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June 9, 2017

Development Name: J.I. Subdivision
Project ID#15-018PA

NARRATIVE
Proposed 4 Lots Subdivision: Rosebank Estates
Per Milwaukie Municipal Code (MMC)

File Number: 15-018PA

Location: 4543 SE Logus Road, Milwaukie, OR 97222

Area: 1 ACRE

Zone: R-7 Residential

Use: Single Family

Proposal: 4 lots Subdivision, Type III

Applicant's Representative: BMP Design LLC/ Bogdan Popescu, PE, PLS
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Applicable Criteria: Milwaukie Municipal Code 17.12; 17.16; 17.20; 17.28;
19.301; 19.600; 19.700; Oregon Fire Code (OFC); 19.911;
19.502;

MMC 17.12.020.E

Application for a subdivision falls under a Type III review and will be processed in accordance with Section 19.1006.

The proposed project had a Pre-Application Conference on 09/17/2015 and we are submitting a Type III application. The Project will be subject to a Type III Public Notice, the Review Authority will be the Planning Commission and the Decision and Appeal will follow MMC 19.1006.

The property has frontage on Logus Road and the gross area is 1 acre. It is located in the Lewelling Neighborhood District. Upon submission of the Preliminary Plat, the project will develop 3 additional Single Residence lots on the North side of the property. Melody Lane will be extended as a continuation of the existing roadway within a 40 ft ROW and a

28 ft pavement section. There will be a 15 ft ROW dedication along the east side of the property from Logus Rd up to Melody Ln. This will allow for future dedication and eventual connection between Logus and Melody upon development of the lot to the east of ours (4591 SE Logus Rd).

Lot 1 will retain the existing single family dwelling, Lot 2 contains a Metal Clad Utility Building which will either be dismantled upon sale of the lot, or retained and sold along with vacant lot 3 which borders it to the east. There are no existing structures on proposed lots 3 and 4. The Utility Building is a non conforming Type C auxiliary structure and is talked about in further detail in Variance 3 later in this document.

MMC 17.12.040

1. The proposed preliminary plat complies with Title 19.
2. The proposed subdivision will allow for reasonable 4 lot development. All proposed lots will meet R7 zoning standards for size, and allow residential development standards to be met. All proposed lots will all meet the general lot design standards as set in 17.28.040.
3. The proposed name of the subdivision is “Rosebank Estates”, and the plat will satisfy ORS 92.090. This subdivision name has been approved by the Clackamas County Surveyors office.
4. The proposed streets and roads conform with the recommendation of the Milwaukie Municipal Planning Department that Melody Lane be continued through to the eastern border of the property to allow for future access and development of neighboring properties to the east. This would be a continuation of current direction of Melody Lane east.
5. The attached Narrative addresses the conformity to all applicable codes and standards.

Property Line Adjustment:

MMC 17.12.030; As part of the proposed subdivision contained in this application, we are proposing a Property Line Adjustment between the TL 12000 and TL 11800. We are proposing a Property Line adjustment that will affect the shared lot line on the north of TL 11800 by 12.6', thereby granting the owners of

tax lot 11800 an additional 529 S.F. This proposal is shown in detail on the preliminary plat map. The owners of TL 11800 are supportive of this PLA proposal. The boundary change will allow for reasonable development and will not create the need for a variance. The boundary change will not reduce the residential density below the minimum density requirements for this zone.

With the proposed PLA, TL 11800 will meet all standards for lot size and setbacks.

	Area	Depth (ft)	Width (ft)	Street frontage (ft)	Rear setback from existing utility shed at rear of property (ft)
Current TL 11800	7280 sq ft	152	50 front 42 rear	50	12 ft
Proposed TL 11800	7809 sq ft	164	50 front 42 rear	50	24 ft

MMC 17.16.060

This application and proposal will include all owners signatures, and will be submitted with all required application fees, and completed and signed subdivision checklist forms as appropriate.

MMC 17.20

This application for a subdivision will be accompanied by a Preliminary Plat and Existing Conditions Map. The plans are prepared at a standard scale that offers convenience to read and represents all proposed details. The Preliminary Plat will show information per 17.20.030. At this time we are not showing proposed structures or buildings on plans. The Existing Conditions Plan will be prepared in accordance with MMC 17.20.050. The Proposed Conditions Plan will be prepared per MMC 17.20.060. A drainage plan and report will be part of the material submitted.

MMC 17.28.040 GENERAL LOT DESIGN

All proposed lots meet the general lot design standards. The size, shape and orientation of the lots is consistent with the area, and all lots are rectilinear. Compound lot lines have

been avoided as much as possible, the few that could not be avoided have been arranged to fall under the allowed 10% lateral shift as explained further below.

MMC 19.301.2

The existing single family detached dwelling meets the permitted use for this R7 low density residential zone. All proposed lots would allow similar development.

The property is part of the Low Residential zone R-7. The Minimum Lot sizes for Single family detached is 7,000 SF, the minimum depth is 80 feet, the minimum width is 60 ft, and the minimum street frontage is 35 ft. All proposed lots meet all these requirements except Lot 4 which does not have the required depth, and is addressed in variance #1 later in this document.

MMC 19.301.4

Lot coverage, Landscaping and minimum vegetation requirements for lots 2, 3, and 4 shall be addressed at the time of the building permit/ final plat, and we don't see any issues with meeting those requirements.

R7	Lot area (sq ft)	Depth (ft)	Width (ft)	Street frontage (ft)
Lot 1	12414	167.55	72.61	72.61
Lot 2	7348	122.25	60.04	60.04
Lot 3	7070	111.4	62.65	62.65
Lot 4	8592	62.35	137.7	137.7

Proposed Lot 1 with the existing structure meets the R7 residential development standards as per MMC 19.301.4 for maximum building height, side yard height plane limit, maximum lot coverage, minimum vegetation, and all minimum yard requirements, except it has a rear yard setback of only 9 ft instead of the prescribed 20 ft. This is addressed further in variance #2 later in this document.

Parent Lot 1 has an additional yard requirement of 25' from the center line of Logus rd as per MMC 19.501.2A. This requirement is met with the existing placement of the SFR.

All lots will meet the requirements of MMC 17.28.040 in size and shape. Lot 1 will have a complex shape on the side and rear lines due to the irregular shape of the existing lot and existing structures. The Property Line Adjustment mentioned prior in this application allows us to design Lot 1 to fall within the limits for lateral shift on rear and side lot lines.

Lot 1 will have a linear shift on its rear lot line of 8.00 ft, and the distance between the 2 rear opposing lot corners is 81 ft, for a shift of 9.9%. The west side of lot 1 would have a linear shift of 8 ft, and the distance between the 2 opposing lot corners on that side is 164 ft, for a shift of 4.8%. These fall below the limits set by MMC 17.28.040 item C of less than a 10% shift.

TL 11800 also contains an existing lateral shift on its east boundary of 8 ft, which is currently 5.2% of the 152 ft distance between the 2 opposing lot corners. The proposed PLA would take reduce the lateral shift to 4.8% of proposed 164 ft distance between the new 2 opposing lot corners.

19.120 – Solar Access for New Development

Lots 1, 2 & 3, meet design standard 19.1203.3A by having over 90' of north-south dimension, and are within 30 degrees of the east-west axis.

Lot 4 complies with design standard 19.1203.3.C.1. The lot will have a deed restriction placed on it that forces any habitable building to meet 1 of the following requirements, either of which we think is an easily achievable design standard considering the lot dimensions and layout;

A) This lot will have the habitable structure's long axis oriented within 30 degrees of a true east-west axis, and 80% of it's ground floor south wall will be protected from shade using an appropriate deed restriction OR

B) Habitable structures built on this lot will orient at least 32% of the glazing, and at least 500 sq ft of the 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 an appropriate deed restriction.

MMC 19.301.5.D

Residential Densities: the density calculation reveals the following:

Total Net Area: +/- 35,424 SF.

Minimum Density Dwellings per acre: 5.0

Maximum Density Dwellings per acre: 6.2

Calculated Minimum Site Density: 4.1 units.

Calculated Maximum Site Density: 5.0 units.

Proposed: 4 units.

Density Requirement: Met.

MMC 19.600

The existing structure on proposed lot 1 has off street parking in the form of a 2 car garage.

MMC 19.700. Public Facilities Improvements

19.702. This proposed subdivision is subject to MMC 19.700. We are submitting a Development Permit Application as required.

19.703.3.

Streets: ROW on Logus Road. The applicant is proposing to dedicate a 7 ft. frontage ROW along SE Logus Road. This will upgrade the Existing ROW to the prescribed amount as requested by Milwaukie Engineering Dept.

The existing ROW in Melody Lane is 40 ft. The required ROW is 40 ft. The proposed Site Plan and Proposed Improvements plan show a proposed ROW of 40 ft. along the projected alignment of the continuation of SE Melody Lane. The proposed ROW will be from the west property line to the east property line of the boundary of the subdivision. Driveway curb cuts and ADA rams will be proposed to meet the Milwaukie Public Works Standards.

19.704. Per pre-application conference with the city, a Traffic Impact Study was not required.

19.708.

As stated in MMC 19.708.1.E.4, Melody Lane as a road ending in a turnaround is limited to 400 ft in length. This proposed development will increase the length of Melody Lane to around 600 ft. As advised by Milwaukie Planning and Engineering Department, we have dedicated a 15ft ROW on the east side of the property to allow the future creation of a road to connect Melody Lane down to Logus Road. A 15 ft ROW dedication will allow for a future development and dedication by the property to the east if/when they wish to develop the rear of their lot, and 15 ft would be generally consistent with the fact that our lot is

narrower than the lot the east is at that point, and takes into consideration the existing structures.

As advised by Milwaukie Engineering Department, sidewalk improvements on Logus frontage was deemed disproportional to the scope of the project, however sidewalks will be installed on the continuation of Melody Lane as per below.

19.709. The extension of SE Melody Lane will consist in a 28 ft asphalt concrete section, standard curbs and gutters on both sides, 4.5 ft. wide infiltration planter (per City of Portland Storm Water Standards) and 5 ft. sidewalk on the north side of Melody. The roadway will provide parking on one side only.

There will be a transition zone as part of this development that will cover the roadway improvements from the terminus point of existing improvements on SE Melody to the westerly boundary line of the subdivision. The proposed transition will provide curbs, asphalt and sidewalk on the north side only due to ROW restrictions in existing Melody Lane.

Engineering Department calculated a proportionality analysis and determined that the necessary improvements along SE Logus Road would not be proportional to the potential impacts of the proposed development. No road improvements are required along SE Logus Road. A 7 ft ROW along Logus Road has been dedicated as advised by Milwaukie Engineering Department.

MMC 16.28.020. Erosion Control

The proposed development will install temporary and permanent Erosion Control Measures per applicable codes.

Public Works Utilities:

The proposed development will provide Water, Sanitary Sewer, Storm water drainage and Fire access/ protection to all proposed lots.

The proposed lots to the North will be served by a proposed 6 inch water line as a continuation of the existing 6 inch in SE Melody Lane. The development will end the water line with a blow off at the easterly boundary line.

The proposed lots to the north will be served by an extension of the existing 6 inch sewer in SE Melody Lane. Each lot will be provided a gravity fed sewer lateral.

The proposed impervious area under the new roadway and new houses roofs will generate an increase in the storm water runoff. A Geo-technical Report was conducted in April 2016 by Redmond Geotechnical Services and the report revealed a field infiltration rate of 16 inches/hour. The existing soils in the area are suitable for storm water infiltration. The Storm water report will consider a factor of two, hence use a design rate of 8 inches/hour for infiltration facilities. The Storm water quality design is prepared per City of Portland 2008 Storm Water Manual and the Infiltration facilities shall be designed per Clackamas County WES Standards.

We have done a PAC Report calculation for the runoff requirements and have included that which shows the minimum water treatment facility size for both the North and South side of Melody Lane. The final location and positioning of the facilities is still to be determined, but the spaces available for their use has been noted on the plat and we have excess available area on both the north and south sides.

Oregon Fire Code (OFC)

The city of Milwaukie Engineering Department has advised that the creation of a hammerhead turnaround will not be required on Melody Lane, as there is an existing turnaround located on Melody Lane.

MMC 19.911, Variances

In accordance with MMC 19.911, we are hereby requesting approval of the following Variances Applications:

Variance 1. MMC Table 19.301.4. Minimum Lot Depth Standard Not Met. Type III variance.

Proposed lot #4 will have a depth of 62.5 ft. The R7 development standard is a minimum lot depth of 80 ft.

19.911.4.B.1.

The master plan of the area requires us to extend Melody Lane to the east in order to provide access and facilitate future development. The resulting proposed lot #4 to the north of Melody Lane while meeting the area requirements for R7 zoning does not have the required depth due to the continuation of the existing alignment of Melody Lane. In

comparison to the lots located west of our boundary line along Melody Lane, the proposed lot 4 is designed to be slightly larger in area and have more depth. With an area of 8,592 sq ft, it is a large lot for the area, and subsequently a very wide lot. With 62 ft in depth, there is enough room to build a house within the residential development standards requiring 20ft of front yard and 20 ft of rear yard.

Alternatives analysis might included bringing Melody Lane further south to create greater depth for Lot 4, however we feel having a bend in a turnaround road may cause safety issues for fire trucks and other response vehicles. Taking this approach would also prevent Lots 2 & 3 from meeting the lot area requirements, and/or reduce the number of lots allowed to below the minimum density requirements for this area.

We feel there will be little to no impact on the 3 adjoining properties to the north of lot 4 on Howe Ln (4408, 4512, 4516 Howe Ln). These lots all are roughly 125ft deep, and the houses are located close to the front of their lots and subsequently have a large rear setback space behind their houses. This was likely planned in case of future development to the rear of their properties.

We believe that this variance will allow the possible future development of the similarly large existing properties to the east, and have a desirable effect of increasing the density of dwellings of this particular plat to the present day intended ratio for this area.

Variance 2. MMC Table 19.301.4. Rear Yard Development Standard Not Met. Type III variance

The residential accessory structure at the rear of Lot 1 would minimum distance of 9.03 ft to the rear of the proposed lot line. The R7 development standard requests a minimum rear yard setback of 20 ft.

19.911.4.B.1.

Alternatives analysis might include pushing the rear lot line of proposed Lot 1 north another 11 feet from what we have proposed, to meet the lot design standard of 20 ft rear setback. Doing so would reduce the area of proposed lot 3 to below 7000sq ft, as required by the R7 zoning, which could reduce the number of lots to below the minimum required density for this area. It would also exacerbate the lateral shift of the rear property line, causing it to be much greater than 10% which as outlined earlier in the document is

the maximum allowed shift. We have moved the lot line as far north as we can without breaking the 10% lateral shift, which is prohibited.

The primary recreation and outdoor gathering area for this house is located in and around the pool/patio which is located to the west side of the accessory structure. There is a total of approximately 3500 sq ft in that gathering area, thus we see the impact of this accessory structure's proximity to the rear of the lot as minimal. Because of these existing factors, as well as the fact that Proposed Lot #3 is over 100ft deep, we see the impact on neighboring proposed lot 3 as minimal. The existing garage structure is a 2 car garage and removing 10 ft. from it would prohibit the existing use to continue as a garage.

19.502.2 The residential accessory structure located at the rear of Lot #1 is a type C accessory structure, and is 20 ft tall and has a 1720 sq ft footprint. It is lower than the highest point of the primary structure, and its footprint is equal to 95% of the footprint of the primary structure (footprint of 1810 sq ft). This accessory structure consists of a recreational room, a studio room with a bathroom, and a 2 car garage. As part of this application, we propose to remove the existing electric stove-top from the pool-house studio, and to treat this space as an accessory space to the main house.

Variance 3.

MMC 19.301.4 . Side yard development standard not met. Type 3 variance.

The Utility Building that sits on proposed lot 2 is a non-conforming Type C residential accessory structure as defined in table 19.502.2.1.1.a . As such, it requires setbacks equal to the base zone of R7. The side setbacks are 7 ft and 3 ft respectively, and do not meet the 5 and 10 ft as required by 19.301.4.

19.911.4.B.1.

Alternatives analysis might include pushing the east side lot line of lot 2 further east, to make the lot wide enough to accommodate the zoning setback requirements. This is deemed unfeasible due of the required 15 ft ROW on the far east side of the property, which has limited our available width, as well as measures that have been taken to solve and meet requirements regarding compound lot lines on the north of Lot 1, as well as rear setbacks on Lot 1.

Another alternative analysis would be to simply dismantle or demolish the utility building. We think this is undesirable at this point in time, as there is significant use and value in this utility structure that is well maintained and in good shape, and a future owner of Lot 3 may be interested in acquiring both properties jointly and keeping the Utility Structure in place.

With the requirement that the utility building share ownership with lot 3, or be dismantled with a change of ownership, we see there being little impact from granting this variance.

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