

To The City of Milwaukie,

Nov 28 2018

In regards to the letter I received about Land use proposal in my neighborhood, Site map 10244 SE 43<sup>rd</sup> Ave.

I have no objection to that property owner adding another home onto his property using a flag lot.

But I do object to any proposed extension of White lake RD in this area. This is a neighborhood, family homes, school aged children. We do not want any more traffic in our neighborhood. And if you were to eventually do it anyway, we would certainly hope you would put in speed bumps, to keep traffic moving safely, slowly.

Since King Rd is just a very short distance south of White lake rd, a matter of a few hundred feet, It sure doesn't seem like another east west road is needed.

Further, from my property to the east a home sits right there in the middle of what would be White Lake road extension eastward. So unless the city plans on removing that home, and maybe others behind it, there seems no reason to put an extension of White Lake road west to 43<sup>rd</sup>.

Remember, wherever you put a road, no home can be built there because the road is there. And I thought we needed more homes for people. This applies more to any extension of White lake road East, and West of 43<sup>rd</sup>. And without those extensions, there's almost no reason to put in the one proposed on this site map.

I believe more of our tax dollars should be spent on mass transit, rather than more roads. Mass transit has proved to be a much better people mover than roads.

And I don't see any reason to put a walking path or bike lane in there either since 43<sup>rd</sup> has no sidewalks, and no bike lane. King road has both those.

Respectfully, William H Schwindt

4468 White Lake RD

Milwaukie OR 97222

RECEIVED  
NOV 29 2018  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

November 28, 2018

Re Land use proposal for 10244 SE 43rd Ave, MLP-2018-001, Tax lot 1S2E30CC 05200

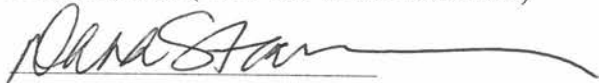
To whom it may concern,

Dedication of public right-of-way for future extension of White Lake Rd from the east is not wanted for automobile, bicycle or pedestrian traffic. There is existing access to 43rd Ave from 45th Ave to Rhodesia St, (one block over) or from 46th Ave to King Road.

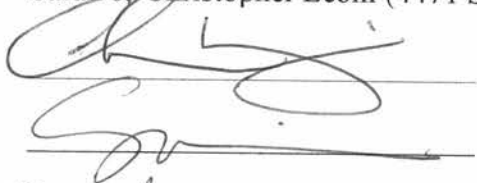
Below are the signatures of contacted residents who are of the same opinion.

Thank you,

Dana Stearns (4459 SE White Lake Rd.)



Sarah & Christopher Leoni (4471 SE White Lake Rd.)



Frank O Fassold Frank O Fassold 4446 SE White Lake Rd

Lance Olander LANCE OLANDER 10167 SE 45th AVE

William H Schweidt 4468 White Lake Rd

RECEIVED

NOV 29 2018

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

RECEIVED (via regular mail)  
DEC 03 2018  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

November 25, 2018

Daniel M. Barela  
10194 SE 43<sup>rd</sup> Ave.  
Milwaukie, OR 97222

CERTIFIED MAIL

City of Milwaukie  
Community Development  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206

Attn: Brett Kelter, Associate Planner

Re: Land Use File # MLP-2018-001

In response to your notification letter of Type II Land Use Proposal, I want to go on record as the home owner with property bordering Lot #10244 SE 43<sup>rd</sup> Ave. (Tax Lot IS2E30 5200). I am a first time home buyer, and I am concerned about due legal process.

I wish to express my concerns regarding the proposed dedication of the White Lake Road continuance along side my residence, and the proposed road taking 22 ft. of land away from my existing property. It would put the road up against my garage. My question would be, how does the City plan to reimburse me? I don't want a road that close to my residence; it would be inches from my garage. Would this violate any land codes? Not to mention the property of other neighbors which would be affected? The noise and road traffic would increase, and I may not be able to fence off that side of my property. Therefore, it will take away my privacy. And, how would this affect my property taxes?

Please keep me informed as to the City Planning Department's decisions, and I would appreciate more time to respond to any future potential steps to be taken in this process.

Respectfully,

Daniel M. Barela  
Property owner

cc: File  
Kivel & Howard Attorneys LLP

# Clackamas County Fire District #1

## Fire Prevention Office



### E-mail Memorandum

**To:** City of Milwaukie Planning Department  
**From:** Izak Hamilton, Fire Inspector, Clackamas Fire District #1  
**Date:** 12/5/2018  
**Re:** MLP-2018-001

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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:

##### Access:

1. Provide address numbering that is clearly visible from the street.
2. No part of a building may be more than 150 feet from an approved fire department access road.
3. Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants) and an unobstructed vertical clearance of not less than 13 feet 6 inches.
4. Driveways serving up to three, single family dwellings or duplexes may be reduced to 12 feet in width but shall provide 20 feet of clear width
5. Fire apparatus access roads must support a 75,000 lb. fire apparatus.

##### Water Supply

- 1) Fire Hydrants, One and Two-Family Dwellings & Accessory Structures: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as

measured in an approved route around the exterior of the structure(s), additional fire hydrants and mains shall be provided.

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

## Brett Kelter

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**From:** Stephan Lashbrook <drampa82@gmail.com>  
**Sent:** Thursday, December 13, 2018 7:54 AM  
**To:** Brett Kelter  
**Subject:** Re: comments on MLP-2018-001?

Hi Brett.

Please convey our appreciation to the applicants for their commitment to retain the large tree on the property.

Thanks.

Stephan

On Wednesday, December 12, 2018, Brett Kelter <[KelterB@milwaukieoregon.gov](mailto:KelterB@milwaukieoregon.gov)> wrote:

Stephan,

We still haven't issued the decision for the partition on 43<sup>rd</sup> Ave, so if you get a chance to bring it up to the NDA tonight, we are open to including any official comments in the findings. Let me know tomorrow morning what happens. Thanks!

**BRETT KELVER**

Associate Planner

## MEMORANDUM

**TO:** Community Development Department  
**THROUGH:** Kelly Brooks, acting City Engineer  
**FROM:** Alex Roller, Engineering Technician II  
**RE:** 1 lot partition – 10244 SE 43<sup>rd</sup> Avenue  
MLP-2018-001  
**DATE:** December 17, 2018

Partition 1 lot into 2.

1. MMC Chapter 12.08 – Street & Sidewalk Excavations, Construction, and Repair

- A. This will apply to all construction that is completed in the right-of-way that is eventually dedicated to the City. The public improvement process will follow MMC 12.08.020.

2. MMC Chapter 12.16 – Access Management

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 12.16.

- A. MMC Chapter 12.16.040 establishes standards for access (driveway) requirements.

The proposed partition dedicates right-of-way for the future extension of White Lake Rd. All lots created have access to White Lake Rd. and will be required to obtain permanent access from White Lake Rd. once it is constructed. MMC 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). MMC 12.16.040.B.1 governs the requirement for driveway spacing for driveways (accessways). SE 43<sup>rd</sup> Avenue is a collector street, and the minimum access spacing is 300-feet and the creation and/or modification of single-family accessways is prohibited. Therefore, a new access onto 43<sup>rd</sup> will not be permitted without approval of a accessway modification in accordance with MMC 12.16.040.B.2 Lot 2's access to 43<sup>rd</sup> is a temporary access and will be moved to White Lake Road when that road is constructed. The final approval of this modification is by the Engineering Director.

MMC 12.16.040.A also indicates that driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards. This means that any new or modified access shall be improved to City of Milwaukie Standard.

3. MMC Chapter 12.24 – Clear Vision at Intersections

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 12.24

A. 12.24.030: clear vision requirements

Proposed driveways, accessways and intersections will conform to 12.24.030 through Condition of Approval L.

4. MMC Chapter 19.700 – Public Facility Improvements

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 19.700.

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

The partition triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

B. MMC Section 19.703 Approval Criteria

19.703.1 Preapplication Conference

Requirement for a preapplication conference was satisfied on January 4th, 2018.

19.703.2 Application Submittal

Development will not require a Transportation Facilities Review so MMC 19.703.2 will not apply.

19.703.3

Applicant will provide transportation improvements and mitigation in rough proportion to the potential impacts of the development.

The proposed development, as conditioned, is consistent with MMC 19.703.3.

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

The Engineering Director determined that a transportation impact study was not required as the existence of impacts on the transportation system was evident.

D. MMC Section 19.705 requires that transportation impacts of the proposed development be mitigated.

The proposed development does not trigger mitigation of impacts beyond the required right-of-way dedication. The impacts are minimal, and the surrounding transportation system will continue to operate at the level of service prior to the proposed development.



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

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

19.708.1.A – Access Management

Access requirements shall comply with access management standards contained in Chapter 12.16.

19.708.1.B – Clear Vision

Clear vision requirements shall comply with clear vision requirements contained in Chapter 12.24.

19.708.1.D – Development in Non-Downtown Zones

Transportation Facility Requirements 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. This would require construction of 17-foot wide, half street, asphalt road along the frontage of the development property of 43<sup>rd</sup> Avenue, then full 2/3<sup>rd</sup> frontage improvements in front along the frontage of White Lake Rd. Rough proportionality analysis is showing that the construction of these improvements will not be proportional to the anticipated impacts of one new single-family house. Therefore, only dedication is anticipated to be required for the proposal as submitted unless access modification cannot be justified in accordance with MMC 12.16.040.B.2.d.

The existing right-of-way width of SE 43rd Avenue fronting the proposed development is 50 feet. The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of SE 43rd Avenue a Collector street. According to Table 19.708.2 Street Design Standards, the required right-of-way width for a collector street is between 40 feet and 74 feet depending on the required street improvements. The required right-of-way needed for the required street improvements is 60 feet. The applicant is responsible for 5 feet of right-of-way dedication along SE 43rd Avenue fronting the development property.

Applicant is also responsible for 20 feet of right-of-way dedication along the north edge of the partition to create right-of-way for future White Lake Road extension.

The dedicated land in the future White Lake Road right-of-way can remain in its current form until the construction of White Lake Road occurs. All existing structures and vegetation may remain unchanged. There will be no additional fencing requirements or signage. A right-of-way encroachment permit will be required that formalizes the revocable permission for the existing structures to be in the right-of-way and includes

language that the structures must be removed when an improvement is constructed. Access to this new right-of-way will be controlled by the City of Milwaukie. The only access that will be permitted to 43<sup>rd</sup> avenue is through an access modification in accordance with MMC 12.16.040.B.2.

The city will be constructing sidewalks on SE 43<sup>rd</sup> Avenue, so the existing fencing that is located here will not be allowed to remain through an encroachment permit. Applicant will be required to relocate this fence onto the private property.

Development shall conform to MMC 19.708.1.D.3 through Condition of Approval A.

#### 19.708.1.E – Street Layout & Connectivity

See above proportionality analysis under 19.708.1.D for partition's adherence to 19.708.1.E. The proposed development is consistent with MMC 19.708.3.E.

#### 19.708.1.F – Intersection Design and Spacing

Spacing between SE King Rd and SE Rhodessa St is larger than the required 600-foot spacing between intersections on a collector street. Dedication of the future White Lake Rd brings intersection spacing further into conformance.

The proposed development as proposed is consistent with MMC 19.708.1.F

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

See street design requirements under MMC 19.708.1 D section above.

No frontage improvements are required for this partition. Only required work in the right-of-way is the construction of a standard asphalt driveway approach.

The proposed development as proposed is consistent with MMC 19.708.2

- G. MMC Section 19.708.3 requires sidewalks to be provided on the public street frontage of all development.

See above note on required frontage improvements.

- H. MMC Section 19.708.4 establishes standards for bicycle facilities.

The portion of SE 43<sup>rd</sup> Avenue fronting the proposed development is classified as a bike route in the Milwaukie Transportation System Plan. As a result, bicycle facility improvements on the 43<sup>rd</sup> Avenue frontage are required for the proposed development. Proportionality analysis has determined that applicant is not responsible for construction of frontage improvements on SE 43<sup>rd</sup> Avenue.

The proposed development as proposed is consistent with MMC 19.708.4.

- I. MMC Section 19.708.5 establishes standards for pedestrian and bicycle paths.

The proposed partition property is surrounded by single family residences. The proposed development does not present an opportunity to provide a pedestrian or bicycle path within the development and is not required to provide one.

MMC 19.708.5 does not apply to the proposed development.

- J. MMC Section 19.708.6 establishes standards for transit facilities.

Transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

- K. MMC 19.709 establishes public utility requirements for all development subject to 19.700 per Section 19.702.

Partition is required to dedicate 20-foot right-of-way for future White Lake road construction. The only right-of-way frontage for lot 2 is this new White Lake Rd right-of-way. Utilities for this lot can be either constructed to city standards, with a full-size water and sewer main, or can be taken via easement through lot 1. This requirement stands for vehicular access as well. If applicant elects to take the utility and access easement approach, then these easements will need to be identified on the plat.

### **Recommended Conditions of Approval**

1. Prior to approval of the final plat, the following shall be resolved:

- A. Right-of-way Dedications:

- a. Provide 20-foot wide right-of-way dedication on north side of property, for future White Lake Road.
- b. Provide 25-foot radius in the northwest corner of parent lot (lot 1), for future construction of ADA ramps.
- c. Provide 5-foot wide right-of-way dedication on SE 43<sup>rd</sup> Avenue frontage.

- B. Obtain an encroachment permit for the arbor, fireplace, and covered patio that will be located in the White Lake Rd right-of-way.

- C. Obtain a right-of-way permit for construction of required driveway approach improvements listed in these recommended conditions of approval.

- D. Construct new driveway approach that conforms to Milwaukie Public Works Standards 502F.

- E. Provide access and utility easements for the benefit of Lot 2 across Lot 1.

- F. Relocate fence on SE 43<sup>rd</sup> Avenue frontage to behind the resulting front property line after dedication.

- G. Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
2. Prior to final inspection for any building on the proposed development, the following shall be resolved:
- A. Connect all residential roof drains to private drywell or other approved structure.