



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: MLP-2019-004

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:		
<input type="checkbox"/> Amendment to Maps and/or Ordinances: <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion	<input checked="" type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input checked="" type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Bee Colony <input type="checkbox"/> Mixed Use Overlay Review <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking	<input type="checkbox"/> Planned Development <input type="checkbox"/> Residential Dwelling: <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input type="checkbox"/> Variance: <input type="checkbox"/> Use Exception <input type="checkbox"/> Variance <input type="checkbox"/> Willamette Greenway Review <input type="checkbox"/> Other: _____ Use separate application forms for: <ul style="list-style-type: none"> • 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): Mary & Robert Tongue

Mailing address: 4207 SE Woodstock Blvd #435 Portland OR Zip: 97206

Phone(s): 971-506-7041 Email: rgtongue@BSh.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: _____ Zip: _____

Phone(s): _____ Email: _____

SITE INFORMATION:

Address: 9311 SE 55th Ave Milwaukie Map & Tax Lot(s): 1S2E30AC 05900

Comprehensive Plan Designation: _____ Zoning: R7 Size of property: 21,000 ft²

PROPOSAL (describe briefly):

Land Division into 2 lots

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: Robert Tongue Date: 5-8-19

IMPORTANT INFORMATION ON REVERSE SIDE

*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	MLP-2019-004	\$ 2,000			\$	RECEIVED OCT 23 2019 CITY OF MILWAUKIE PLANNING DEPARTMENT
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)



MILWAUKIE PLANNING
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Submittal Requirements

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

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 onsite "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 the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

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. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness. Provide an electronic version, if available.
- 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: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) _____, 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: _____

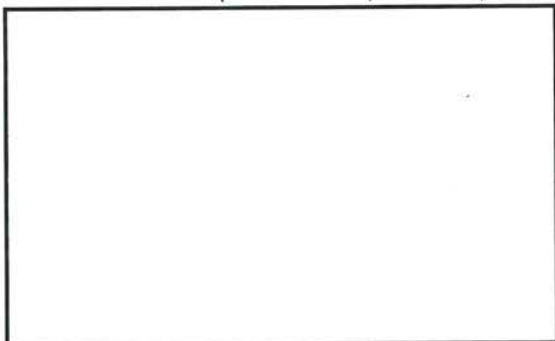
Date: _____

Mary T. Tonge

10/23/19

Official Use Only

Date Received (date stamp below):



Received by: _____



PLANNING DEPARTMENT
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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 with any questions or help with this form.

MARY T. TONGUE
Applicant Name

Mary T. Tongue
Applicant Signature

10/23/19
Date

Waived Items

Signature of
Milwaukie Planner

Date

Table of Contents

1. Development Application Form
2. Applicant's Statement
3. Exhibits

RECEIVED
OCT 23 2019
CITY OF MILWAUKIE
PLANNING DEPARTMENT

Applicant's Statement for
Creation of flag lot at 9311 SE 55th Ave. Milwaukie Oregon

Request

Type II 2-parcel Replat with one existing home to remain and one new home to be built on the newly created parcel.

Applicant/Owner

Robert G. & Mary T. Tongue

9311 SE 55th Ave.

Milwaukie Oregon 97222

LEGAL DESCRIPTION

Tax Lot 5900, Map 1S, 2E, 30AC Located in the N.E. ¼ Section 30, T. 1S, R.2E., W.M., City of Milwaukie, Clackamas County, Oregon

June 17, 2019

Applicant/Owner: Robert G. & Mary T. Tongue
9311 SE 55th Ave.
Milwaukie, Oregon 97222

Request: Type II 2-Parcel Re-Plat with one existing home to remain and one new home to be built on newly created flag lot.

Site Legal Description: Tax Lot 5900, Map 1S, 2E. 30AC Located in the N.E. ¼ Section 30, T.1S, R.2E., W.M., City of Milwaukie, Clackamas County, Oregon

Location: 9311 SE 55th Ave. Milwaukie, Oregon 97222

Zone: R7

Land Use: Low Density (LD)

PreApp Project ID# 19-004PA

BACKGROUND:

Proposal:

The applicant/owner of property located at 9311 SE 55th Ave., Milwaukie, Oregon 97222, Robert G. and Mary T. Tongue, are requesting a Type II Land Division to establish two parcels in the R7 Zone. There is one existing residence on the 21,000sq. ft. lot which is proposed to remain and Create a new 8,140 sq. ft. flag lot in the rear of the property. Existing property size to be 10,395 Sq. ft. A pre-application conference was held on February 14, 2019. Report is included.

FINDINGS OF FACT

Land Division Approval Criteria

17.12.010 PURPOSE

The Purpose of this chapter is to specify the process and procedures for lot consideration, property line adjustment, partition, subdivision, and replat.

COMMENT:

The lot is located in the R7 zone.

17.12.020

Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Type III procedures as indicated in this section.

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.
2. The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.
3. The proposed subdivision plat name is not duplicative and plat otherwise satisfies the provisions or ORS 92.090 (1)

17.16.050 REPLAT

The following shall accompany applications for a replat:

- A. Completed application form signed by all owners of property included in the proposal;
- B. The application fee as adopted by the City Council;
- C. A narrative report that describes how the proposal meets approval criteria;
- D. Additional information as may be required by the application checklist; and
- E. Additional information including full submission requirements for preliminary plat as may be required by the Planning Director upon review of the proposal.

COMMENT:

Compliance with the relevant sections of the Title 19 of the code are outlined in the report.

19.301.1 PURPOSE

The low density residential zones are intended to create, maintain, and promote neighborhoods with larger lot sizes where the land use is primarily single-family dwellings. They allow for some nonhousehold living uses but maintain the overall character of a single-family neighborhood.

COMMENT:

The site is located in the R7 zone, with a Low Density Use.

19.301.4 DEVELOPMENT STANDARDS

In the low density residential zones, the development standards in Table 19.301.4 apply.

COMMENT:

The proposed land division is designed in accordance with these standards for Low Density Residential. The lot areas are a minimum 7000 sq. ft. (the flag portion only counts towards the lot size)

and have minimum lot width of 60 ft., lot depth of 80 ft., minimum street frontage requirements of 25 ft.

The maximum height of 2.5 stories or 35 feet are met and will be confirmed with building permits. The existing house on parcel 1 will not change and has a height below 35 ft.

The lot coverage standards provided in Table 19.301.4 provides for a maximum lot coverage of 30%. The maximum of each parcel is as follows:

Parcel 1-8,140 sq. ft. lot area – maximum coverage 2,442 sq. ft.

Parcel 2- 10,890 sq. ft. lot area –maximum coverage 3,267 sq. ft.

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.

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.

COMMENT:

Compliance with minimum side yard setbacks will be confirmed prior to issuance of building permits for parcel 2. Parcel 1 will not be changed and currently meets the minimum side yard setbacks with approximately 10 feet on each side of the house.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

COMMENT:

The property is not located in an overlay zone, therefore this section does not apply.

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

COMMENT:

The clear vision areas will be maintained and confirmed upon issuance of building permits and building inspections.

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 review for conformance to this standard.

COMMENT:

The existing vegetation is planned to be dept or replaced with similar plants. This will be confirmed upon issuance of building permits and building inspections.

19.504.8 Additional Standards

COMMENT:

2. Subsection 19.504.8 Flag Lot Design and Development Standards apply

19.505 BUILDING DESIGN STANDARDS

COMMENT:

The proposal complies with the Building Design Standards. This will be reviewed closely upon submittal of the architectural plans to the Building Department prior to issuance of building permits.

19.505.2 Garages and Carports

COMMENTS:

The proposal complies with the Garage and Carport Standards. This will be reviewed closely upon submittal of the architectural plans to the Building Department prior to issuance of building permits. Parcel 1 currently has a one car garage that will remain.

19.607 OFF STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for rowhouses, cottage clusters, duplexes, single-family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

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.

Figure 19.607.1.B.2

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 maintain for all-weather use. The use of pervious concrete, pervious

paving, driveway strips, or an in-ground grid or lattice surface is encourage to reduce stormwater runoff.

- a. Required parking space (s)
 - b. All vehicle parking spaces and maneuvering areas located with a required front or side yard. Areas for boat or RV parking are exempt for 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.
- D. Additional driveway standards
1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider that the approved driveway approach within 5 ft of the right-of-way boundary (Option 1-see figure 19.607.1.E.1).

COMMENT:

Off-street parking requirements for parcel 2 will be confirmed prior to issuance of building permits. The existing house meets the off-street parking requirements with an existing 1 car garage.

19.702.1 General

Chapter 19.700 applies to the following types of development in all zones.

- A. Partions
- B. Subdivisions
- C. Replats
- D. New construction
- E. Modification or expansion on an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single-family residential development and development in downtown zones.
 1. A new dwelling unit
 2. Any increase in gross floor area
 3. Any projected increase in vehicle trips, as determined by the Engineering Director.

COMMENT:

Per the Public Works department comments from the Pre-application meeting, frontage improvements will be required on parcel 2 only. Site plan shows the proposed improvements, however approved improvement plans are required prior to construction and changes may occur at the discretion of the Public Works Department.

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 2/14/2019 at 10:00am

Applicant Name: Mary Tongue
Company:
Applicant 'Role': Owner
Address Line 1: 4207 SE Woodstock Blvd #435
Address Line 2:
City, State Zip: Portland OR 97206
Project Name: 55th Ave Partition
Description:
ProjectAddress: 9311 SE 55th Ave
Zone: R-7
Occupancy Group:
ConstructionType:
Use: Low Density, Single-Family Residence
Occupant Load:
AppsPresent: Robert Tongue, Mary Tongue
Staff Attendance: Mary Heberling, Dalton Vodden, Tay Stone

BUILDING ISSUES

ADA:
Structural: Buildings shall not cross property line and shall meet the requirements of the Oregon Residential Specialty Code (ORSC).
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:

Fire hydrants, One and two-family dwellings & accessory structures: Where a portion of a structure is more than 600 ft from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), additional fire hydrants and mains shall be provided.

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

1. Provide address numbering that is clearly visible from the street.
2. No part of building may be more than 150 ft from an approved fire department access road.
3. Driveways serving up to three single-family dwellings or duplexes may be reduced to 12 ft in width but shall provide 20 ft of clear width.
4. Fire apparatus access roads must support a 75,000 lb fire apparatus.

Hazardous Mat.:

Fire Marshal Notes:

1. Comments may not be all inclusive based on information provided.
2. Please visit our website for access to our Fire Flow Worksheet, and Fire Code Application Guide: www.clackamasfires.com/fire-prevention/new-construction-resources/

PUBLIC WORKS ISSUES

Water:

A City of Milwaukie 12-inch water main on 55th Avenue will provide service to the proposed development. The development will require a new water service and meter assembly. 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 a water meter. The water SDC will be assessed and collected at the time the building permits are issued. Fire hydrant spacing along 55th Avenue is adequate to provide coverage for the site.

Sewer:

A City of Milwaukie 8-inch concrete wastewater main on 55th Avenue will provide service to the proposed development. The new house will require a new sewer lateral sized to accommodate the proposed development. Currently, the wastewater SDC is comprised of two components. The first component is the City's SDC charge of \$1,186 per single-family dwelling unit (or 16 plumbing fixture units accordance with the Uniform Plumbing Code for multifamily and commercial) and the second component is the County's SDC for treatment of \$6,540 per equivalent dwelling unit that the City collects and forwards to the County. Both SDC charges are per connection unit. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm:

Milwaukie requires submission of a stormwater management plan by a qualified professional engineer if 1000 sq ft or more new impervious area is created with the development in the right-of-way. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works

Standards. The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing stormwater management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland 2016 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 sq ft of impervious surface, and each single-family residential property is 1 stormwater unit. The storm SDC is currently \$930 per unit. The storm SDC will be assessed and collected at the time the building permits are issued. The impervious area on private property (house and driveway) will be handled with the construction of an appropriately sized drywell on site.

Street:

The proposed development fronts the west side of 55th Avenue, which is classified as a Local Street. The portion of 55th Avenue fronting the proposed development has a right-of-way width of 40-45 ft, a paved width that is approximately 25 ft, and is unimproved on both sides of the street.

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 \$2,114 per pm trip generated. Single-family houses create 1 pm trip.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code, herein referred to the “Code”, applies to partitions, subdivisions, new construction and modification and or expansions of existing structures or uses that produce a projected increase in vehicle trips.

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 55th Avenue

According to Code Table 19.708.2 the local street cross section includes the following:

- 8-ft travel lane
- 6-ft parking strip with curb & gutter
- 5-ft landscape strips
- 5-ft setback sidewalks

The 55th Avenue pavement is in very poor condition. In order to meet the City’s design standards, the applicant may be required to replace the pavement section to centerline. Extent of pavement reconstruction will be determined during the design review of the frontage improvements.

The above improvements are required in front of the new lot only, not the existing parent lot.

Right of Way:

The existing 40-45 ft right-of-way on 55th Avenue fronting the proposed development is not adequate to accommodate the planned cross-section. Dedication of 5 ft along the 55th Avenue frontage is required

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 Milwaukie's Public Works Standards, Section 5.0085, at the time of development. Per MMC 12.16.040, Driveway will be between 9- and 20-ft wide and located a minimum 7.5 ft from the side property line.

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 500 sq ft. The proposed development exceeds the threshold therefore, an erosion control permit is required.

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:

MMC 19.704 states the Engineering Director will determine whether a proposed development has impacts on the transportation system by using existing transportation data. The Engineering Director has determined that sufficient existing transportation data is available for the City to determine the transportation system impacts of the development and a project specific TIS is not required for this development at this time.

PW Notes:

APPLICABILITY OF PRE-APPLICATION REVIEW

The comments provided are preliminary and intended to address the original application materials submitted unless otherwise specifically called out in the notes. The information contained within these notes may change over time due to changes or additional information presented for the development. This pre-application review is for the following:
The partition of an existing lot into two lots.

SYSTEM DEVELOPMENT CHARGES (SDC'S)

All SDCs are calculated, assessed, and collected at the time of building permit is issued. Any changes in the proposed use may result in a change in the SDCs that are assessed. In addition to the SDCs mentioned earlier, there is a Parks & Recreation System SDC that is triggered when application for a building permit on a new dwelling is received. Currently, the Parks & Recreation System SDC for a single-family residence is \$3,985.00. The Parks & Recreation System SDC will be assessed and collected at the time the building permits are issued.

REQUIREMENTS PRIOR TO FINAL PLAT

- Full-engineered design is required along the frontage of the new lot. Engineered plans for public improvements (street, sidewalk, and utility) are to be prepared by a Professional Engineer licensed in the State of Oregon.

- 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.

- Construction of the required improvements.

- 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 and approval of the final plat.

FEE CHANGE NOTICE

- All fees mentioned are subject to change in accordance with the City of Milwaukie Master Fee Schedule.

PLANNING ISSUES

Setbacks: In the R-7 zone, for flag lots: front and rear yard minimum setback is 30 ft, minimum side yard for principal and accessory structures is 10 ft.

Landscape: The R-7 zone requires that 30% of the total area of the lot be left or planted in trees, grass, shrubs, planting beds, etc. At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

At least 40% of the front yard (the area of land in front of the front facing wall of the primary structure to the front property line) 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.

Parking: Single-family dwellings must provide 1 off-street parking space.

The off-street parking space must be at least 9 ft wide by 18 ft deep. No portion of the required parking space is allowed within the required front yard of the lot or within 15 ft of the front lot line, whichever is greater. A garage that can fit a vehicle(s) counts towards off-street parking.

Parking of vehicles shall only be allowed on surfaces that 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.

Link to the code section for residential off-street parking is here:
http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_600-19_607

Transportation Review: The proposed replat may not trigger a Transportation Impact Study (TIS). Please see the Public Works notes for more information about any requirements of MMC 19.700.

Application Procedures: The applicant is interested in splitting the property into two lots with the back lot being a flag lot. This is a twostep process, first is a partition to create the two lots, the second is a final plat, which will need to be recorded with Clackamas County.

Step 1:

Partition Replat (Type II): The application is reviewed through a Type II review per MMC 19.1005, and the application fee is \$2,000. The submitted narrative should address the following sections of the Milwaukie Municipal Code: 19.301 Low Density Residential Zones; 17.12.030 Approval Criteria for a Replat (link to code: http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_12-17_12_030).

The flat lot should meet these standards:

Lot Standards

- Minimum lot size of 7,000 sq ft (the flag portion only counts towards the lot size)
- Minimum lot width of 60 ft
- Minimum lot depth of 80 ft
- Minimum street frontage requirements of 25 ft

Driveway Design and Emergency Vehicle Access

- Driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.
- Driveways serving single flag lots shall have a minimum paved width of 12 ft.
- 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.
- A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.
- The flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable.
- 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.

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.
- 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.
- 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.
 - oAny 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.
 - oFencing 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.
 - oAll required screening and planting shall be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

Step 2:

Final Plat (Type I): Following the appeal period on the partition replat, the applicant may submit the necessary Final Plat application, which will require Type I review (current fee, \$200). The final plat is reviewed as a Type I administrative review. The application requirements are found in MMC 17.16.070 and MMC 17.24. The approval criteria are found in MMC 17.12.050 at http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_12. Because the final plat must follow the approval of the preliminary plat, it is not eligible for concurrent review.

The final plat application must be submitted within 6 months of the end of the appeal period for the partition replat approval. Public improvements required for the approval of the partition replat must be completed within 1 year of the end of the appeal period for the partition replat approval. A 6-month

extension may be granted if the applicant cannot complete the public improvements within 1 year of the end of the appeal period for the partition replat approval. The final plat application will not be signed off and approved until the public improvements are complete.

Preliminary and Final Plat checklists and procedures can be found at:
<http://www.milwaukieoregon.gov/planning/plat-checklists>.

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. 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 will be required for referral to other departments, the Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

Land use application submission materials are listed below for your convenience. Please refer to the handouts online at the City's website at
https://www.milwaukieoregon.gov/forms?keys=&term_node_tid_depth=311&field_microsite_tid_1=Al
1.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed "Submittal Requirements" and "Preliminary Plat Checklist and Procedures" forms.
4. 5 copies of an existing conditions and a proposed conditions site plan, both to scale. These two site plans can be combined onto one site plan. Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.

Type II applications are decided by the Planning Director. Once the Planning Director renders a decision, there is a fifteen calendar-day appeal period. Building permits will be accepted for review only after the appeal period for all land use decisions has expired.

Natural Resource Review: There are no natural resource overlay zones on this lot.

Lot Geography: The subject property is a rectangular lot that is 21,779.45 ft.

Planning Notes:

1. The preapplication conference is valid for purposes of submitting future land use applications as described in MMC 19.1002.4. A preapplication conference is valid for 2 years.
2. The Milwaukie Municipal Code is available online at
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>.

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

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Geoff Nettleton - Civil Engineer - 503-786-760

Rick Buen - Civil Engineer - 503-786-7602

Alex Roller - Engineering Tech II - 503-786-7695

Jennifer Backhaus - Engineering Tech I - 503-786-7608

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652

Alicia Martin - Admin Specialist - 503-786-7600

Avery Pickard - Admin Specialist - 503-786-7600

Joyce Stahly - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

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Vera Kalias - Associate Planner - 503-786-7653

Mary Heberling - Assistant Planner - 503-786-7658

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: Izak Hamilton, Fire Inspector, Clackamas Fire District #1
Date: 2/14/2019
Re: 19-004PA, 9311 SE 55th Ave. Milwaukie, OR

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:

Access:

1. Provide address numbering that is clearly visible from the street.
2. No part of the building may be more than 150 from an approved fire department access road.
3. 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.
4. 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.

Notes:

1. Comments may not be all inclusive based on information provided.
2. Please visit our website for access to our Fire flow Worksheet, and Fire Code Application Guide.

<http://www.clackamasfire.com/fire-prevention/new-construction-resources/>