



CITY OF MILWAUKIE

November 8, 2022

Land Use File(s): MLP-2022-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on November 8, 2022.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	David Barber
Location(s):	5703-5705 SE Flora Dr
Tax Lot(s):	12E30DB00700
Application Type(s):	Minor Land Partition
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Land Division Ordinance: <ul style="list-style-type: none">• MMC Chapter 17.12 Application Procedure & Approval Criteria• MMC Chapter 17.16 Application Requirements and Procedures• MMC Chapter 17.20 Preliminary Plat• MMC Chapter 17.28 Design Standards• MMC Chapter 17.32 Improvements Milwaukie Zoning Ordinance <ul style="list-style-type: none">• MMC Section 19.301 Moderate Density Residential Zone• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.504 Site Design Standards• MMC Section 19.1005 Type II Review Milwaukie Municipal Code <ul style="list-style-type: none">• MMC Chapter 12.16 Access Management
Neighborhood(s):	Lewelling

Appeal period closes: 5:00 p.m., November 23, 2022

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Senior Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <https://www.milwaukieoregon.gov/planning/mlp-2022-002>.

This decision may be appealed by 5:00 p.m. on November 23, 2022, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. The applicant must submit a final plat application within 6 months of the preliminary plat approval in accordance with MMC Subsection 17.24.040. The applicant shall obtain approval of the final plat prior to the expiration of this preliminary plat approval.
2. The applicant's final plat application shall include the items listed on the City of Milwaukie Final Plat Checklist. The following specific items and changes are required as part of the application:
 - a. A written narrative describing all changes made to the final plat that are not related to these conditions of approval.
 - b. A final plat that substantially conforms to the plans received by the Planning Department on September 27, 2022 and approved by this action, except as modified by these conditions of approval.

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

- c. The plat shall include spaces for signatures by the Milwaukie Planning Manager and Milwaukie City Engineer, and a note indicating that this partition is subject to the requirements of City of Milwaukie Land Use Application MLP-2022-002.
 - d. The plat must include appropriate access easements on Parcels 1 and 2 for the benefit of all affect parcels, including responsibilities for maintenance of the easement areas.
 - e. The plat must include a 10-ft Public Utility Easement (PUE).
3. Prior to approval of the final plat, the following shall be resolved:
- a. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - b. For construction with over 500 square feet of disturbance, provide an erosion control plan and obtain an erosion control permit.
 - c. Construct a 16-ft to 24-ft wide shared asphalt driveway approach for Flora Drive and pave at least 20-ft beyond the property line.
 - d. Install a Private Road sign for Flora Drive at 56th Ave, as shown on the plans.
 - e. Provide a final approved set of electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
 - f. Remove all signs, structures, or vegetation between three ft and eight ft in height located in “clear vision areas” at intersections of streets, driveways, and alleys fronting the proposed development. Prior to the removal of any vegetation, applicant shall confirm with the Engineering department the location of clear vision areas and if the vegetation removal is required to comply with clear vision standards.

Other requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process. They are included for the applicant’s convenience and do not necessarily represent all standards or requirements that may be applicable.

1. The Time Limit on Approval established in MMC 17.04.050 applies to this proposed partition.
 - a. MMC 17.040.050.A: All decisions on boundary changes and land divisions shall expire 1 year after the date of approval. Reactivation of expired decisions may only be made by submission of a new application and related fees. *Staff note - approval of a final plat must occur prior to the expiration of the preliminary plat approval on which the final plat is based.*

- b. MMC 17.04.050.B: Approvals may be extended up to 6 months upon submission of formal request to the original decision-making authority. One extension of the approval period not to exceed 6 months will be granted if the criteria in MMC 17.04.050.B are satisfied.
 2. The requirements on MMC 17.24 for preparation and recording the final plat are as follows:
 - a. MMC 17.24.040: Within 6 months of City approval the applicant shall submit the final plat for City signatures. Approval of the final plat shall be null and void if the plat is not submitted within the time specified or if the plat is not recorded within 30 days after the date the last required signature has been obtained. One copy of the recorded plat shall be supplied to the City.
 - b. MMC 17.04.120.B: Prior to recording a lot consolidation, property line adjustment, subdivision, or partition plat or replat, the applicant shall submit the recording instruments to the Planning Manager for a determination of consistency with the City Code and required approvals.
 - c. MMC 17.04.120.A: Recording instruments for boundary change, subdivision, partition, and replat shall be submitted to the County Surveyor within 6 months of City approval.
 3. MMC Section 17.04.120 Recording

As per MMC Section 17.04.120, partition plats must be recorded by plat. An application for final plat shall be submitted to both the City Planning Department and the County Surveyor within 6 months of the date of this approval. Once approved by the County Surveyor, a copy of the recorded final plat shall be submitted to the City Planning Department.

Manager's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- Approved
 Approved with Conditions
 Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: David Barber (5705 SE Flora Dr., Milwaukie, OR 97222) (via email)
Debbie Cleek, The Bookin Group (Applicant's Representative) (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Shawn Olson, CFD#1 (via email)
NDA(s): Lewelling (via email)

Land Use File(s): MLP-2022-002

EXHIBIT 1
Findings in Support of Approval
File #MLP-2022-002, 5703-5705 SE Flora Dr partition

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

1. The applicant, David Barber, has applied for approval to create two lots on the parcel located at 5703-5705 SE Flora Dr. This site is in the Residential R-MD Zone. The land use application file number is MLP-2022-002.
2. The proposed project is a two-lot partition which will put each of the existing homes on the property onto its own lot. No additional development is proposed.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1005 Type II Review
 - MMC Chapter 17.12 Application Procedure & Approval Criteria
 - MMC Chapter 17.16 Application Requirements and Procedures
 - MMC Chapter 17.20 Preliminary Plat
 - MMC Chapter 17.28 Design Standards
 - MMC Chapter 17.32 Improvements
 - MMC Section 19.301 Moderate Density Residential Zone – R-MD
 - MMC 19.504 Site Design Standards
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Chapter 12.16 Access Management

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.

4. MMC Chapter 17.12 Application Procedure and Approval Criteria
MMC Section 17.12.040 establishes the approval criteria for preliminary plat. The proposed preliminary plat meets these criteria as described below.
 - a. MMC Subsection 17.12.040.A.1 requires that the proposed preliminary plat complies with Title 19 Zoning and other applicable ordinances, regulations, and design standards.

As demonstrated by the applicant's submittal materials and evidenced by these findings, the proposed preliminary plat complies with the applicable ordinances, regulations, and design standards. As proposed, this criterion is met.
 - b. MMC Subsection 17.12.040.A.2 requires that the proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

The proposed partition will provide sufficient area on both parcels to accommodate existing development and any future development in accordance with the standards of the underlying R-MD zone. The parcels do not have physical constraints or dimensional limitations that would necessitate the need for a variance. As proposed, this criterion is met.

- c. MMC Subsection 17.12.040.A.3 requires that the proposed subdivision plat name is not duplicative, and the plat otherwise satisfies the provisions of ORS 92.090(1).

The proposed plat is a partition plat; therefore, this criterion is not applicable.

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

The proposed partition does not require right-of-way dedication on 56th Ave or Stanley Ave. This criterion is not applicable.

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

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

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

5. MMC Chapter 17.16 Application Requirements and Procedures

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

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

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

6. MMC Chapter 17.20 Preliminary Plat

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

The applicant's preliminary plat submittal is to scale and includes a vicinity map, existing conditions, contour lines, structures on surrounding properties, minimum setbacks for future development, and concepts for future development.

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

7. MMC Chapter 17.28 Design Standards

MMC 17.28, particularly MMC Sections 17.28.040 and 17.28.050, establishes standards for lot design for land divisions and boundary changes.

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

The proposed parcels are rectangular in shape and meet the minimum area and dimensional requirements for the underlying R-MD zone. Both parcels conform to the relevant standards of the R-MD zone as described in Finding 9 and to other applicable standards of Title 19 as described elsewhere in these findings.

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

The proposed parcels are rectangular in shape and meet the minimum lot standards in Title 19. The proposed new lot lines are at a 90-degree angle to 56th Ave and Stanley Ave and the rear lot lines are parallel to the street.

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

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

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

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

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

Neither of the proposed parcels is a double frontage or reversed frontage lot.

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

As proposed, Parcel 1 takes access from 56th Ave and meets the frontage requirement of 35 feet along this frontage. Parcel 2 will also take access from 56th Ave, via an access easement, and therefore does not include any frontage on 56th Ave. The existing flag pole on Stanley Ave is 20 ft wide which is non-conforming with the 25 foot minimum requirement, but will not move further out of conformance with this proposal. No access from Stanley Ave is proposed or permitted.

- g. MMC Subsection 17.28.050 requires that applicants for flag lot and back lot partitioning show that access by means of a dedicated public street is not possible.

The existing property is configured as a flag lot with the flagpole accessing Stanley Ave. However, this vehicle access is not being used by the lot and there is a fence across the driveway prohibiting access. Future Parcel 2 will continue to be configured as a flag lot but will take access from 56th Ave via an access easement across Parcel 1. Parcel 2 will not meet this standard, since access to 56th Ave is a possibility, however the flag lot configuration is an existing non-conforming situation that will not move further out of conformance with this standard with this land division. The existence of the flag lot will not preclude the development of street access to any of the parcels that surround the site, so this portion of this standard is met.

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

8. MMC Chapter 17.32 Improvements

MMC 17.32 establishes procedures for public improvements, including a requirement that work shall not begin until plans have been approved by the City.

As discussed in Finding 12, an improved shared accessway must be constructed as conditioned. No additional frontage improvements are required.

As conditioned, the Planning Manager finds that the applicable standards of MMC 17.32 are met.

9. MMC Section 19.301 Moderate Density Residential Zone R-MD

MMC 19.301 contains standards for the Moderate Density Residential zones. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed in the R-MD zone, including single-family detached dwellings, duplexes, and accessory dwelling units (ADUs) as outright permitted uses.

The applicant is proposing a single-family detached dwelling on each of the two new lots and the existing home will remain on the third lot. This is a permitted use in the R-MD zone as listed in Table 19.301.2.

As proposed, this standard is met.

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-MD zone. The applicable standards are addressed and met as described in the table below.

Residential Zone R-MD Development Standards				
	R-MD Zone Standards	Parcel 1 (existing home remains)	Parcel 2 (existing home remains)	Comments
Lot Area	5,000 sq ft for single-family	8,121 sq ft	7,211 sq ft	9,192 sq ft with access pole
Lot Width	60 ft	91 ft	79 ft	complies
Lot Depth	80 ft	89 ft	91 ft	complies
Public Street Frontage	35 ft, 25 ft for single flag lot	91 ft	20 ft (existing pole)	Existing parcel has a 20 ft pole at Stanley Ave.
Lot Coverage	35% max.	13%	13%	complies
Minimum Vegetation	30% min.	30%+	30%+	complies
Front Yard Setback	20 ft; 30 ft for flag lot	25	22 ft	Flag lot frontage for Parcel 2 is from Stanley Ave so east lot line considered the front lot line. Existing development is oriented to Flora Dr, so it is considered existing non-conforming, since current lot configuration is a flag lot
Side Yard Setback	5 ft / 10 ft; 10 ft for flag lot	16 ft/50 ft	20 ft/50 ft	complies
Maximum Building Height	35 ft	<20 ft/1 story	<20 ft/1 story	complies
Side Yard Height Plane	45 degree angle, 20 ft above ground	complies	complies	

Rear Yard Setback	20 ft; 30 ft for flag lot	20 ft	22 ft	Flag lot frontage for Parcel 2 is from Stanley Ave so west lot line considered the rear lot line. Existing development is oriented to Flora Dr, so it is considered existing non-conforming, since current lot configuration is a flag lot
Residential Density	5.0 units/acre minimum; 6.2 units per acre maximum	2 single detached dwelling units permitted		complies

As proposed, the existing development meets the applicable standards of this subsection or are existing non-conforming.

As proposed, the Planning Manager finds that the applicable R-MD zone standards of MMC 19.301 are met.

10. MMC 19.502 establishes standards for accessory structures.

- a. MMC 19.502.2 includes the minimum setback requirements for accessory structures and states that they cannot be located in the front yard unless the structure is at least 40 ft away from the front lot line,

The proposed partition affects existing development; no new development is proposed. There are three small sheds located on the two proposed lots. On Parcel 1, where the front yard is established by 56th Ave, there is a 64 sq ft shed that is 10 feet tall and is required to be 3 ft from the side and rear property lines. The shed is set back 10 ft from the rear property line, and between 40 and 50 ft from the side property lines. On Parcel 2, where the front yard is established by Stanley Ave because it is a flag lot, there is a 120 sq ft shed that is 10 ft tall and a 64 sq ft shed that is 10 ft tall. Both of these structures are also considered Type A structures and require 3-ft setbacks from the rear and side property lines. These sheds will be just over 3 ft from the rear property line, 12 ft from the north side lot line and over 50 ft from the south property line. As shown, the setback standards are met for all the existing accessory structures on the site.

11. MMC 19.504.8 establishes flag lot design and development standards. This section is met as described below.

- a. MMC 19.504.7.A states that flag lots in all zones are subject to the development standards of MMC 19.504.8.

Parcel 2 is a flag lot and would be subject to the development standards in this subsection. Parcel 1 is a standard frontage lot and is not subject to the development standards of this section.

b. MMC 19.504.7.B contains development standards for flag lots.

- (1) MMC 19.504.7.B.1 states that the areas contained within the accessway or pole portion of the lot shall not be counted toward meeting the minimum lot area requirement.

Parcel 2 flag lot has an area of 7,211 sq ft outside of the pole and complies with the minimum lot area requirement for the R-MD zone.

- (2) MMC 19.504.7.B.2 establishes yard setbacks of for flag lot development requiring a minimum 30-ft front and rear yard and 10-ft side yards.

One of the existing homes would be located on Parcel 2, which is the proposed flag lot, With the new interior lot line, the front yard is now considered to be the lot line parallel to Stanley Ave, rather than where the home faces, which is to the south and Flora Dr. The submitted plans show that it would have front and rear setbacks of 22 ft and side yard setbacks of 20 ft and 50 ft. Because the development on the site is existing, and no new development is proposed, the configuration is considered pre-existing non-conforming. The proposed lot lines do not bring the development further out of conformance.

c. MMC 19.504.7.C prohibits variances of lot area, lot width, and lot depth standards.

There are no variances requested for the creation of Parcel 2.

d. MMC 19.504.7.D establishes standards for flag lot frontage, accessway, and driveway design.

- (1) MMC 19.504.7.D.1 requires that flag lots shall have frontage and access on a public street and that the minimum width of the accessway and street frontage is 25 ft.

The existing pole width for Parcel 2 is 20 ft. It is not anticipated that this flagpole will be used for access to the lot, since vehicle access to Stanley Ave is prohibited and the flag portion is fenced off, prohibiting vehicles from entering this area. Access to the lot will be provided from 56th Ave via an access easement over Parcel 1. The configuration of the lot is existing non-conforming and will not be further out of conformance as a result of this land division.

- (2) MMC 19.504.7.D.3 contains standards for driveway design and emergency vehicle access.

The proposed driveway access from 56th Ave would provide access to both parcels via an access easement.

- (a) MMC 19.504.7.D.3.a requires that driveways shall be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.

No driveway access is proposed in the flagpole.

- (b) MMC 19.504.7.D.3.b requires that driveways serving single flag lots shall have a minimum paved width of 12 ft.

No driveway access is proposed in the flagpole.

- (c) MMC 19.504.7.D.3.c requires that 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.

The existing driveway is generally centered within the accessway.

- (d) MMC 19.504.7.D.3.d requires that a paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.

Clackamas Fire District #1 (CFD) reviewed the proposed partition and had no comments regarding the proposal. As conditioned, the plat shall also include appropriate easements or restrictions to maintain the minimum requirements for CFD access.

- (e) MMC 19.504.7.D.3.e requires that driveways serving 2 flag lots shall be consolidated and have a minimum shared driveway width of 16 ft.

The existing driveway would serve both lots with access from 56th Ave, not via the flagpole at Stanley Ave. There is no driveway access from Stanley Ave.

- (f) MMC 19.504.7.D.3.f requires that the flag lot driveway shall be consolidated with the driveway on the parent lot to the greatest extent practicable.

The existing driveway would serve both lots with access from 56th Ave, not via the flagpole at Stanley Ave. There is no driveway access from Stanley Ave.

- (g) MMC 19.504.7.D.3.g requires that design standards for shared driveways serving more than 3 lots shall be specified by the Engineering Director after consultation with the Fire Marshal.

The existing driveway would serve 2 lots.

- (h) MMC 19.504.7.D.3.h requires that 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.

No driveway access is proposed in the flagpole.

- (3) MMC 19.504.7.E contains standards for screening of adjoining properties for flag lot development. 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.

As noted in these findings, there is existing development on this property, and no additional development is proposed as a result of this partition. Parcel 2, which would be a flag lot, currently contains fencing along the south, east and north property lines and a portion of the west property line, which screens the parcel from adjacent properties. Additional fencing can be added to the west property line to better meet this standard, however the portion of the lot covered by the access easement from 56th Ave cannot be fenced or planted to allow access to the lot.

As conditioned, the Planning Manager finds that the development complies with this section.

12. MMC Chapter 19.700 Public Facility Improvements

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

a. MMC Section 19.702 Applicability

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

The applicant proposes to partition the subject property into two distinct parcels. The proposed partition triggers the requirements of MMC 19.700.

MMC 19.700 applies to the proposed development.

b. MMC Section 19.703 Review Process

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

The proposed partition does not trigger a Transportation Facilities Review.

As discussed in Finding 12-d, a condition has been established for the construction of a paved shared access on Flora Drive and the placement of a new street sign designating Flora Drive as a private drive. Transportation facility improvements beyond those conditioned improvements are not proportional to the type of development. No frontage improvements are required outside of these conditions.

As conditioned, the proposal meets the applicable standards of MMC 19.703.

c. MMC Section 19.704 Transportation Impact Evaluation

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

The City Engineer determined that a transportation impact study was not required.

d. MMC Section 19.705 Rough Proportionality

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

Finding 12-e addresses the condition established for required frontage improvements. The proposed development does not trigger mitigation of impacts beyond these conditioned improvements. The impacts are minimal, and the surrounding transportation system will continue to operate at the level of service previous to the proposed development.

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

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 points to MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards.

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. All signs, structures, or vegetation over 3 ft in height shall be removed from "vision clearance areas" at intersections of streets, driveways, and alleys.

A condition has been established to require construction of a paved shared access on Flora Drive. The private drive shall be paved with asphalt and extend at least 20-ft beyond the property line. A mounted street sign must be located at the corner of 56th Avenue and Flora Drive. The sign shall include street names and a Private Drive sign rider for Flora Drive.

All improvements shall be constructed in conformance to requirements outlined in MMC 12.16 and the Milwaukie Public Works Standards. A Right-of-Way permit is required prior to starting any work in the public right-of-way.

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

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

A 10-ft Public Utility Easement (PUE) is required along the entire frontage on 56th Avenue.

The proposed development does not include or require any construction or alteration of public utilities. City of Milwaukie Wastewater and Clackamas River Water connections are pre-existing.

As conditioned, the proposed partition meets the standards of MMC 19.709.

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

13. MMC Chapter 12.16 Access Management

MMC 12.16 regulates access from private property onto public streets, with specific requirements and standards provided in MMC Section 12.16.040.

MMC Subsection 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts, that driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA), and that driveway approaches shall be improved to meet the requirements of the City's Public Works Standards. MMC Subsection 12.16.040.B.1 governs the spacing of accessways (driveways), requiring a minimum of 300 ft for spacing between accessways on collector streets and prohibiting the creation and/or modification of single-family accessways.

As discussed in Finding 12-e, the proposed partition includes the construction of a new shared accessway. The proposed driveways will conform to Public Works standards and width as required by MMC 12.16.040.E and F. Conditions have been established to require conformance with the applicable City standards.

As conditioned, the Planning Manager finds that the proposed partition meets the applicable access management standards of MMC 12.16.

14. As described in Finding 3, public notice of the application was posted on site and mailed as required by the Type II review process established in MMC 19.1005. The application was referred for comment to the following departments and agencies on October 17, 2022:

- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Clackamas Fire District #1 (CFD #1)
- Lewelling Neighborhood District Association (NDA) Chairperson and Land Use Committee

In addition, public notice of the application with an invitation to comment was sent on October 17, 2022, to property owners and residents within 300 ft of the subject property. Comments received are summarized as follows: