - 503-786-7610

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COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING DEPARTMENT

Denny Egner - Planning Director - 503-786-7654

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Brett Kelter - Associate Planner - 503-786-7657

Vera Koliass - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1 Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 3/25/2016
Re: 13 Lot subdivision 5126 SE king Rd. 16-008PA

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

COMMENTS:

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

Access:

- 1) 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.
- 2) Fire Department turnarounds shall meet the dimensions found in the fire code applications guide.
- 3) Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.
- 4) Developers of private streets less than 32 feet in width must establish a street maintenance agreement that provides for enforcement of parking restrictions.

Water Supply:

1) For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:

<3,600 square feet (including attached garage)

a) 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)

>3,600 square feet (including attached garage)

a) Shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1)

b) 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.

Please see our design guide at:

<http://www.clackamasfire.com/documents/fireprevention/firecodeapplicationguide.pdf>

Exhibit F

Storm Drainage Report

Date: May 20, 2016

**Re: Mission Park Subdivision
Preliminary Stormwater Memorandum**

This project is located at 5126 SE King Road and has a total area of 2.66 acres. The site contains an existing residential home. The remainder of the site consists of a gravel driveway, and a combination of grassed and treed areas.

This development will provide 14 new residential homes with public street improvements. Storm laterals will be provided to each lot and will be directed to a new public storm main. The public storm main will discharge into a new water quality and infiltration facility located at the southwest corner of the property.

The water quality and infiltration facility will be designed according to the requirements set forth in City of Milwaukie Public Works Standards dated February 15, 2015.

Analysis Purpose

The purpose of this preliminary analysis is to determine the following:

1. Water quality treatment feasibility
2. Preliminary Infiltration Feasibility

Water Quality Treatment

A grassy swale is proposed for water quality treatment and shall be designed per the City of Portland 2014 Stormwater Manual. The swale will be lined so as to prevent untreated stormwater from infiltrating into underlying soils. A collection system will be installed at the downstream end of the swale which will then be directed to infiltration trenches located in the stormwater tract.

A water quality manhole will be constructed prior to the water quality facility, The water quality manhole is sized accordingly to the 25-year peak runoff rate.

Infiltration System

The City of Milwaukie requirement states that the developed peak runoff rates for the purposes of designing an infiltration system shall be 2 inches per hour.

Infiltration testing was performed by Hardman Geotechnical Services Inc. on March 8, 2016. Infiltration rates were found to be 14 in/hr. Trenches will be designed based on 7 in/hr.

Exhibit G

Geotechnical Report

March 23, 2016
HGSI Project No. 16-1988

Kurt Dalbey
Mission Homes NW, LLC
P.O. Box 1689
Lake Oswego, Oregon 97035

Copy: Shad Haney / Jeff Vanderdasson, Westlake Consultants

**Subject: GEOTECHNICAL ENGINEERING REPORT
5096 SE KING ROAD PROPERTY
MILWAUKIE, OREGON**

This report presents the results of a geotechnical engineering study conducted by Hardman Geotechnical Services Inc. (HGSI) for the above-referenced project. The purpose of this study was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with HGSI Proposal No. 16-779, dated February 17, 2016, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site consists of a 2.5 acre irregularly shaped property located at 5096 SE King Road in Milwaukie, Oregon (see Vicinity Map, Figure 1). Four existing structures currently occupy the site. There is also a large concrete channel, consisting of concrete stem walls and stream bed, along with many large boulders. The site is flat to gently sloping and is covered with many trees and bushes.

The proposed development includes subdividing the property to create 14 lots for single family home construction. Approximately 550-600 lineal feet of new private street will provide access to the homes from King Road. Underground utilities are also planned. We anticipate site development will consist of single family residential structures up to three stories in height. A grading plan has not yet been developed. HGSI should review grading plans when they become available in order to provide additional geotechnical recommendations as needed.

REGIONAL GEOLOGY AND SEISMIC SETTING

The subject site lies within the Portland Basin, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. The Portland Basin is a northwest-southwest trending structural basin produced by broad regional downwarping of the area. The Portland Basin is approximately 20 miles wide and 45 miles long and is filled with consolidated and unconsolidated sedimentary rocks of late Miocene, Pliocene and Pleistocene age.

Gannet and Caldwell (1998) map the site area as being underlain by Pleistocene-age Alluvium and Glacial-Outburst Flood Sediments and Holocene Alluvial Deposits. These materials are described as “silt, sand and gravel deposited primarily by late Pleistocene glacial-outburst floods, but also including glaciofluvial sediments from the Cascade Range” and “sand, gravel, and silt deposits along channels and flood plains of the present day drainage system”, respectively. The catastrophic flood deposits are associated with repeated

glacial outburst flooding of the Willamette Valley, the last of which occurred about 10,000 years ago (Madin, 1990). The lower, eastern portion of the site is mapped as Continental Sedimentary Rocks. This geologic unit is the main basin filling unit of the Willamette Lowland and consists of sand, gravel, sandstone, conglomerate siltstone, and mudstone derived primarily from the Cascade Range and Columbia River drainage (Gannett and Caldwell, 1998).

At least three major seismic source zones capable of generating damaging earthquakes are known to exist in the region. These include the Portland Hills Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone. These potential earthquake source zones are included in the determination of seismic design values for structures, as presented in the *Seismic Design* section.

FIELD EXPLORATION

The site-specific exploration for this study was conducted on March 8, 2016 and consisted of three test pits (designated TP-1 through TP-3) excavated to depths of approximately 10 to 10.5 feet below ground surface (bgs) at the approximate locations shown on the attached Site Plan, Figure 2. It should be noted that exploration locations were determined in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

Explorations were conducted under the full-time observation of HGSI personnel. Soil samples obtained from the borings were classified in the field and representative portions were placed in relatively air-tight plastic bags. These soil samples were then returned to the laboratory for further examination. Pertinent information including soil sample depths, stratigraphy, soil engineering characteristics, and groundwater occurrence was recorded. Soils were classified in general accordance with the Unified Soil Classification System.

Summary test pit logs are attached to this report. The stratigraphic contacts shown on the individual borehole logs represent the approximate boundaries between soil types. The actual transitions may be more gradual. The soil and groundwater conditions depicted are only for the specific dates and locations reported, and therefore, are not necessarily representative of other locations and times.

INFILTRATION TESTING

On March 8, 2016, HGSI performed falling head infiltration tests using the stand pipe method in Test Pits TP-1 and TP-2. Soils were pre-saturated for several hours prior to testing. Following the soil saturation, infiltration tests were conducted. The water level was measured to the nearest 0.1 inch from a fixed point. The change in water level was recorded at regular intervals over a period of several hours. Table 1 presents the results of the falling head infiltration tests.

Table 1. Summary of Infiltration Test Results

Test Pit	Depth (feet)	Soil Type	Infiltration Rate(in/hr)	Hydraulic Head Range (inches)
TP-1	10	Sand	14	68.8 – 47.8
TP-2	4	Silt	2.2	26.2 – 23.2

SUBSURFACE CONDITIONS

The following discussion is a summary of subsurface conditions encountered in our explorations. For more detailed information regarding subsurface conditions at specific exploration locations, refer to the attached test pit logs. Also, please note that subsurface conditions can vary between exploration locations, as discussed in the *Uncertainty and Limitations* section below.

Soil

On-site soils are anticipated to consist of silt and sand belonging to the Willamette Formation as described below.

Silt – Underlying approximately 12 inches of topsoil, test pits encountered silt. These soils were typically medium stiff to very stiff and were brown with gray and orange mottling. The silt unit extended to roughly 6.5 feet bgs. This silt unit was interpreted as belonging to the Willamette Formation.

Silty Sand – Beneath the silt, test pits encountered silty sand. This silty sand was loose to medium dense and brownish grey in color. The silty sand unit extended to the maximum depth of exploration in each test pit, up to 10.5 feet below ground surface. This unit was also interpreted as belonging to the Willamette Formation.

Groundwater

At the time of our explorations, groundwater was not encountered beneath the site. Regional geologic mapping (Snyder, 2008) indicates that static groundwater is present at a depth of about 60 feet below the existing ground surface at the site. In our experience, it is not uncommon to encounter thin perched groundwater zones within the Willamette Formation in this area, particularly during the wet season.

The groundwater conditions reported above are for the specific date and locations indicated, and therefore may not necessarily be indicative of other times and/or locations. Furthermore, it is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in land use and other factors.

CONCLUSIONS AND RECOMMENDATIONS

Results of this study indicate that the proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. At the time of this report, a grading plan was not yet available. HGSI should review grading plans when they become available in order to provide additional geotechnical recommendations as needed.

Recommendations are presented below regarding site preparation, engineered fill, wet weather earthwork, spread footing foundations, below grade structural retaining walls, concrete slabs-on-grade, perimeter footing drains, seismic design, stormwater infiltration systems, excavating conditions and utility trench backfill, and erosion control considerations.

Site Preparation

The areas of the site to be graded should first be cleared of vegetation and any loose debris; and debris from clearing should be removed from the site. Organic-rich topsoil should then be removed to competent native soils. We anticipate that the average depth of topsoil stripping will be 12 inches over most of the site, however deeper removals and/or root picking may be needed in the wooded portion of the site. The final depth of stripping removal may vary depending on local subsurface conditions and the contractor's methods, and should be determined on the basis of site observations after the initial stripping has been performed.

March 23, 2016

HGSI Project No. 16-1988

Stripped organic soil should be stockpiled only in designated areas or removed from the site and stripping operations should be observed and documented by HGSI. Existing subsurface structures (tile drains, old utility lines, septic leach fields, etc.) beneath areas of proposed structures and pavement should be removed and the excavations backfilled with engineered fill.

There is potential for old fills to be present on site in areas beyond our explorations. Where encountered beneath proposed structures, pavements, or other settlement-sensitive improvements, undocumented fill should be removed down to firm inorganic native soils and the removal area backfilled with engineered fill (see below). HGSI should observe removal excavations (if any) prior to fill placement to verify that overexcavations are adequate and an appropriate bearing stratum is exposed.

In construction areas, once stripping has been verified, the area should be ripped or tilled to a depth of 12 inches, moisture conditioned, and compacted in-place prior to the placement of engineered fill. Exposed subgrade soils should be evaluated by HGSI. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition or over-excavated and replaced with engineered fill, as described below. The depth of overexcavation, if required, should be evaluated by HGSI at the time of construction.

Engineered Fill

In general, we anticipate that on-site soils will be suitable for use as engineered fill in dry weather conditions, provided they are relatively free of organics and are properly moisture conditioned for compaction. Imported fill material must be approved by the geotechnical engineer prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 90 percent of the maximum dry density determined by ASTM D1557 (Modified Proctor) or equivalent. On-site soils may be wet or dry of optimum; therefore, we anticipate that moisture conditioning of native soil will be necessary for compaction operations.

Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Field density testing should conform to ASTM D2922 and D3017, or D1556. Engineered fill should be periodically observed and tested by HGSI.

Wet Weather Earthwork

The on-site soils are moisture sensitive and may be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical when performed under dry weather conditions. Earthwork performed during the wet-weather season will probably require expensive measures such as cement treatment or imported granular material to compact fill to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to

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prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;

- The ground surface within the construction area should be graded to promote run-off of surface water and to prevent the ponding of water;
- Material used as engineered fill should consist of clean, granular soil containing less than about 7 percent fines. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;
- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and placement of fill should be observed by the geotechnical engineer to verify that all unsuitable materials are removed and suitable compaction and site drainage is achieved; and
- Bales of straw and/or geotextile silt fences should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, HGSI should be contacted to provide additional recommendations and field monitoring.

Spread Footing Foundations

Shallow, conventional isolated or continuous spread footings may be used to support the proposed structures, provided they are founded on competent native soils, or compacted engineered fill placed directly upon the competent native soils. We recommend a maximum allowable bearing pressure of 2,000 pounds per square foot (psf) for designing spread footings bearing on undisturbed native soils or engineered fill. The recommended maximum allowable bearing pressure may be increased by a factor of 1.33 for short term transient conditions such as wind and seismic loading. All footings should be founded at least 18 inches below the lowest adjacent finished grade. Minimum footing widths should be determined by the project engineer/architect in accordance with applicable design codes.

Assuming construction is accomplished as recommended herein, and for the foundation loads anticipated, we estimate total settlement of spread foundations of less than about 1 inch and differential settlement between two adjacent load-bearing components supported on competent soil of less than about ½ inch. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied.

Wind, earthquakes, and unbalanced earth loads will subject the proposed structure to lateral forces. Lateral forces on a structure will be resisted by a combination of sliding resistance of its base or footing on the underlying soil and passive earth pressure against the buried portions of the structure. For use in design, a coefficient of friction of 0.5 may be assumed along the interface between the base of the footing and subgrade soils. Passive earth pressure for buried portions of structures may be calculated using an equivalent fluid weight of 390 pounds per cubic foot (pcf), assuming footings are cast against dense, natural soils or engineered fill. The recommended coefficient of friction and passive earth pressure values do not include a safety factor. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

Footing excavations should be trimmed neat and the bottom of the excavation should be carefully prepared. Loose, wet or otherwise softened soil should be removed from the footing excavation prior to placing reinforcing steel bars. HGSI should observe foundation excavations prior to placing crushed rock, to verify that adequate bearing soils have been reached. Due to the high moisture sensitivity of on-site soils,

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construction during wet weather may require overexcavation of footings and backfill with compacted, crushed aggregate.

Below-Grade Structural Retaining Walls

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater. If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained walls, an at-rest equivalent fluid pressure of 54 pcf should be used in design, again assuming level backfill against the wall. These values assume that the recommended drainage provisions are incorporated, and hydrostatic pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe-Okabe equation and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures recommended above, plus an incremental rectangular-shaped seismic load of magnitude $5H$, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 390 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and HGSI should be contacted for additional recommendations.

A coefficient of friction of 0.5 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build up. This can be accomplished by placing a 12-inch wide zone of crushed drain rock containing less than 5 percent fines against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a sump to remove water from the crushed drain rock zone. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging. The above drainage measures are intended to remove water from behind the wall to prevent hydrostatic pressures from building up. Additional drainage measures may be specified by the project architect or structural engineer, for damp-proofing or other reasons.

HGSI should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock. For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 200 kcf (115 pci) should be assumed for the soils anticipated at subgrade depth. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of crushed rock of 8 inches beneath the slab.

Interior slab-on-grade floors should be provided with an adequate moisture break. The capillary break material should consist of ODOT open graded aggregate per ODOT Standard Specifications 02630-2. The minimum recommended thickness of capillary break materials on re-compacted soil subgrade is 8 inches. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 90% of its maximum dry density as determined by ASTM D1557 or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. With this type of system, an approximately 2-inch thick layer of sand is often placed over the vapor barrier to protect it from damage, to aid in curing of the concrete, and also to help prevent cement from bleeding down into the underlying capillary break materials. Other damp/vapor barrier systems may also be feasible. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection and mold prevention issues, which are outside HGSI's area of expertise.

Perimeter Footing Drains

Due to the potential for perched surface water above fine grained deposits such as those encountered at the site, we recommend the outside edge of perimeter footings be provided with a drainage system consisting of 3-inch minimum diameter perforated PVC pipe embedded in a minimum of 1 ft³ per lineal foot of clean crushed drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. Water collected from the footing drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. The footing drains should include clean-outs to allow periodic maintenance and inspection.

Down spouts and roof drains should collect roof water in a system separate from the footing drains in order to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

Seismic Design

Structures should be designed to resist earthquake loading in accordance with the methodology described in the 2014 Oregon Residential Specialty Code (ORSC). We recommend Site Class D be used for design per ASCE 7-10, Chapter 20. Design values determined for the site using the USGS (United States Geological Survey) *Seismic Design Tool* utility are summarized below in Table 2.

Table 2. Recommended Earthquake Ground Motion Parameters (2014 ORSC)

Parameter	Value
Location (Lat, Long), degrees	45.447, -122.611
Mapped Spectral Acceleration Values (MCE, Site Class B):	
Short Period, S_s	0.974 g
Soil Factors for Site Class D:	
F_a	1.110
$SD_s = 2/3 \times F_a \times S_s$	0.721 g
Seismic Design Category (2014 ORSC Table R301.2.2.1.1)	D_1 $0.50g < SD_s < 0.83g$

Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to earthquake shaking. Soil liquefaction is generally limited to loose, granular soils located below the water table. Following development, on-site soils will consist predominantly of engineered fill or stiff native soils above the water table, which are not considered susceptible to liquefaction. Therefore, it is our opinion that special design or construction measures are not required to mitigate the effects of liquefaction.

Stormwater Infiltration Systems

Based on results of the infiltration testing, near-surface soils on site exhibit moderate infiltration rates and deeper soils exhibit higher rates; see Table 1. Groundwater was not encountered in test pits advanced to a maximum depth of 10.5 feet. No indications of seasonal high groundwater were observed.

The designer of the stormwater system should select an appropriate infiltration value based on our test results. Dry wells extending at least 10 feet bgs and into the silty sand unit on site may be designed for an ultimate infiltration rate of 14 inches/hour. Shallow infiltration facilities such as flow-through planters or swales should be designed for the lower test value of 2.2 inches/hour. The infiltration rates do not incorporate a factor of safety. For the design infiltration rate, the system designer should incorporate an appropriate factor of safety against slowing of the rate over time due to biological and sediment clogging.

Infiltration test methods and procedures attempt to simulate the as-built conditions of the planned disposal system. However, due to natural variations in soil properties, actual infiltration rates may vary from the measured and/or recommended design rates. All systems should be constructed such that potential overflow is discharged in a controlled manner away from structures, and all systems should include an adequate factor of safety. Infiltration rates presented in this report should not be applied to inappropriate or complex hydrological models such as a closed basin without extensive further studies. Evaluating environmental implications of stormwater disposal at this site are beyond the scope of this study.

Excavating Conditions and Utility Trench Backfill

We anticipate that on-site soils can be excavated using conventional heavy equipment such as trackhoes. Our exploratory test pits extended to a maximum depth of 10 feet. Soil conditions beyond our explorations are unknown. Maintenance of safe working conditions, including temporary excavation stability, is the

responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soils classify as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above the water table only. Flatter temporary excavation slopes will be needed if groundwater is present, or if significant thicknesses of sandy soils are present in excavation sidewalls.

Perched groundwater conditions often occur over fine-grained native deposits such as those beneath the site, particularly during the wet season. If encountered, the contractor should be prepared to implement an appropriate dewatering system for installation of the utilities. At this time, we anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for control of groundwater where encountered during construction conducted during the dry season. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

Utility trench backfill should consist of ¾"-0 crushed rock, compacted to at least 90% of the maximum dry density obtained by Modified Proctor (ASTM D1557) or equivalent. Initial backfill lift thicknesses for a ¾"-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

Erosion Control Considerations

Fine grained soils on steep slopes are susceptible to erosion. Erosion during construction can be minimized by implementing the project erosion control plan, which should include judicious use of bio-bags, silt fences, or other appropriate technology. Where used, erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and his/her consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, HGSI should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, HGSI executed these services in accordance with generally accepted professional principles and practices in the field of geotechnical engineering at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.



We appreciate this opportunity to be of service.

Sincerely,

HARDMAN GEOTECHNICAL SERVICES INC.



EXPIRES: 06-30-20 17

Scott L. Hardman, P.E., G.E.
Principal Geotechnical Engineer

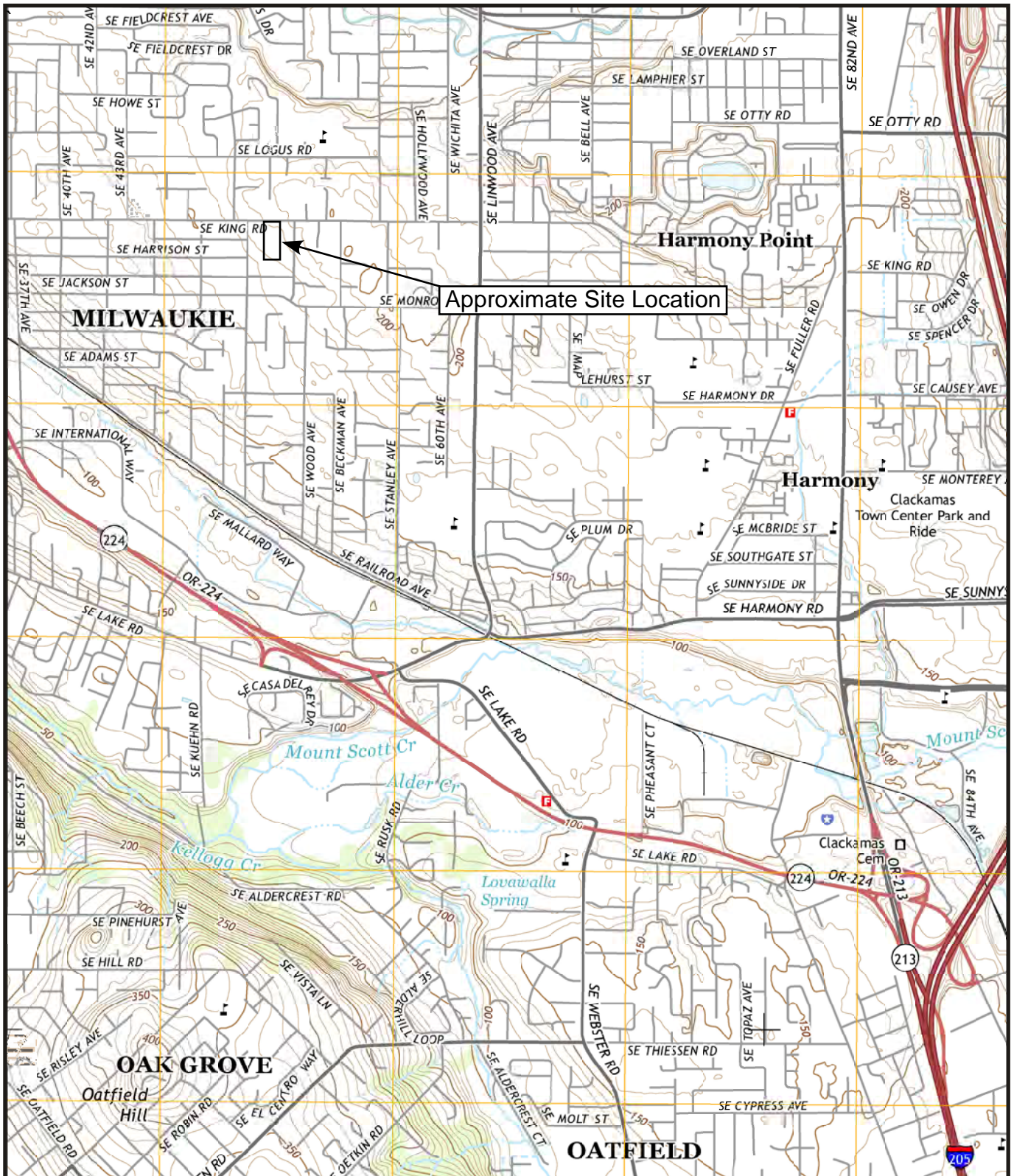
Attachments: References
 Figure 1 – Vicinity Map
 Figure 2 – Site Plan
 Logs of Test Pits TP-1 through TP-7

REFERENCES

- Gannett, M.W. and Caldwell, R.R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-A, 32 pages text, 8 plates.
- Madin, I.P., 1990, Earthquake hazard geology maps of the Portland metropolitan area, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report 0-90-2, scale 1:24,000, 22 p.
- Snyder, D.T., 2008, Estimated Depth to Ground Water and Configuration of the Water Table in the Portland, Oregon Area: U.S. Geological Survey Scientific Investigations Report 2008-5059, 41 p., 3 plates.



VICINITY MAP



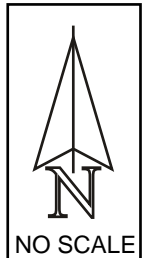
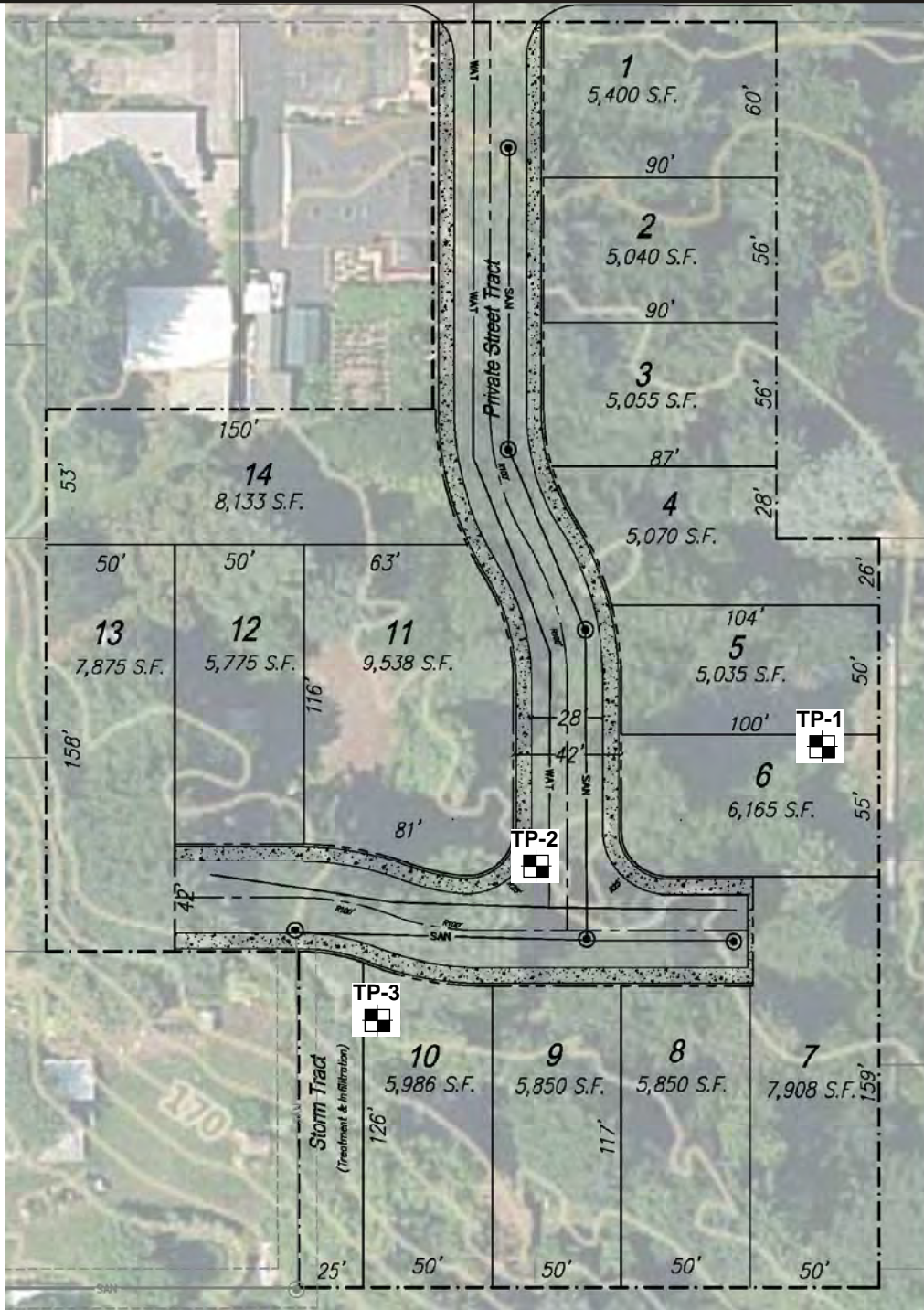
Project: 5096 SE King Rd
Milwaukie, Oregon

Project No. 16-1988


FIGURE 1



SITE AND EXPLORATION PLAN



Legend

-  **TP-3** Test Pit Designation and Approximate Location

Base map provided by:
Westlake Consultants

LOG OF BACKHOE / EXCAVATOR TEST PIT

Project: 5096 SE Kind Rd
Milwaukie, Oregon

Project No. 16-1988

Test Pit No. TP- 1

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1	0.50					Medium stiff, Silt, dark brown, moist, many fine roots (top soil)
2	0.75					Medium stiff to very stiff, Silt, brown, moist to slightly moist
3	1.25					
4	2.25					
5						
6						
7						Loose to medium dense, Silty sand, brown, slightly moist
8						
9						
10						Test pit terminated at 10 feet No groundwater or seepage encountered
11						
12						
13						
14						
15						
16						
17						

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Practical Cost-Effective Geotechnical Solutions
10110 SW Nimbus Avenue, Suite B-5
Portland, OR 97223
(503) 530-8076

LEGEND



S-1



Soil Sample Depth
Interval and Designation

Water Level at
Time of Excavation

Date Excavated: 3-8-16

Logged By: IDM

LOG OF BACKHOE / EXCAVATOR TEST PIT

Project: 5096 SE Kind Rd
Milwaukie, Oregon

Project No. 16-1988

Test Pit No. TP- 2

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1	0.50					Medium stiff, Silt, dark brown, moist, many fine roots (top soil)
2	1.00					Medium stiff to very stiff, Silt, brown, moist to slightly moist
3	1.75					
4	3.50					
5						
6						
7						
8						Loose to medium dense, Silty sand, brown, slightly moist
9						
10						
11						Test pit terminated at 10.5 feet No groundwater or seepage encountered
12						
13						
14						
15						
16						
17						

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LEGEND



S-1



Soil Sample Depth
Interval and Designation

Water Level at
Time of Excavation

Date Excavated: 3-8-16

Logged By: IDM

LOG OF BACKHOE / EXCAVATOR TEST PIT

Project: 5096 SE Kind Rd
Milwaukie, Oregon

Project No. 16-1988

Test Pit No. TP- 3

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1	0.75					Medium stiff, Silt, dark brown, moist, many roots (top soil)
2	2.50					Medium stiff to very stiff, Silt, brown, moist to slightly moist
3	>4					
4	>4					
5						
6						Loose to medium dense, Silty sand, brown, slightly moist
7						
8						
9						
10						
11						Test pit terminated at 10.5 feet No groundwater or seepage encountered
12						
13						
14						
15						
16						
17						

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LEGEND



S-1



Soil Sample Depth
Interval and Designation

Water Level at
Time of Excavation

Date Excavated: 3-8-16

Logged By: IDM

Exhibit H

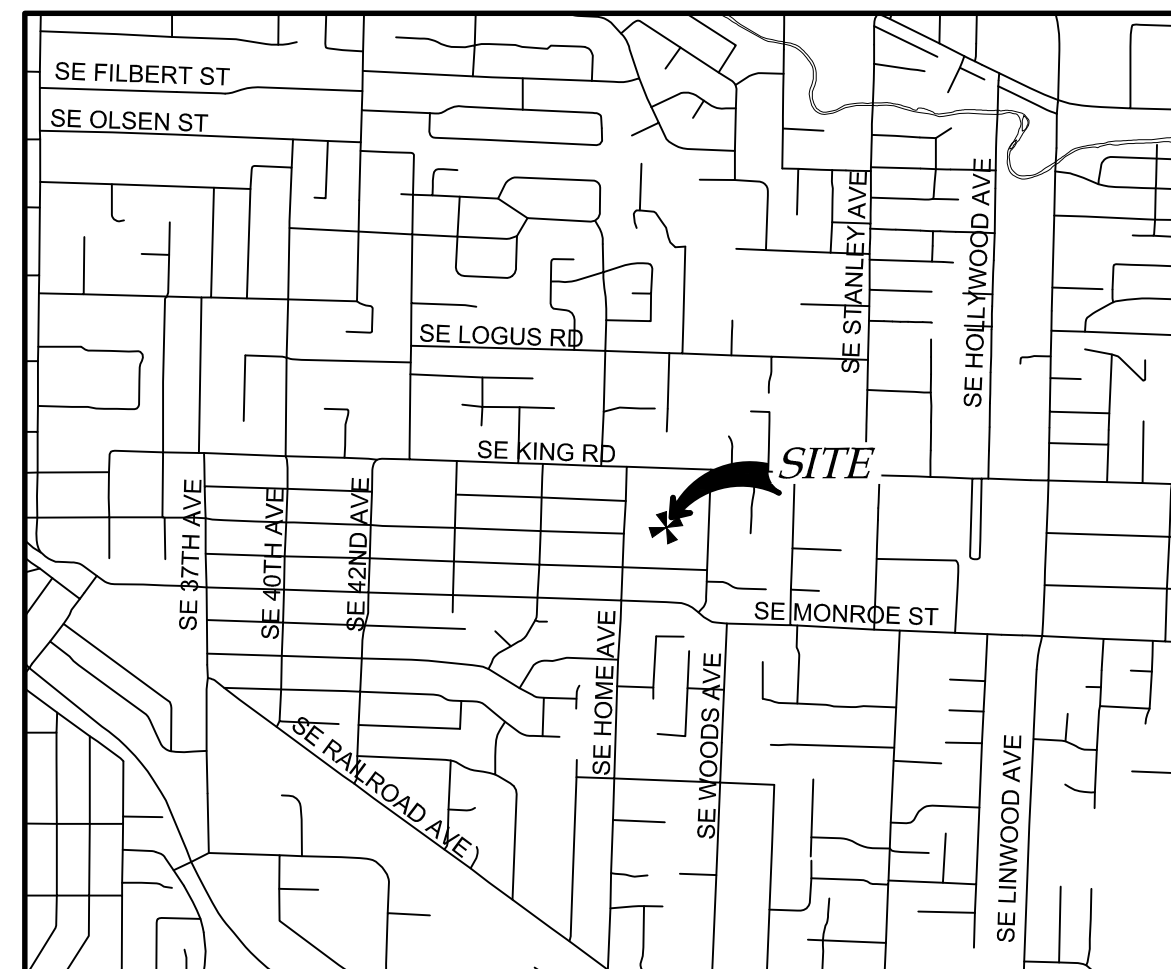
Preliminary Engineering Plan Set

PRELIMINARY PLANS FOR MISSION PARK

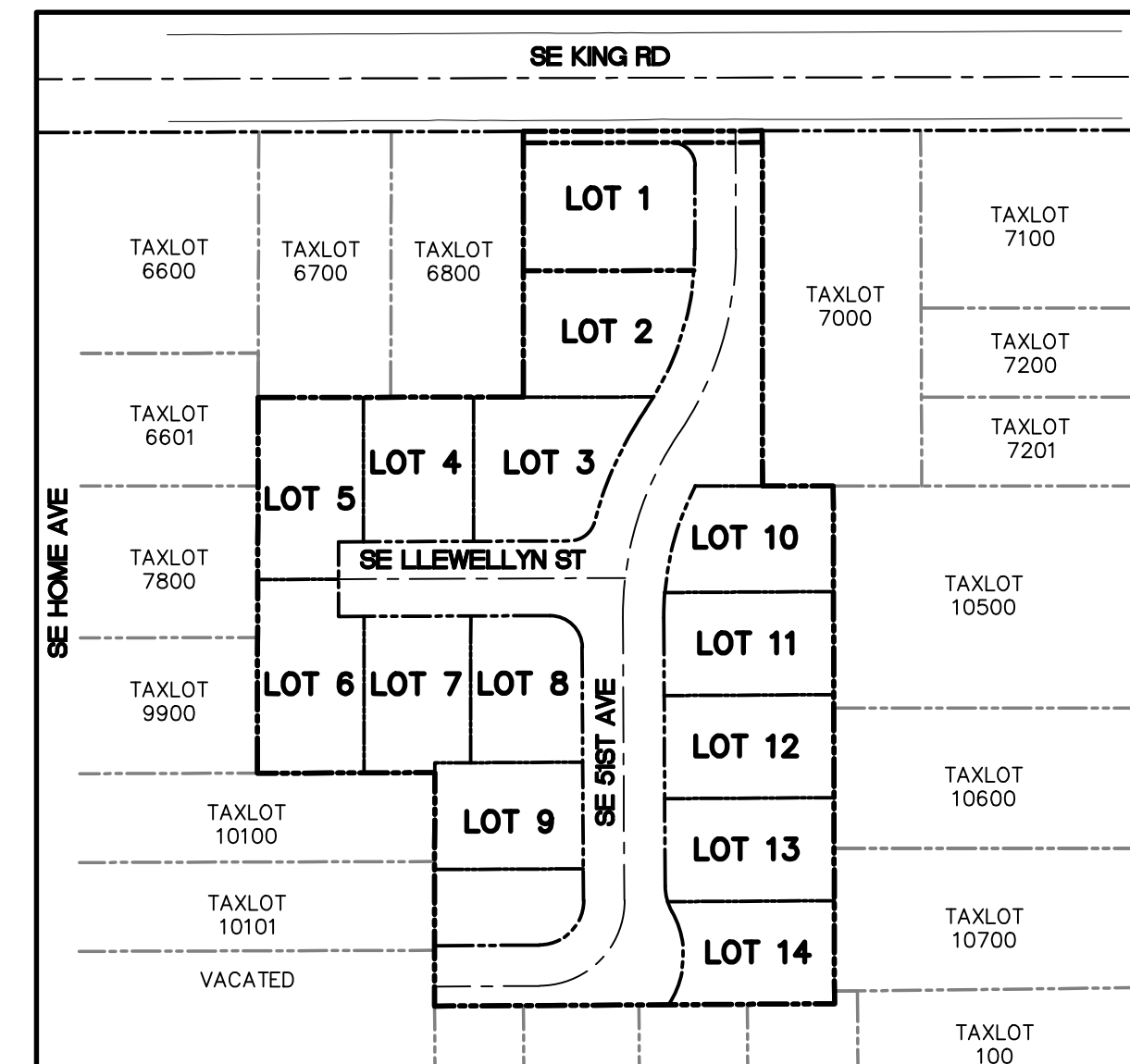
CITY OF MILWAUKIE, OREGON

SHEET INDEX

NAME:	NO.
COVER SHEET	P100
EXISTING CONDITIONS	P200
PRELIMINARY PLAT	P300
PRELIMINARY CONCEPT/SITE PLAN	P400
PRELIMINARY GRADING PLAN	P500
PRELIMINARY UTILITY PLAN	P600



VICINITY MAP
NOT TO SCALE



LOCATION MAP
SCALE: 1"=100'



PROPERTY OWNER

PAUL DEGGENDORFER
11813 NE 15TH ST
VANCOUVER, WA 98684
EVA MARIA DEGGENDORFER
4230 SE KING RD
MILWAUKIE, OR 97222

APPLICANT

MISSION HOMES NW, LLC
PO BOX 1689
LAKE OSWEGO, OR 97035
PHONE: (503) 781-1814
CONTACT: KURT DALBEY

CIVIL ENGINEER

WESTLAKE CONSULTANTS, INC.
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD, OREGON 97224
PHONE: (503) 684-0652
FAX: (503) 624-0157
CONTACT: JEFF A. VANDERDASSON, PE
KENNETH SANDBLAST, AICP

SURVEYOR

WESTLAKE CONSULTANTS, INC.
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TIGARD, OREGON 97224
PHONE: (503) 684-0652
FAX: (503) 624-0157
CONTACT: KENNETH SANDBLAST, AICP

PROPERTY DESCRIPTION

TAX MAP + LOT:
1S2E 30CD TAX LOTS 6900, 7400,
7700, 7701, 10,300 & 10,400

SITE SIZE:
2.66 ACRES

ZONING DESIGNATION:
R-5 (MODERATE DENSITY)

PROPOSAL:
14-LOT RESIDENTIAL SUBDIVISION

STREET ADDRESS

5126 SE KING RD
MILWAUKIE, OR 97222

BENCHMARK

SET A MAGNAIL IN ASPHALTIC CONCRETE PARKING LOT NORTH OF THE MILWAUKIE CHRISTIAN CHURCH BUILDING AND SOUTH OF THE WESTERLY CONCRETE CURBED PARKING ISLAND. ELEVATION= 191.40 FEET (NAVD88, GEOID 12B)



ENGINEERING ♦ SURVEYING ♦ PLANNING
PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD, OREGON 97224
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MISSION PARK
CITY OF MILWAUKIE, OR
COVER SHEET

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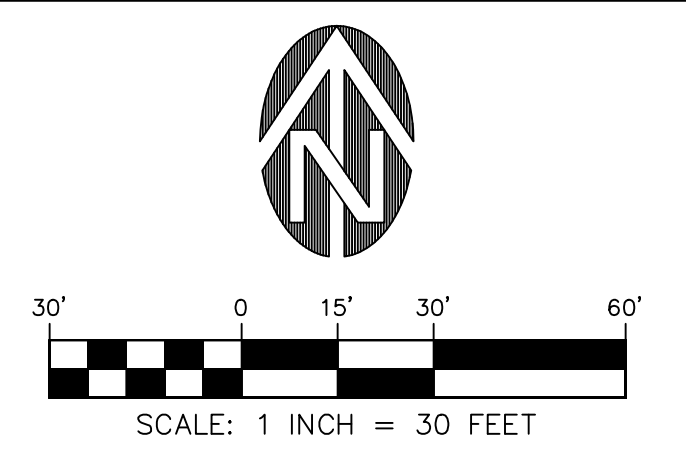
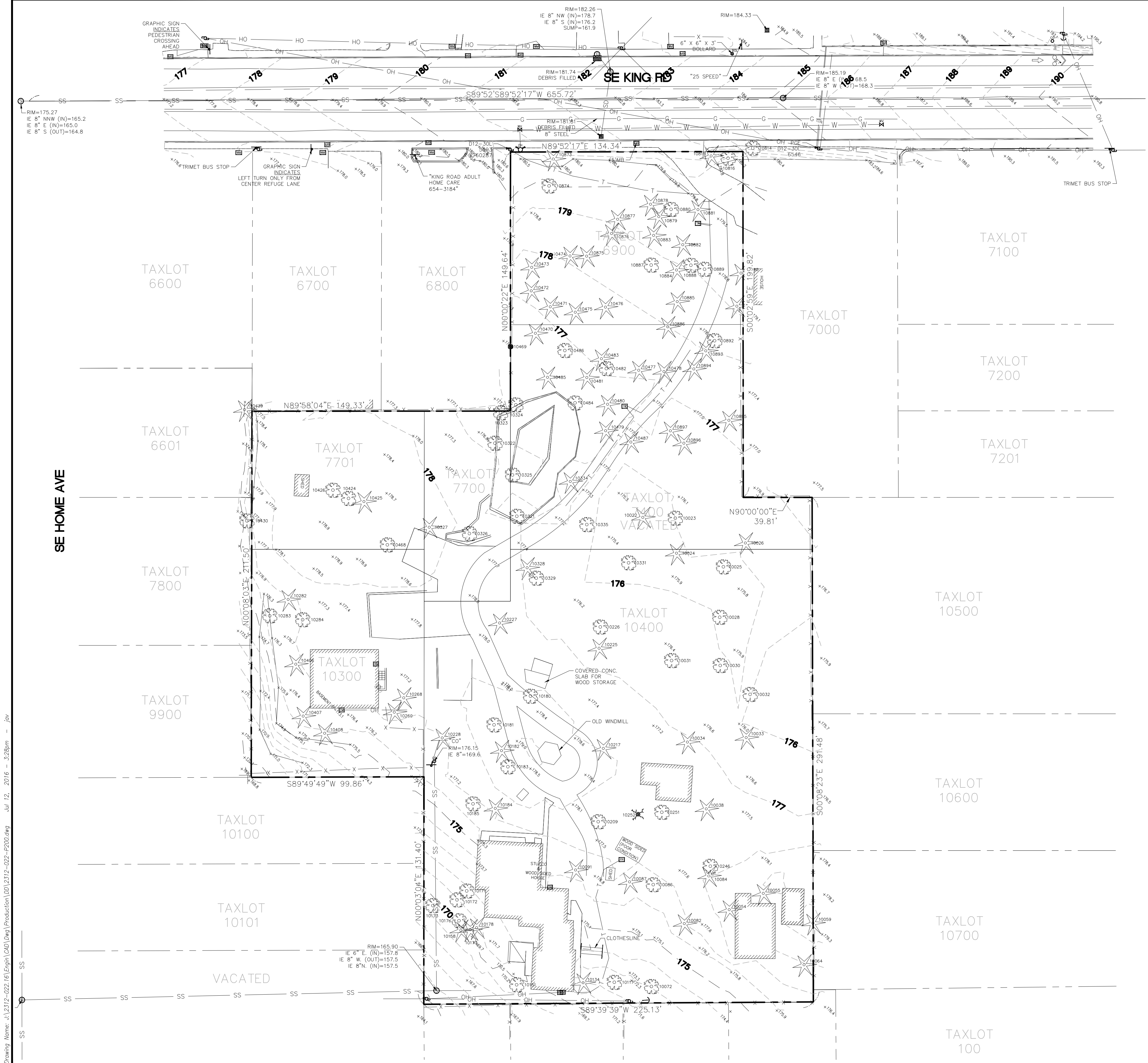
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JOB NO.
2312-022

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ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THESE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987).

UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN ARE PER FIELD MARKINGS AND RECORD DRAWINGS PROVIDED BY THE RESPECTIVE UTILITY AGENCIES. LOCATION OF NON-OBSERVABLE AND/OR UNDERGROUND UTILITIES ARE SHOWN FOR INFORMATION ONLY AND ARE NOT GUARANTEED TO BE COMPLETE OR ACCURATE.

UTILITY VERIFICATION: CONTRACTOR SHALL POTHOLE TO VERIFY LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION AND SHALL PROVIDE WESTLAKE CONSULTANTS, INC. 72-HOURS NOTICE OF ANY POTENTIAL CONFLICTS.



- LEGEND**
- FOUND SURVEY MONUMENT AS NOTED
 - FH FIRE HYDRANT
 - WV VALVE
 - SANITARY SEWER MANHOLE
 - CATCH BASIN
 - STORM SEWER MANHOLE
 - SS UNDERGROUND SANITARY SEWER LINE
 - ST UNDERGROUND STORM DRAIN LINE
 - OH OVERHEAD WIRES
 - ★ EVERGREEN TREE

NOTES
 THE BASIS OF BEARING IS THE RECORDED PLAT OF MINTHORN ADDITION, PLATS NUMBERED 59 AND 63, CLACKAMAS COUNTY PLAT RECORDS, MORE PARTICULARLY: THE BEARING OF THE SOUTH LINE OF BLOCK 9 WAS HELD PER PLAT, SAID PLATTED BEARING BEING NORTH 00°00'00" EAST.

UTILITY STATEMENT
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN MAPPED FROM FIELD SURVEY INFORMATION, OBSERVED ABOVE GROUND EVIDENCE AND GROUND MARKINGS BY OTHERS, AND EXISTING DRAWINGS SUPPLIED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

TREE TABLE

PT. NO.	TREE TYPE/TRUNK DIA.	PT. NO.	TREE TYPE/TRUNK DIA.	PT. NO.	TREE TYPE/TRUNK DIA.
10022	T-EG 48	10228	T-EG 52	10482	T-DC 10
10023	T-DC 14	10246	T-DC 18	10483	T-EG 28
10024	T-EG 12	10251	T-DC 12	10484	T-DC 10
10025	T-DC 15	10252	T-DD 12	10485	T-EG 36
10026	T-EG 22	10268	T-EG 33	10486	T-DC 16
10028	T-DC 21	10269	T-EG 50	10487	T-EG 40
10030	T-DC 18	10282	T-EG 46	10814	T-DC 10
10031	T-DC 26	10283	T-DC 16	10815	T-EG 50
10032	T-DC 18	10284	T-DC 26	10816	T-DC 2X11-15
10033	T-EG 17	10321	T-DC 16	10873	T-EG
10034	T-EG 20	10322	T-DC 18	10874	T-DC 20
10038	T-EG 38	10323	T-DC 18	10875	T-EG 14
10054	T-EG 2X12	10324	T-DC 18	10876	T-EG 25
10055	T-EG 18	10325	T-DC 20	10877	T-EG 36
10059	T-EG 48	10326	T-DC 16	10878	T-EG 28
10064	T-EG 3X12	10327	T-EG 29	10879	T-EG 20
10072	T-DC 12	10328	T-EG 24	10880	T-DC 12
10082	T-EG 48	10329	T-DC 11	10881	T-EG-48
10084	T-EG 24	10331	T-DC 21	10882	T-EG-36
10086	T-DC 18	10334	T-EG 48	10883	T-EG-22
10087	T-EG 16	10335	T-DC 18	10884	T-EG-22
10091	T-EG 48	10406	T-EG 48	10885	T-EG-27
10117	T-DC 30	10407	T-EG 48	10886	T-EG-31
10134	T-EG 18	10408	T-EG 48	10887	T-DC 18
10151	T-DC 20	10424	T-DC 24	10888	T-DC 12
10158	T-EG 11	10425	T-EG 52	10889	T-DC 22
10171	T-DC 14	10426	T-DC 28	10890	T-EG 30
10172	T-DC 40	10430	T-DC 18	10891	T-EG 32
10173	T-DC 10	10439	T-EG 20	10892	T-DC 12
10176	T-DC 42	10468	T-DC 10	10893	T-EG 36
10177	T-EG 12	10469	T-ST 30	10894	T-EG 36
10178	T-EG 12	10470	T-EG 36	10895	T-EG 45
10180	T-DC 24	10471	T-EG 18	10896	T-EG 24
10181	T-DC 24	10472	T-EG 28	10896	T-EG 40
10182	T-EG 48	10473	T-EG 30	10897	T-EG 40
10183	T-DC 27	10474	T-EG 32		
10184	T-EG 28	10475	T-EG 24		
10185	T-DC 15	10476	T-EG 30		
10209	T-DC 11	10477	T-EG 48		
10217	T-EG 54	10478	T-EG 34		
10225	T-EG 30	10479	T-EG 38		
10226	T-DC 12	10480	T-EG 38		
10227	T-EG 28	10481	T-EG 26		

TREE TABLE LEGEND
 T-DC = DECIDUOUS TREE
 T-EG = EVERGREEN TREE
 T-DD = DEAD TREE
 T-ST = TREE STUMP

WESTLAKE CONSULTANTS INC.
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 (503) 684-0652
 FAX (503) 624-0157

MISSION PARK
 CITY OF MILWAUKIE, OR
 EXISTING CONDITIONS

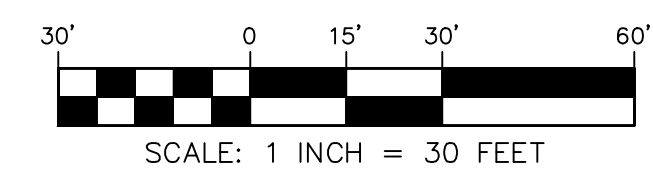
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NO.	DATE	DESCRIPTION	DRAFT BY:	CHECK BY:

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TOWNSHIP 1 SOUTH, RANGE 2 EAST, SECTION 30

LEGAL DESCRIPTIONS

REAL PROPERTY IN THE COUNTY OF CLACKAMAS, STATE OF OREGON, DESCRIBED AS FOLLOWS:

PARCEL I: TL 6900 & 7400

PART OF BLOCK 9, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 135 FEET TO A POINT WHICH IS 10 FEET EAST OF THE NORTHWEST CORNER OF LOT 9; THENCE SOUTH PARALLEL WITH THE EAST LINE OF LOTS 10 AND 39 A DISTANCE OF 200 FEET TO A POINT IN THE SOUTH LINE OF LOT 40, SAID BLOCK 9; THENCE EAST A DISTANCE OF 40 FEET TO THE SOUTHWEST CORNER OF LOT 41, SAID BLOCK 9; THENCE SOUTH A DISTANCE OF 30 FEET TO THE CENTER LINE OF VACATED LLEWELLYN STREET; THENCE WEST ALONG THE CENTER LINE OF LLEWELLYN STREET, SAID LINE RUNNING PARALLEL WITH AND 30 FEET SOUTH OF THE SOUTH LINE OF BLOCK 9, A DISTANCE OF 175 FEET TO A POINT DUE SOUTH OF THE SOUTHWEST CORNER OF LOT 35, BLOCK 9; THENCE NORTH 30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 35, BLOCK 9; THENCE CONTINUING NORTH 200 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM AN EASEMENT FOR INGRESS AND EGRESS BEING A PART OF BLOCK 9, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF LOT 14 AND IT'S SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 200 FEET TO A POINT IN THE CENTER OF VACATED LLEWELLYN STREET; THENCE WEST 15 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 14; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE OF LOT 14 AND THE WEST LINE OF LOT 14, TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

PARCEL II: TL 7700

THE SOUTH HALF OF LOTS 33 AND 34, BLOCK 9, MINTHORN ADDITION TO THE CITY OF PORTLAND.

ALSO THAT PORTION OF VACATED MAGNOLIA STREET LYING BETWEEN THE SOUTH LINE OF SAID LOTS AND THE NORTH LINE OF LOTS 15 AND 16, BLOCK 20, MINTHORN ADDITION TO THE CITY OF PORTLAND.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

PARCEL III: TL 7701

THE SOUTH ONE-HALF OF LOTS 29, 30, 31 AND 32, BLOCK 9, MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

TOGETHER WITH THAT PORTION OF VACATED MAGNOLIA AVENUE THAT INURED TO THE PREMISES BY REASON OF THE VACATION THEREOF.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

PARCEL IV: TL 10300

LOTS 17, 18, 19 AND 20, BLOCK 20, MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, TOGETHER WITH THAT PORTION OF VACATED MAGNOLIA AVENUE THAT INURED TO THE PREMISES BY REASON OF THE VACATION THEREOF.

PARCEL V: TL 10400

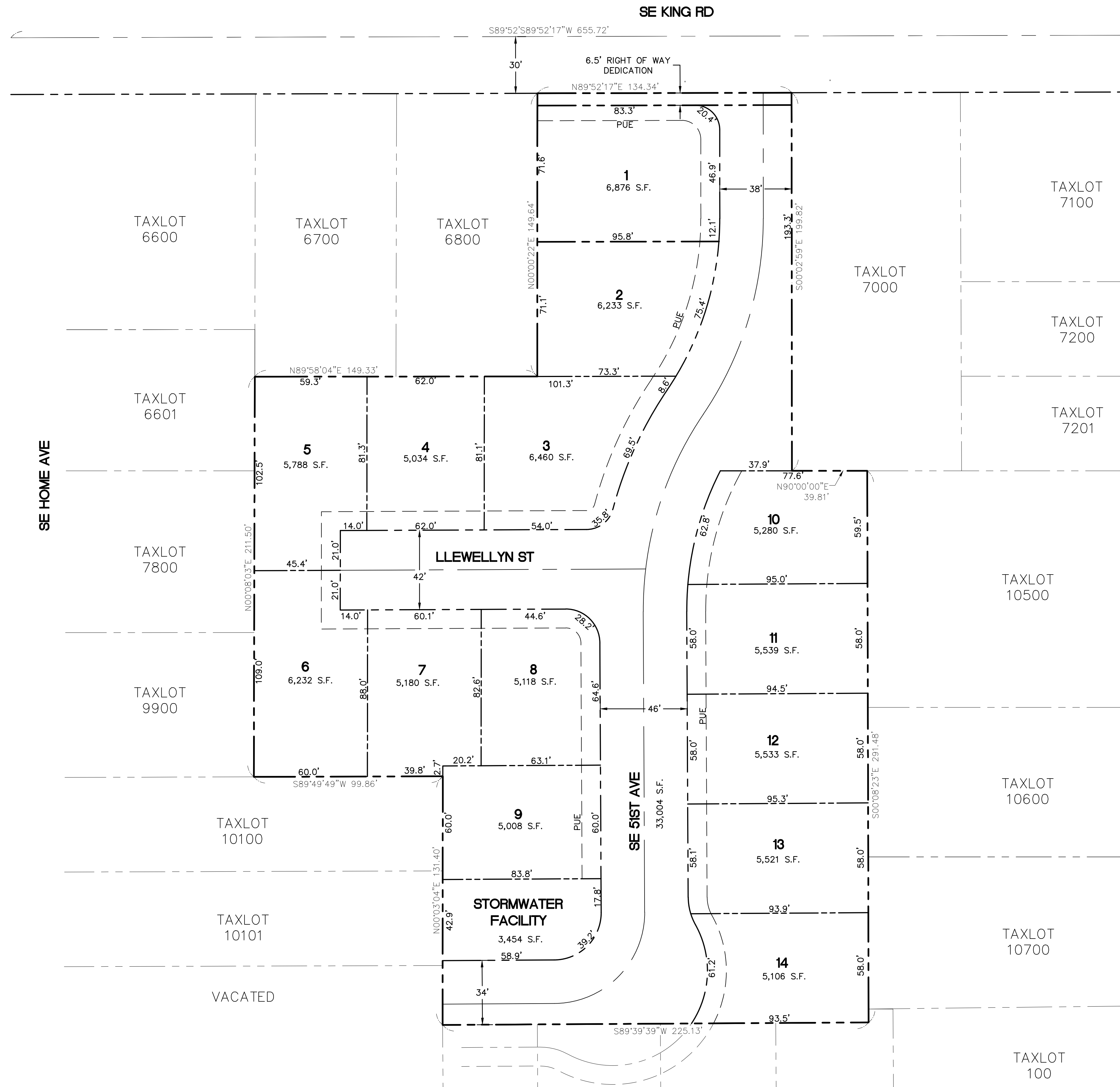
PART OF BLOCK 20, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 135 FEET TO A POINT WHICH IS 10 FEET EAST OF THE NORTHWEST CORNER OF LOT 9; THENCE SOUTH PARALLEL WITH THE EAST LINE OF LOTS 10 AND 39 A DISTANCE OF 200 FEET TO A POINT IN THE SOUTH LINE OF LOT 40, SAID BLOCK 9; THENCE EAST A DISTANCE OF 40 FEET TO THE SOUTHWEST CORNER OF LOT 41, SAID BLOCK 9; THENCE SOUTH A DISTANCE OF 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 30 FEET TO THE NORTHEAST CORNER OF LOT 8, BLOCK 20; THENCE CONTINUING SOUTH ALONG THE EAST LINE OF LOTS 8 AND 41, SAID BLOCK 20, AND SOUTHERLY EXTENSION THEREOF A DISTANCE OF 230 FEET TO THE CENTER LINE OF VACATED HARRISON STREET; THENCE WEST ALONG SAID CENTER LINE A DISTANCE OF 225 FEET TO A POINT WHICH IS 30 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT 33, SAID BLOCK 20; THENCE NORTH 30 FEET TO SAID SOUTHWEST CORNER; THENCE CONTINUING NORTH ALONG THE WEST LINE OF LOTS 33 AND 16 A DISTANCE OF 200 FEET TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE EAST 50 FEET TO THE NORTHEAST CORNER OF LOT 15; THENCE NORTH 30 FEET TO THE CENTER LINE OF VACATED LLEWELLYN STREET; THENCE EAST ALONG THE CENTER LINE OF SAID VACATED LLEWELLYN A DISTANCE OF 175 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS BEING A PART OF BLOCK 9, ACCORDING TO THE DULY FILED PLAT OF MINTHORN ADDITION TO THE CITY OF PORTLAND, IN THE CITY OF MILWAUKIE, FILED JUNE 23, 1890 AS MAP NO. 59, RECORDS OF THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14, SAID BLOCK 9; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK A DISTANCE OF 15 FEET TO A POINT; THENCE SOUTH PARALLEL WITH THE WEST LINE OF LOT 14 AND IT'S SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 200 FEET TO A POINT IN THE CENTER OF VACATED LLEWELLYN STREET; THENCE WEST 15 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 14; THENCE NORTH ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE OF LOT 14 AND THE WEST LINE OF LOT 14, TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.



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(503) 684-0652
FAX (503) 624-0157

MISSION PARK
CITY OF MILWAUKIE, OR
PRELIMINARY PLAT

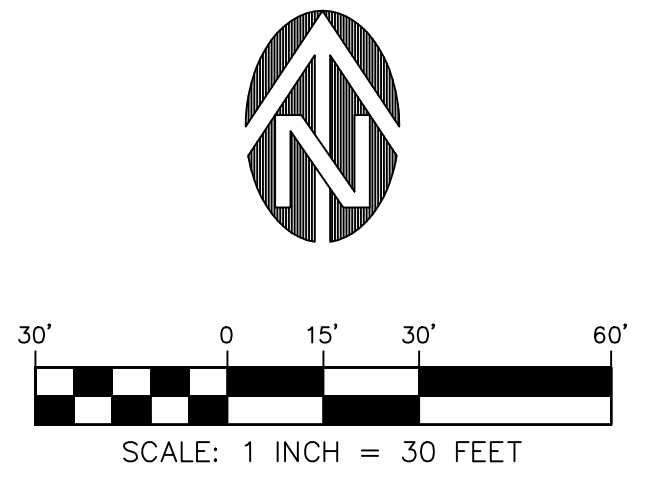
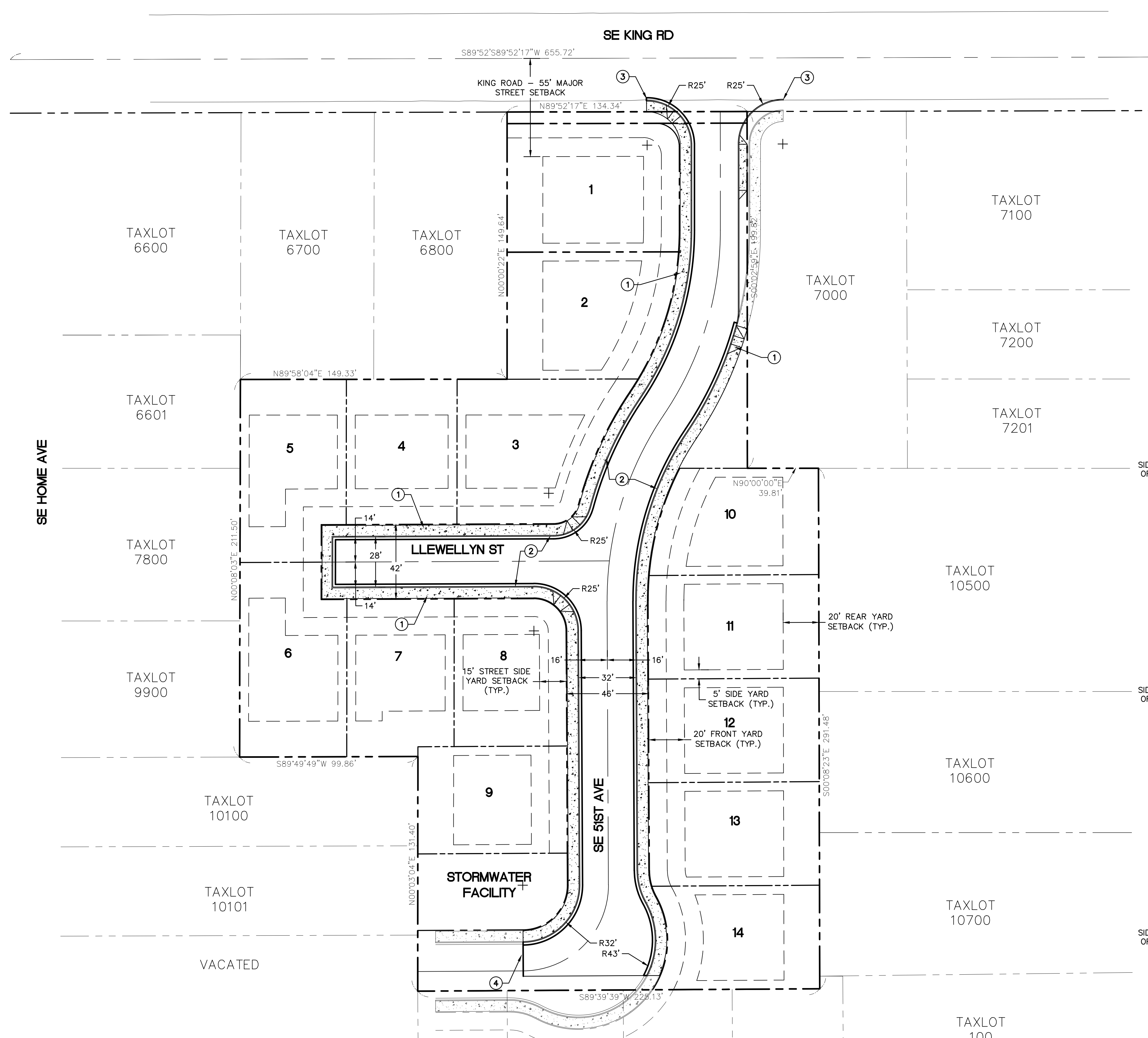
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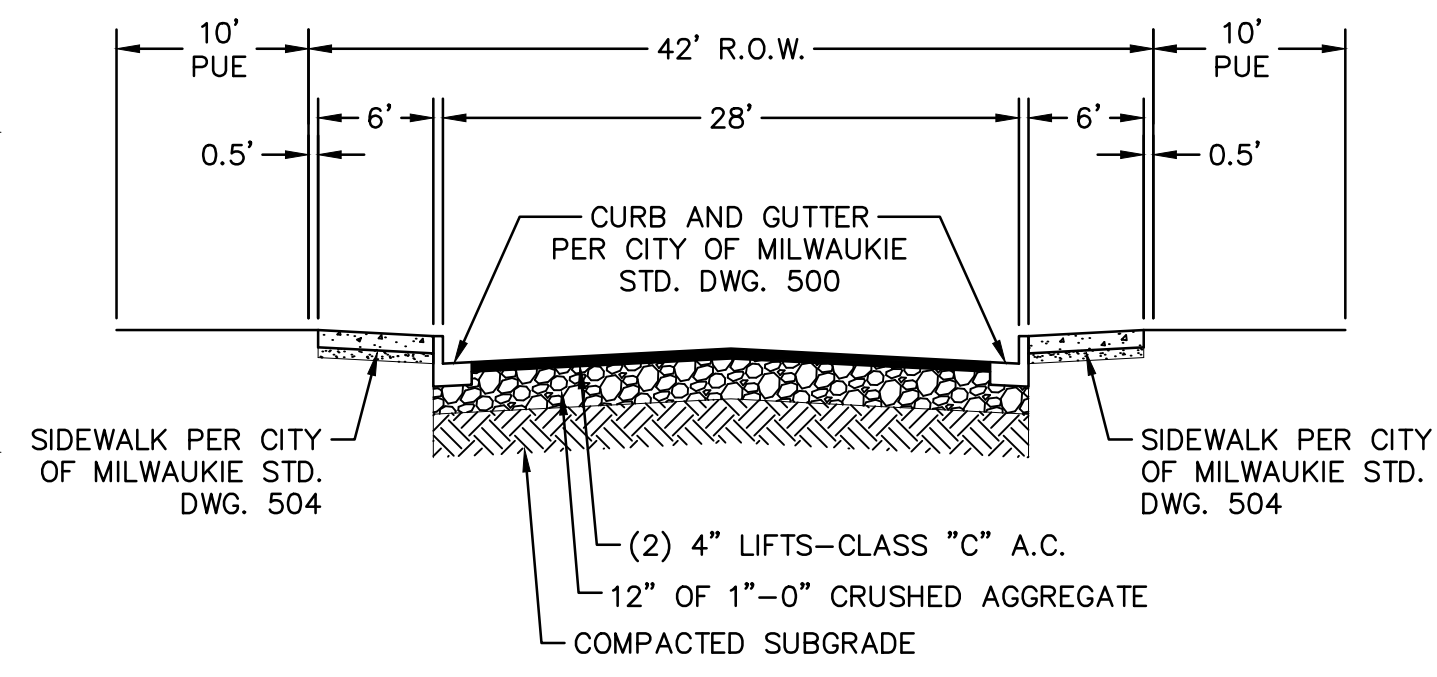
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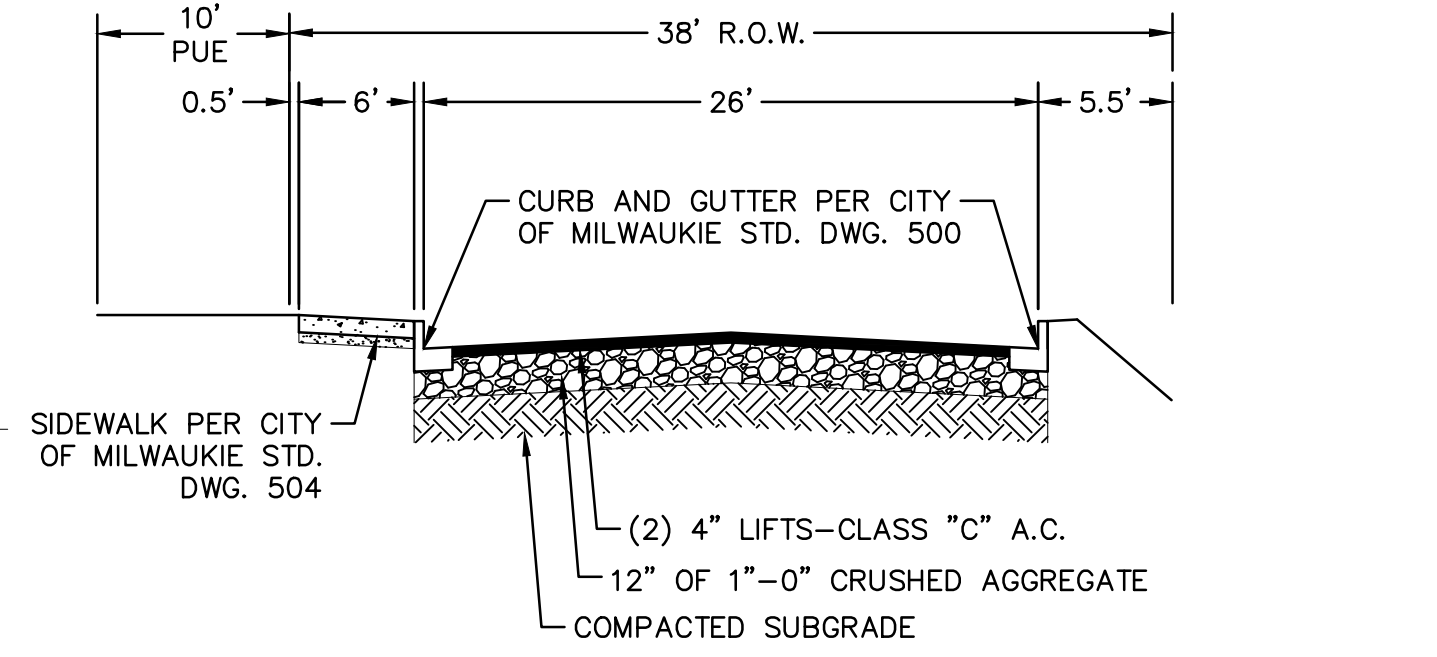
CONSTRUCTION KEYNOTES:

- ① INSTALL 6" CONCRETE SIDEWALK.
- ② INSTALL STANDARD CURB & GUTTER.
- ③ MATCH EXISTING SIDEWALK, CURB & GUTTER.
- ④ INSTALL BARRICADE



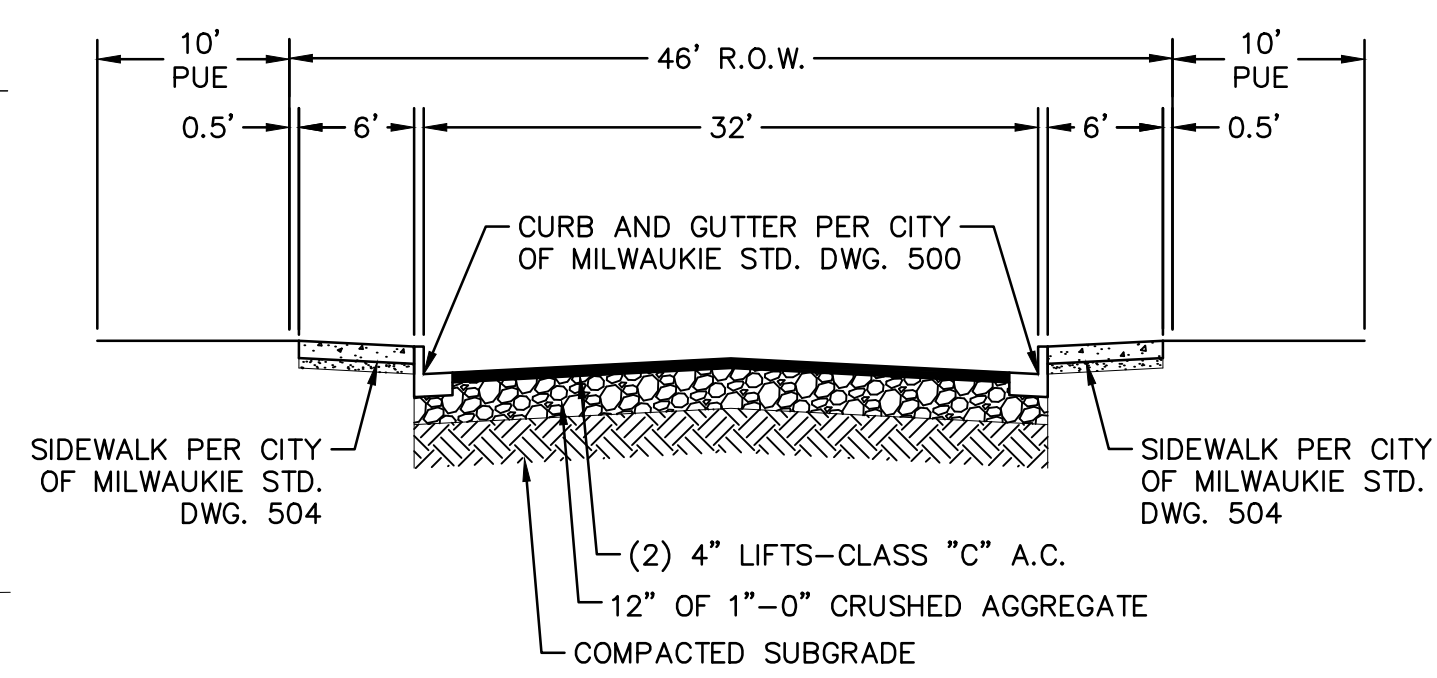
SE LLEWELLYN ST

NOT TO SCALE



SE 51ST AVE 1+00 TO 2+16

NOT TO SCALE



SE 51ST AVE 2+16 TO 5+46

NOT TO SCALE

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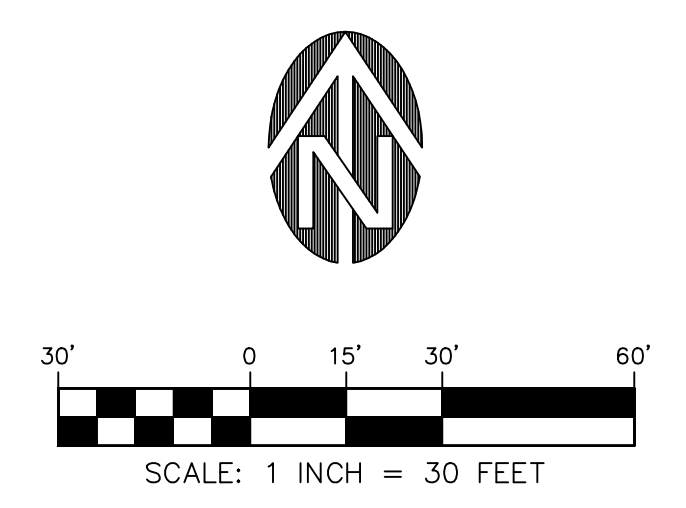
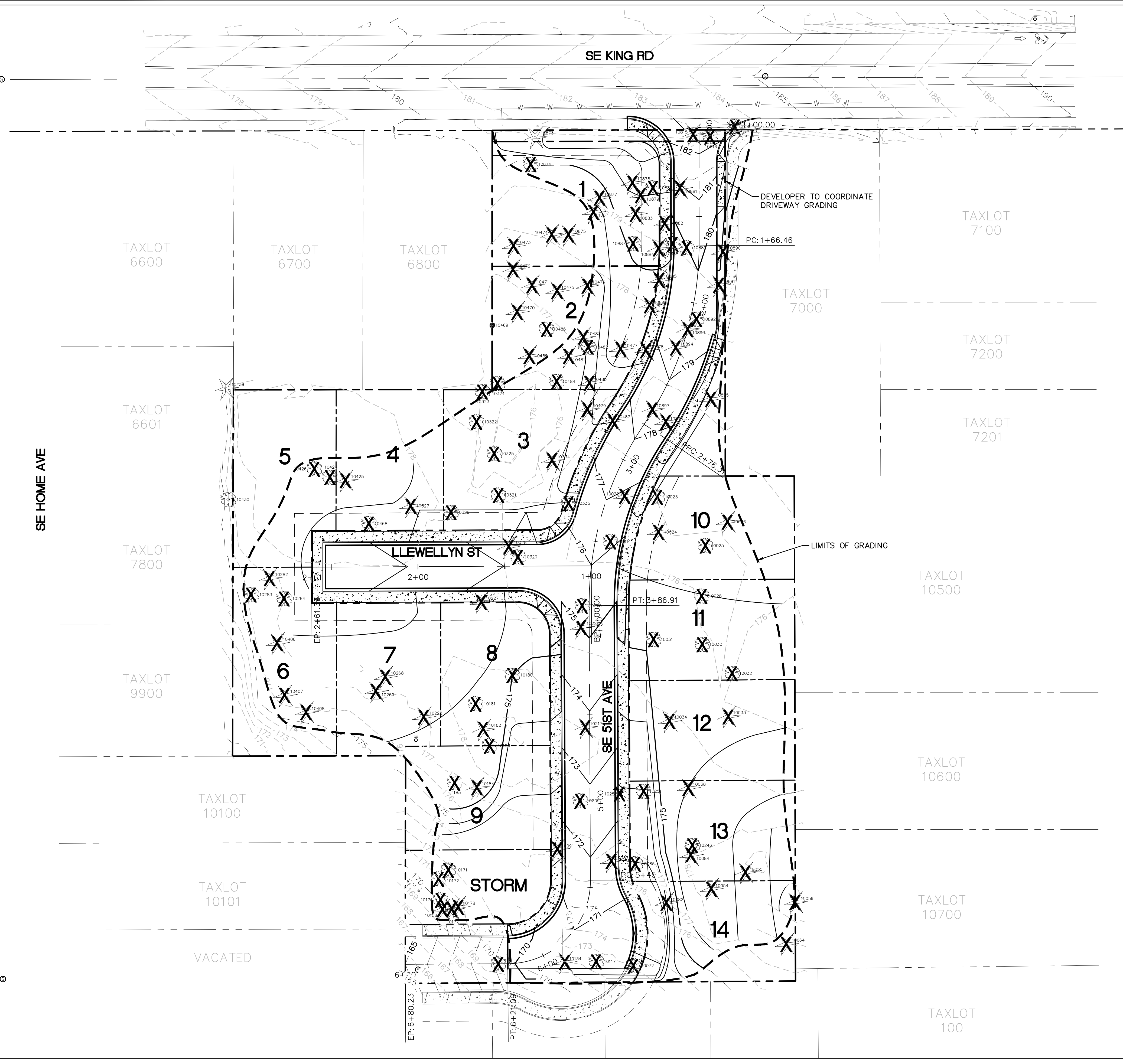
MISSION PARK
 CITY OF MILWAUKIE, OR
 PRELIMINARY CONCEPT/SITE PLAN

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- LEGEND**
- UTILITY EASEMENT LINE
 - PROPERTY LINE
 - ROW LINE
 - CURB
 - - - 100 EXISTING 5' CONTOUR
 - - - 102 EXISTING 1' CONTOUR
 - 100 PROPOSED 5' CONTOUR
 - 102 PROPOSED 1' CONTOUR
 - DRAINAGE ROUTE
 - 15° X TREE TO BE REMOVED

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MISSION PARK
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PRELIMINARY GRADING AND TREE PLAN

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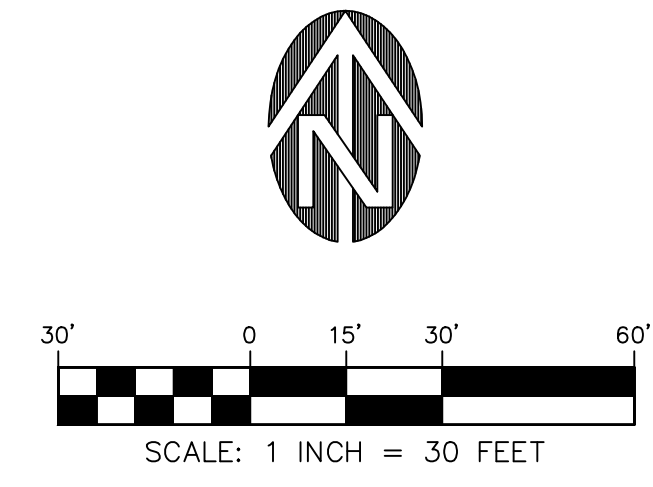
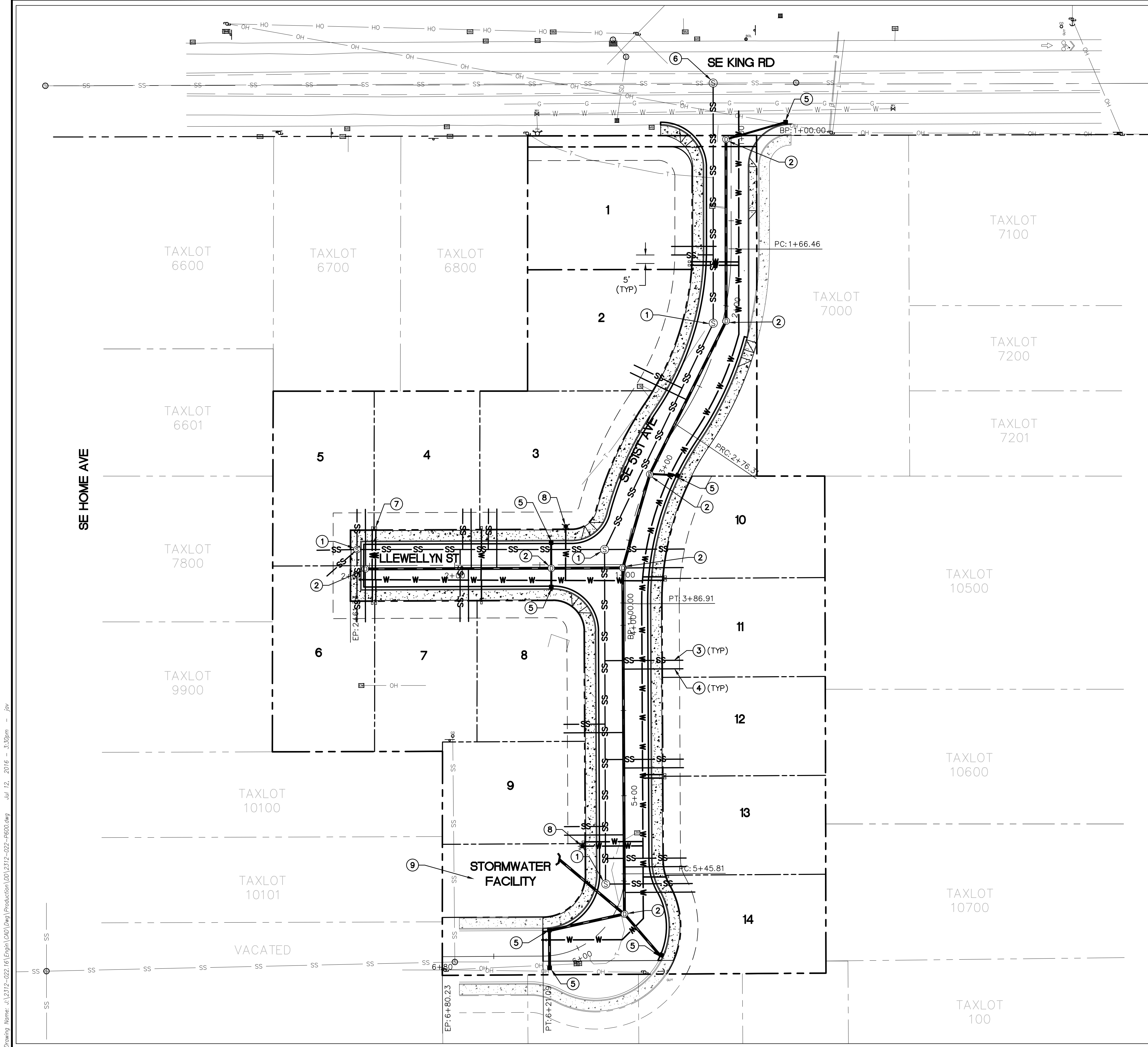
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CONSTRUCTION KEYNOTES:

- ① INSTALL 48" STANDARD SANITARY MANHOLE.
- ② INSTALL 48" STANDARD STORM MANHOLE.
- ③ INSTALL 4" SANITARY LATERAL.
- ④ INSTALL 4" STORM LATERAL.
- ⑤ INSTALL CATCH BASIN
- ⑥ CONNECT TO EXISTING SANITARY MAIN.
- ⑦ INSTALL WATER METER.
- ⑧ INSTALL FIRE HYDRANT
- ⑨ INSTALL LINED WO STORMWATER TREATMENT SWALE WITH INFILTRATION TRENCHES FOR DISPOSAL

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PRELIMINARY UTILITY PLAN

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2312-022

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Exhibit I

Subdivision Naming Approval

REQUEST TO RESERVE SUBDIVISION / CONDOMINIUM NAME

Clackamas County Surveyor's Office
150 Beaver Creek Road #325
Oregon City, OR 97045
(503) 742-4475 / FAX (503) 742-4481
E-mail address: surveyor@clackamas.us

PLAT NAME REQUESTED:

Mission Park

<i>Location of Plat:</i>	TWP/RANGE:	SECTION#:	TAX LOT#(s):
	1S 2E	30	6900, 7400, 7701, 7700, 10300, 10400

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:

Leonard Schelsky

DATE:

5/16/2016

TELEPHONE:

(503) 684 - 0652

FAX:

(503) 503 - 0157

EMAIL ADDRESS: lschelsky@westlakeconsultants.com**PLAT SURVEYOR: #**

1841

NAME OF DEVELOPER:

Mission Homes NW, LLC

ADDRESS:

PO Box 1689, Lake Oswego, Oregon 97035

DATE:

5/16/2016

TELEPHONE:

(503) 570 - 8828

FAX:

(503) 570 - 8869

EMAIL ADDRESS: kdalbey@gmail.com**APPROVED BY:****APPROVAL DATE:**

Exhibit J

Future Connectivity and Development Concept Plan

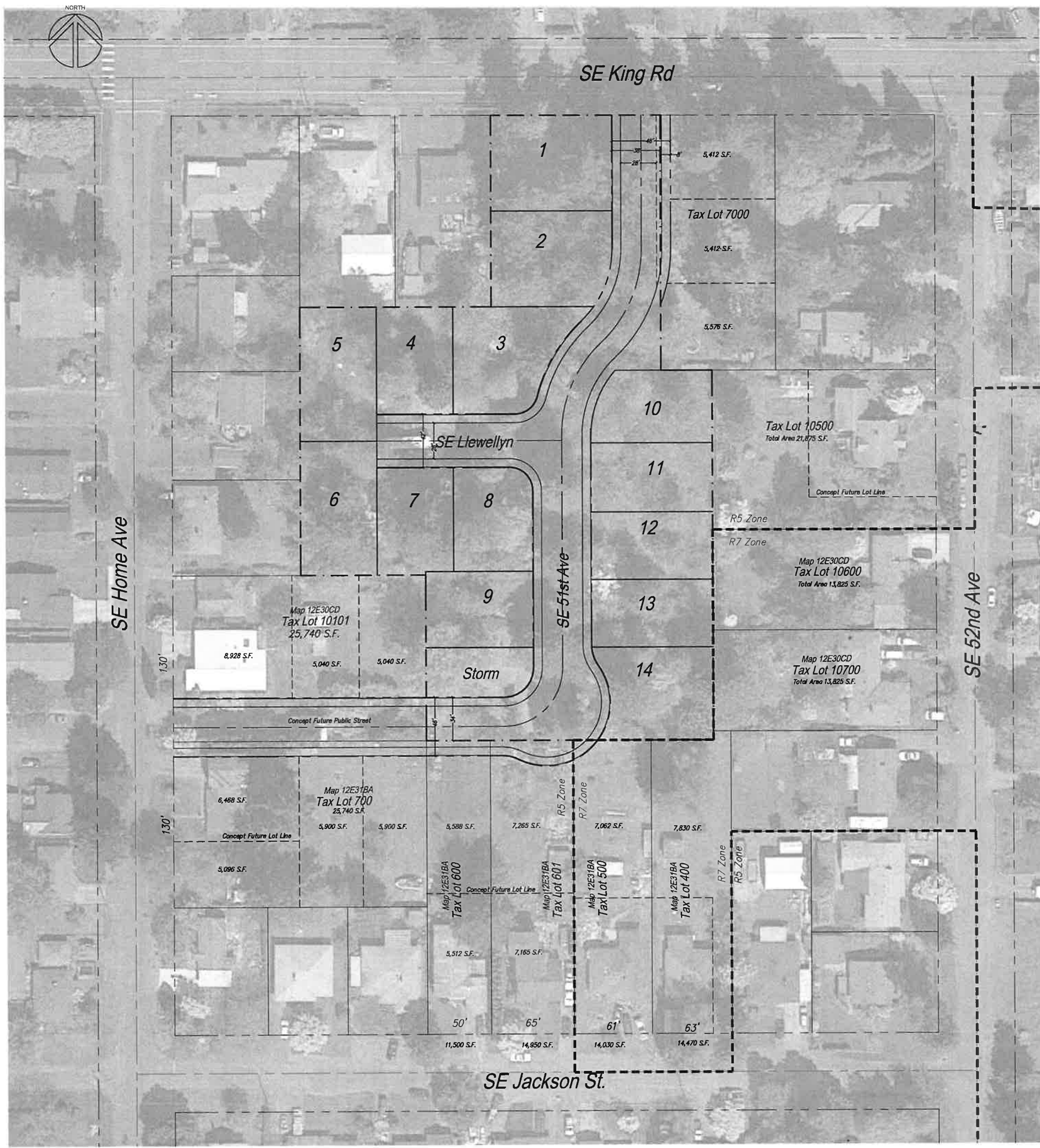


EXHIBIT J

Master File #S-2016-001
5126 SE King Rd

Future Connectivity & Development Concept Plan
Mission Park Subdivision

SHEET:

1/1

Exhibit K

Tax Map 1S2E30CD

