

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, AUGUST 8, 2006

COMMISSIONERS PRESENT

Jeff Klein, Chair
Teresa Bresaw
Catherine Brinkman
Scott Churchill

COMMISSIONERS ABSENT

Lisa Batey
Dick Newman

STAFF PRESENT

Katie Mangle,
Planning Director
Zach Weigel,
City Engineer
Ryan Marquardt,
Assistant Planner
Charles Corrigan,
Legal Counsel
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- June 13, 2006

Commissioner Brinkman moved to approve the minutes of June 13, 2006 as presented. Commissioner Churchill seconded the motion.

Ayes: Bresaw, Brinkman, Churchill, Klein

Nays: None

Abstentions: None

The motion carried 4-0.

4.0 INFORMATION ITEMS -- City Council Minutes

City Council minutes can be found on the City web site at
www.cityofmilwaukie.org

5.0 PUBLIC COMMENT -- None.

6.0 Public Hearings

- 6.1 Applicant: Rod and Stanley Walker
Owner: Rod and Stanley Walker
Location: South of 11584 SE Linwood & abutting the north ends of
SE 63rd and 64th Avenues
Proposal: Creation of a 4-lot subdivision and related public
improvements.
File Numbers: S-06-02/TPR-06-07/VR-06-03
NDA: Linwood

Chair Klein opened the public hearing on Subdivision 06-02, Transportation Planning Review 06-07 and Variance Request 06-03, a Minor Quasi-Judicial hearing to consider creation of a 4-lot subdivision. The criteria to be addressed can be found in the Milwaukie Zoning Ordinance Section 19.302, Residential Zone R-7; Section 19.701, Circumstances for Granting Variance; 19.1011.3, Minor Quasi-Judicial Review; 19.1400, Transportation Planning, Design Standards, and Procedures; Milwaukie Land Division Ordinance, Chapter 17.12, Application Procedure and Approval Criteria; Chapter 17.16, Application Requirements and Procedures; Chapter 17.20, Preliminary Plat; Chapter 17.28, Design Standards and Chapter 17.32, Improvements.

Chair Klein asked if there were any conflicts of interest or ex-parte contacts to declare. **Commissioner Brinkman** stated that the law firm she works for has represented parties involved in this application. The cases are closed and she did not work on these cases herself. She does not feel that this will impact her decision on this hearing.

There were no other conflicts of interest or ex-parte contacts declared.

Chair Klein asked if any member of the Planning Commission visited the site; 3 hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Ryan Marquart reviewed the staff report with the Commission. He made a presentation of the subject site and surrounding area. Four lots are being proposed for this land division as well as related street improvements; no development is proposed at this time. The request includes a Transportation Plan Review and a variance from the street design standards for SE 64th Avenue. The only structure on the site is a garage and it is proposed to remain.

The area being considered tonight was part of the original Walker Park Subdivision. Due to a boundary dispute on the northern section of the site related to a water utility line this area was removed from the original subdivision. The applicant has since adjusted the property line further to the south and is now applying to subdivide the remaining area.

Key issues

- Does the proposed four-lot subdivision on two tax lots meet the criteria for subdividing property?

Staff believes that the proposal complies with lot design standards, lot area, lot dimensions, and development standards which will be reviewed at the time of building permit and transportation standards with conditions.

- Does the proposal meet the criteria for the two requested variances on 64th Avenue?

The minimum allowed width for travel lane and half-street improvements per Chapter 19.1400 are 10' travel lane and 20' half-street improvements. The proposal is for a variance to allow an 8' travel lane and 16' half street improvements. Southeast 64th cannot be widened east until the adjacent property develops and the road should not be widened to the west because it would cause a sudden shift in the centerline. The applicant is proposing to continue the existing street line. Staff believes the property has unusual physical characteristics over which the applicant has no control. There is no feasible alternative to the variance and the variance is the minimum necessary.

- Does the proposal warrant an exception to allow the existing pavement to remain on SE 64th Avenue?

The Applicant is requesting an exception to be able to use the existing pavement on SE 26th Avenue and improve to the northern boundary of the site. Staff has reviewed the pavement condition (City Engineering and Streets Departments) and determined that the pavement condition is not acceptable for inclusion into the City street system and recommends that it be rebuilt along the section of 64th Avenue.

- Should the adjustments for SE Linwood, SE 63rd and SE 64th Avenue eliminate planter strips?

On SE Linwood, the applicant is proposing an adjustment to allow having no planter strip and a 7.5' curb-tight sidewalk; staff recommends 4.5' planter strip and 5' sidewalk. There is a right-of-way width for arterial streets in the Transportation Design Manual that does fit within the right-of-way width for SE

Linwood Avenue and does not require any adjustments that has 4.5' planter strip and 5' sidewalk. On SE 63rd & 64th, staff is recommending a 3.5' planter strip and 5' sidewalk for both areas. This will provide a little separation between vehicle and pedestrian travel and create space for planting of trees and setting a tree-scape. This is a different adjustment than what the applicant is proposing.

Mr. Marquardt reiterated that the Commission's decision process will include (1) approve or deny the subdivision based on standards of Title 19 and Title 17 regarding lot dimension, area and transportation; (2) approve or deny variances for SE 64th Avenue based on MMC19.702; (3) deciding which exceptions and adjustments to accept for street design for SE Linwood, SE 63rd and SE 64th Avenue; determine appropriate street cross sections, (4) a decision on the exception for existing pavement on SE 64th and (5) consideration of staff's revised conditions and finding recommendations.

CORRESPONDENCE

Chair Klein asked if there had been any correspondence received since the mailing of the packet. **Mr. Marquardt** stated that there has been no additional correspondence.

APPLICANT PRESENTATION

Speaking: Bruce Goldson, Compass Engineering, 4105 SE International Way, Suite 501, Milwaukie

Mr. Goldson stated that he appreciated the good dialogue that he had with staff during this process. He made a correction to the addendum to the staff report: Item 12, last word, "drywells" should be replaced with "storm management facility."

Compass Engineering was the engineering and surveyor company in 1976 that did the original subdivision; this is the same applicant that is wanting to complete the Walker Subdivision that was started 30 years ago. There has been a property dispute that interrupted the completion of this subdivision.

Along Linwood from Harmony up past the subject site, there are only a couple of places that have sidewalks and they are curb-tight; along the school the sidewalks are curb-tight. Along the subject site there are topographic restraints (banks) and by forcing a planter strip they will have to increase the height of the wall, or some type of grading mechanism to keep the soil back from the walk that is separated by a landscaping strip. They believe that Linwood should have a curb-tight sidewalk. The others are a little more pragmatic and they are proposing extending the sidewalk one lot past the subdivision.

They agree that the pavement on 64th Street width of 16' is logical. Staff made a visual inspection of the quality of pavement and the applicant would like to do some testing and investigation on how sound the pavement is. It was constructed at the same time as the rest of the roadway and there has hardly been any traffic on this street.

Mr. Goldson stated that he has read the staff report and the addendum and agrees with all the conditions.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Bresaw asked if there was a bike lane along the property line. **Mr. Goldson** stated that there is no bike lane in front of the subject property; along the school there is an extruded curb and pavement but it disappears by the time you get to the subject property.

Commissioner Bresaw asked Mr. Goldson why the road is so bumpy. **Mr. Goldson** stated that they have not investigated the condition of the street to see why it looks this way; there may be other treatments that can be proposed to make it satisfactory. He doesn't see removing the roadway as a solution; he hopes there will be a condition that they could evaluate the condition of the road (testing of core to see what's there), work with staff and come up with an agreement they are satisfied with.

Commissioner Churchill asked if the lot to the south has the same access. **Mr. Goldson** stated that there could be a driveway there, however the wall would have to be stabilized and maybe built up to increase the strength of the wall.

Commissioner Churchill asked if there had been any seal coating on the roadway in the past years. The applicant indicated that they may have seal coated 63rd and 64th Avenues at some point. However, seal coating is only a way to keep the pavement coated; it may be the solution to the roadway that is in bad condition.

Commissioner Bresaw asked if Mr. Goldson's company did retaining walls. **Mr. Goldson** stated that a retaining wall would be a design feature. A small retaining wall and curb tight sidewalks would be the best for this frontage.

Commissioner Churchill asked if 63rd Avenue was planned to be a turn-around in the original proposal. **Mr. Goldson** stated the roadway was split to go around a tree; it was a small cul-de-sac with a large island.

Commissioner Bresaw asked if there will be more development after completion of the Walker Subdivision. **Mr. Goldson** stated that the developer they sold the

lot to sold to various builders. There are no plans at this point to do anything other than complete the subdivision.

Speaking: Stanley H. Walker, 11631 SE 63rd, 11620 SE Linwood, Milwaukie

Mr. Walker stated that the original intent was to save the tree. The expectation was that 63rd and 64th go through to Monroe. Subsequent development purchased this property and prevented the extension of 63rd Avenue.

Commissioner Churchill asked if 63rd would connect if there was development later on. **Mr. Walker** stated that there is some belief that 63rd will continue forward; there is redevelopment possible to the north.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION

Speaking: Ryan Stenhouse, 11633 SE 64th Avenue, Milwaukie

Mr. Stenhouse asked the Commission to allow for an extension for his further review of the project. He just purchased a home in May and knew nothing of this process aside from the sign posted on the property. He is concerned with the extension of 64th Avenue. People on 63rd and 64th received a letter/notice and he did not. This is going to affect the neighborhood and it will affect him because he is the adjacent property owner on 64th Avenue.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Churchill asked Mr. Stenhouse what his concerns were about this project. **Mr. Stenhouse** stated that he is concerned about traffic on 64th. There will be increased traffic; danger to children and animals which use the street. The increase in foot traffic will encourage property crimes; the street is not well lit. The street is only 16' wide and two vehicles cannot pass without going up onto the sidewalk to get by.

Chair Klein stated eventually the property across the street will develop and it is logical to think that 63rd will be extended and there will be increased traffic.

ADDITIONAL COMMENTS FROM STAFF

Mr. Marquardt reported that that the pavement on SE 64th was inspected by Mike Clark, Street Supervisor; it was his determination that this road was not suitable for inclusion in the city street system.

Mr. Weigel stated that the original subdivision construction plans show that this section of 64th was not constructed to today's street standards. The retaining wall on the Linwood frontage could not be in the right-of-way; it could be up to the property line. The right-of-way width will eventually be 64'. Staff has recommended adjustments to realign the sidewalk and landscape strip where it does conflict with existing significant trees. Future development of the open area to the east will trigger development; SE 64th will get the full improvement street width and it will be a safer situation.

QUESTIONS FROM THE COMMISSIONERS REGARDING CLARITY
-- None.

APPLICANT'S CLOSING COMMENTS -- None.

Chair Klein closed the public testimony portion of the hearing and opened it to discussion among the Commissioners.

Commissioner Brinkman stated that she did not feel it was unreasonable to ask that this development comply with the street standards; she agrees with staff's recommendation for paving and grading of SE 64th Avenue.

Commissioner Bresaw agrees that maybe the property fronting Linwood Avenue can be graded to make it a gentler slope.

Commissioner Churchill stated that he agrees with the staff's recommendation of setting standards, doing planter strip and sidewalk even though it does create a jog in the sidewalk as opposed to a curb-tight sidewalk. It is important to maintain the standards where possible. He is sympathetic to the 64th Avenue homeowner's concerns. He feels that when SE 64th was paved it was up to standards at that time, but it is not up to the standards now.

Commissioner Bresaw moved to approve applications Subdivision 06-02, Transportation Planning Review 06-07 and Variance Request 06-03 and adopt the recommended findings and conditions as revised tonight on Attachment I (Changes to Walker Subdivision Staff Report of August 1, 2006:

- Item 12, last word "drywells" should be changed to "storm management system."

Commissioner Newman seconded the motion.

Ayes: Batey, Bresaw, Churchill, Klein

Motion carried 4-0.

7.0 WORKSESSION ITEMS -- None.

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

The commissioners concurred that Ryan did a great job on his power point presentation tonight; the staff report was thorough and impressive.

10.1 Matters from the Planning Director

Ms. Mangle reported that she will be going before City Council Tuesday, August 15th regarding downtown parking. She has been gathering data for changes to make in the downtown parking zones. She will also be recommending that City Council adopt the 2003 Downtown Parking and Traffic Management Plan.

Ms. Mangle reported that she will be doing a Land Use 101 class the end of August.

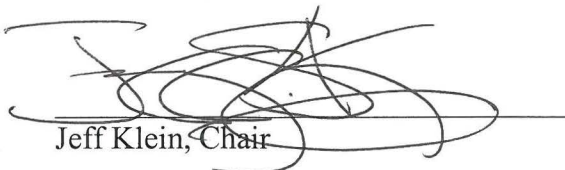
11.0 NEXT MEETING -- August 22, 2006

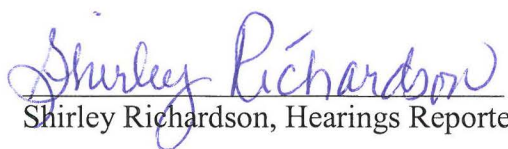
11.1 Sign Code Worksession

Commissioner Bresaw moved to adjourn the meeting of August 8, 2006.

Commissioner Klein seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 7:53 p.m.


Jeff Klein, Chair


Shirley Richardson, Hearings Reporter

MILWAUKIE PLANNING COMMISSION

MILWAUKIE CITY HALL
10722 SE MAIN STREET

AGENDA TUESDAY, AUGUST 8, 2006 6:30 PM

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Matters If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. Thank You.	
3.0 3.1	Planning Commission Minutes June 13, 2006 Approved PC Minutes can be found on the City web site at: www.cityofmilwaukie.org	Motion Needed
4.0	Information Items – City Council Minutes City Council Minutes can be found on the City web site at: www.cityofmilwaukie.org	Information Only
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
	Public Hearings Type of Hearing: Minor Quasi-Judicial Applicant: Rod and Stanley Walker Owner: Rod and Stanley Walker Location: South of 11584 SE Linwood & abutting the north ends of SE 63 rd & 64 th Avenues Proposal: Creation of a 4-lot subdivision & related public improvements File Numbers: S-06-02, TPR-06-07, and VR-06-03 NDA: Linwood Staff Person: Ryan Marquardt	Discussion and Motion Needed For These Items
7.0	Worksession Items	
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0	Other Business/Updates	Information Only Review and Comment
11.0	Next Meeting: August 22, 2006 – Worksession The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

Forecast for Future Meetings:

Hearing ~ Spring Park Community Service Use

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.
12. **TIME LIMIT POLICY.** All meetings will end at 10:00pm. The Planning Commission will pause hearings/agenda items at 9:45pm to discuss options of either continuing the agenda item to a future date or finishing the agenda item.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.

Milwaukie Planning Commission:

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Catherine Brinkman
Scott Churchill

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Associate Planner
Brett Kelter, Assistant Planner
Ryan Marquardt, Assistant Planner
Jeanne Garst, Office Supervisor
Karin Gardner, Administrative Assistant
Marcia Hamley, Administrative Assistant
Shirley Richardson, Hearings Reporter



To: Planning Commission

From: Ryan Marquardt, Assistant Planner and Zach Weigel, Associate Engineer

Through: Katie Mangle, Planning Director, and Paul Shirey, Engineering Director

Date: August 1, 2006, for August 8, 2006 Hearing

Subject: **Files:** S-06-02, TPR-06-07 and VR-06-03
Applicant: Rod and Stanley Walker
Address: Tax Map 1S 2E 32CB, Lots 226 and 201; south of 11584 SE Linwood Avenue and abutting the north ends of SE 63rd and 64th Avenues
NDA: Linwood

Action Requested

Approve applications S-06-02, TPR-06-07 and VR-06-03 and adopt the recommended findings and conditions in support of approval, authorizing creation of a four-lot subdivision and related public improvements.

Existing Conditions and Project Description

The applicant is proposing to subdivide tax lots 201 and 226 of Map 1S 1E 32CB, with areas of 0.51 and 0.34 acres, respectively. This area was originally part of the Walker Park Subdivision in August 1976. At that time, Mr. Stanley Walker, with the approval of the Planning Commission, modified the plat to reduce the area being subdivided due to a property line dispute with the neighbor to the north of the site. The applicants resolved the issue by relinquishing the disputed portion of the site to the neighbor. The current proposal is to subdivide the remaining area adjacent to the Walker Park Subdivision that is still owned by the original applicants.

The property line adjustment on the site's northern boundary was done by deed and recorded with Clackamas County in 1977. It does not appear that this property line adjustment received approval from the City of Milwaukie and staff is currently determining whether property line adjustments at that time required City approval.

The applicant has elected to pursue a subdivision on the site rather than a minor land partition on each tax lot for two reasons. First, partitioning would require that the boundary between the tax lots remain in the same location. This boundary is not in alignment with the right-of-way for SE 63rd Avenue, and this would create

problems for the layout of the site. Second, neither the applicant nor the City could establish that the tax lot boundary was the result of a legal land division that created two separate lots. The City does not support minor land partitions on tax lots that cannot be established as legal lots of record.

A garage on tax lot 201 and an adjacent concrete slab are the only existing structures on the site, and are proposed to remain on Lot 3 of the subdivision. The proposal is to create four buildable lots for the purpose of constructing single-family dwelling units.

The applicant is proposing:

- a. Creation of four lots in the Residential Zone R7, with one lot fronting on SE Linwood Avenue, one on SE 64th Avenue, and two on SE 63rd Avenue.
- b. To dedicate right-of-way that will result in extending SE 63rd and SE 64th Avenues to the northern boundary of the site.

The applicant is proposing the following improvements within the right-of-way:

- c. Pavement improvements, new curb, and new sidewalk along the site frontage on SE Linwood Avenue.
- d. New curb, sidewalks, and paved travel lanes along the project frontage of SE 63rd Avenue.
- e. New curb, sidewalks, and a single paved travel lane along the project frontage of SE 64th Avenue.

Key Issues

1. Does the proposed four-lot subdivision on two tax lots meet the criteria for subdividing property?
2. Does the proposal meet the criteria for the two requested variances?
3. Does the proposal warrant an exception to allow the existing pavement to remain on SE 64th Avenue?
4. Should the adjustments for SE Linwood, SE 63rd, and SE 64th Avenues eliminate planter strips?

Analysis of Key Issues

Key Issue #1 - Does the proposed four-lot subdivision on two tax lots meet the criteria for subdividing property?

The applicant is proposing a four-lot subdivision on two tax lots south of SE 11584 SE Linwood and abutting the northern ends of SE 63rd and 64th Avenues. The proposal complies with the applicable standards of Title 17 - Milwaukie Land Division Ordinance, and the standards of Title 19 - Zoning Code for the R7 use zone, as demonstrated in Attachment 1 – Recommended Findings in Support of Approval and Attachment 3 - Zoning Compliance Report.

Key Issue #2 - Does the proposal meet the criteria for the two requested variances?

The proposal requires two variances for improvements on SE 64th Avenue – one to reduce the travel lane width to 8 feet and one to reduce the half street improvement width to 15 feet. Per Milwaukie Municipal Code (MMC) Table 19.1409.3, the minimum travel lane width allowed for local streets is 10 feet. MMC 19.1409.2(C)(3) requires that half street improvements be a minimum of 20 feet wide. The criteria for granting variances under MMC Section 19.702.1 are as follows.

- i. *The property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.*

The property has unusual conditions over which the applicant has no control. The approval of the existing subdivision, Walker Park Phase I, created a public road, SE 64th Avenue, which does not meet current requirements for half street improvements. Extension of SE 64th Avenue is needed to serve the proposed development. The road cannot be widened east until the adjacent property develops and the road should not be widened to the west because it would cause a sudden shift in the centerline. Currently, the existing 25-foot half street of SE 64th Avenue south of the proposed development aligns with the SE 64th Avenue north of the proposed development. Shifting the alignment of SE 64th Avenue to provide for the required half street improvement will not align with the portion of SE 64th Avenue north of the proposed development.

- ii. *There are no feasible alternatives to the variance and the variance is the minimum variance necessary to allow the applicant the use of his/her property in a manner substantially the same as others in the surrounding area.*

There are no feasible alternatives to the variance. As stated above, SE 64th Avenue cannot be widened to the east and should not be widened to the west as part of the proposed development. However, when the property on the east side of SE 64th Avenue develops, the City will require the developer to improve the roadway to full street width. The extension of SE 64th Avenue will serve the proposed development and will match the existing SE 64th Avenue serving properties created as part of the Walker Park Phase I subdivision. As a result, the applicant is using the property in a manner substantially the same as others in the surrounding area.

- iii. *Adverse impacts upon other properties that may be the result of this variance shall be mitigated to the extent feasible.*

Addition of one single-family residence onto SE 64th Avenue will have little impact upon other properties. The applicant will be extending SE 64th Avenue to the north as part of the proposed development. Additional mitigation is not required.

Staff believes the applicable variance criteria are met and supports the variance request.

Key Issue #3 - Does the proposal warrant an exception to allow the existing pavement to remain on SE 64th Avenue?

The applicant has requested an exception to allow the existing pavement on SE 64th Avenue along the development frontage to remain and abut new street improvements. Both the City Engineering Department and Street Operations Department have examined the section of pavement in question. Staff believes that the existing pavement is in poor condition and that new pavement should be placed along the entire development frontage. Staff recommends denial of the requested exception.

Key Issue #4 - Should the adjustments for SE Linwood, SE 63rd and SE 64th Avenues eliminate planter strips?

The applicant originally requested adjustments to the sidewalk and landscape strips required for SE 63rd, SE 64th and SE Linwood Avenues. Staff recommends a street cross section for SE Linwood Avenue that includes planter strips and sidewalks, and a modified adjustment to SE 63rd and SE 64th Avenues to create setback sidewalks and planter strips.

The applicant proposed the following improvements for the rights-of-way adjacent to the site:

- ❑ SE 63rd Avenue: 32 foot pavement width, 6-inch curb, and an adjustment to eliminate the planter strip and install a 6-foot curb tight sidewalk.
- ❑ SE 64th Avenue: 15 foot pavement width, 6-inch curb, and an adjustment to eliminate the planter strip and install a 6-foot curb tight sidewalk.
- ❑ SE Linwood Avenue: 24 foot pavement width, 6-inch curb, and an adjustment to eliminate the planter strip and install a 7.5-foot curb tight sidewalk.

The primary rationale for the curb tight sidewalks on SE 63rd and SE 64th Avenue was that it matches the current alignments for these streets. Staff recommends the applicant construct a 3.5-foot landscape strip with 5-foot setback sidewalk instead of the 6-foot wide curb tight sidewalk on SE 63rd Avenue and SE 64th Avenue fronting the proposed development. The modified adjustment does not affect the pavement or right of way width for either street. Though the modified adjustments to SE 63rd and SE 64th Avenues will shift the sidewalk alignment, staff believes the new alignments can be maintained for new development to the north. This will create a safer and more aesthetically pleasing streetscape.

The primary rationale for the curb tight sidewalks on SE Linwood Avenue was to reduce grading issues, and fit within the designated 64-foot right-of-way. However, the City's Transportation Design Manual also includes a 65-foot arterial

street cross section that will, with a small modification, fit SE Linwood Avenue fronting the proposed development. The cross section will require less paved street width for the proposed development and no adjustments are required for SE Linwood Avenue. The new cross section for SE Linwood Avenue calls for a 44-foot travel lane, 6-inch curb, 4.5-foot planter strip, and 5-foot setback sidewalk. The applicants will be responsible for paving 22 feet of the travel lane and installing the curb, planter strip, and sidewalks along the property frontage.

Summary

As conditioned, staff believes the applicant has demonstrated compliance with applicable criteria as follows:

1. The proposal complies with the applicable sections of MMC Title 17 for Land Divisions, including approval criteria for preliminary plat, submission requirements for preliminary plats, lot design standards, and improvements.
2. The proposal complies with the lot dimension standards of the MMC Title 19 Zoning Code for the Residential zone R-7. The dimensions and physical characteristics of the proposed lots will allow future development of single-family dwellings that comply with the development standards of the zone.
3. The requests for variances to the half street improvement width and travel land width for SE 64th Avenue comply with the criteria for granting variances.
4. With appropriate adjustments and variances, the proposal complies with MMC Title 19 Zoning Code Chapter 1400, Transportation Planning, Design Standards, and Procedures.

Code Authority and Decision Making Process

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance and Land Division Ordinance as follows:

- a. Milwaukie Zoning Ordinance
 - 19.302 Residential zone R-7
 - 19.701 Variances
 - 19.1011.3 Minor Quasi-Judicial Review
 - 19.1400 Transportation Planning, Design Standards, and Procedures
- b. Milwaukie Land Division Ordinance
 - 17.12 Application Procedure and Approval Criteria
 - 17.16 Application Requirements and Procedures
 - 17.20 Preliminary Plat
 - 17.28 Design Standards
 - 17.32 Improvements

This application is subject to minor quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated

compliance with the code sections shown above. In quasi-judicial reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has the following options:

1. Approve the applications and adopt the recommended findings and conditions in support of approval.
2. Adopt additional findings and conditions in support of approval to comply with the Milwaukie Municipal Code.
3. Deny the applications upon a finding that they do not meet approval criteria.

The final decision on this application, which includes any appeals to the City Council, must be made by October 24, 2006, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

Comments

Comments were received from city departments and the Linwood Neighborhood District Association. The following bullet points summarize comments received:

- The Engineering Department found that the application, as conditioned, satisfies the requirements for improvements in the Title 17 Land Division Ordinance and Chapter 19.1400, Transportation Planning, Design Standards, and Procedures.
- The Clackamas County Fire District #1 commented that all homes built shall have a NFPA 13D sprinkler system installed due to the fact that there is no approved fire department turn-around on either street.
- The Building Department requires that all construction shall conform to the Oregon Residential Specialty Code, and that deeds for lots requiring NFPA 13D fire suppression systems record that the fire suppression system is required for future development.
- Linwood NDA commented that staff should be aware of the fact that the area under review now was initially part of the Walker Park Phase I subdivision proposal before that proposal was modified.

Attachments

1. Recommended Findings in Support of Approval
2. Recommended Conditions in Support of Approval
3. Zoning Compliance Report
4. Applicant's Site Plan (to Planning Commission only)
5. Applicant's Narrative
6. Comments

ATTACHMENT 1
Recommended Findings in Support of Approval

1. The applicant is proposing to subdivide two tax lots east of SE Linwood Avenue, south of 11584 SE Linwood Avenue, and adjacent to the northern ends of SE 63rd and SE 64th Avenues. The property is described as Tax Lots 201 and 226 of Map 1S 1E 32CB, and have areas of 0.51 and 0.34 acres, respectively.
2. The applicants, Robert and Stanley Walker, are the owners of the property for the proposed subdivision.
3. The applicants have submitted applications for a subdivision (File# S-06-03), Transportation Plan Review (File# TPR-06-07), and Variance (File# VR-06-07).
4. A property line adjustment on the northern boundary of the proposed subdivision was accomplished by deed in 1977 and recorded with Clackamas County. City staff and the applicant will work together to establish that the property line adjustment has received approval from the appropriate jurisdictions prior to recording the final plat.
5. Public notice has been provided in accordance with the Milwaukie Municipal Code (MMC) Section 19.1011.3 – Minor Quasi Judicial Review. A public hearing was held August 8, 2006 as required by law.
6. The proposal is subject to the following provisions of the Zoning Ordinance and Land Division Ordinance as follows:
 - a. Milwaukie Zoning Ordinance
 - 19.302 - Residential zone R-7
 - 19.701 - Circumstances for Granting a Variance
 - 19.1011.3 - Minor Quasi-Judicial Review
 - 19.1400 - Transportation Planning, Design Standards, and Procedures
 - b. Milwaukie Land Division Ordinance
 - 17.12 - Application Procedure and Approval Criteria
 - 17.16 - Application Requirements and Procedures
 - 17.20 - Preliminary Plat
 - 17.28 - Design Standards
 - 17.32 - Improvements
7. MMC Section 17.12 – Application

The Planning Commission finds that the proposal complies with the standards of MMC Chapter 17.12, Application Procedures and Approval Criteria, as follows:

 - a. MMC Section 17.12.040.A.1 requires that the proposed preliminary plat comply with Title 19 and other applicable ordinances,

regulations, and design standards. The proposed preliminary plat complies with Title 19 and other applicable ordinances. The preliminary plat has been reviewed and found to be in compliance with MMC Section 19.302, Residential zone R-7 standards, MMC Title 17 – Land Division, and MMC Chapter 19.1400, Transportation Planning and Design Standards and Procedure, with variances to MMC Chapter 19.1400 as approved through MMC Chapter 19.700.

- b. MMC Section 17.12.040.A.2 requires that the proposed division will allow reasonable development without the need for a land division or zoning variance. The proposed division will allow reasonable development of the site without creating the need for a variance. The lots to be created conform to the lot size and dimension standards of MMC Section 19.302. The Preliminary Plat Plan demonstrates that there is adequate area on each lot to allow development outright under the zoning standards.
- c. MMC Section 17.12.040.A.3 requires that the proposed plat name is not duplicative of any other plat name. As conditioned, the plat name will not duplicate the name of an existing plat.
- d. MMC Section 17.12.040.A.4 requires that proposed roads are laid out to conform with adjoining subdivision roads. The proposed subdivision extends SE 63rd Avenue north to the northern boundary of the subdivision. The proposed right of way for SE 63rd Avenue matches the width of the existing 50' right of way for SE 63rd Avenue to the south.

The proposed subdivision also extends SE 64th Avenue north to the northern boundary of the subdivision. The proposed right of way for SE 64th Avenue matches the width of the existing 25' right of way for SE 64th Avenue to the south. Both of these alignments conform to the street pattern of the surrounding street network. The application meets the requirements for MMC Chapter 19.1400, or has requested variances and adjustments as appropriate, to match the existing street improvements in the surrounding area.

- e. MMC Section 17.12.040.A.5 requires a detailed narrative addressing applicable sections of the MMC. The applicant has submitted a detailed narrative describing how the proposal conforms to all applicable code sections.
- f. MMC Section 17.12.040.B allows the approval authority to attach conditions necessary to ensure performance with the MMC. Staff has reviewed the application against applicable sections of the Milwaukie Municipal Code, and attached recommended conditions of approval as necessary to carry out the applicable ordinances and regulations.

8. The applicant has submitted a subdivision application that includes a written narrative and site plans addressing applicable criteria of MMC Title 17- Land Division. The Planning Commission finds that the proposal complies with the following sections of MMC Title 17– Land Division, as demonstrated in Attachment 3 – Zoning Compliance Report:

17.16 - Application Requirements and Procedures
17.20 - Preliminary Plat

9. MMC 17.28 – Design Standards.

The Planning Commission finds that the proposal complies with the standards of Chapter 17.28, Design Standards, as follows:

- a. MMC Section 17.28.010 requires that proposed subdivisions conform to any plans, state laws, and standards established by the city. As conditioned, the proposed subdivision complies with all applicable standards of the Milwaukie Municipal Code.
- b. MMC Section 17.28.020.A states that the standards of Chapter 19.1400 are applicable to all land divisions. The subdivision directly affects SE Linwood Avenue, SE 63rd Avenue, and SE 64th Avenue. The applicant meets, or has requested the appropriate adjustments and variances to meet, the transportation requirements of Chapter 19.1400.
- c. MMC Section 17.28.020.B requires that streets take into account the existing layout and physical attributes of streets in the surrounding area. The new streets in the proposed subdivision are limited to extending SE 63rd and SE 64th Avenues to the northern boundary of the subdivision. The proposed street width, grade, and alignments are consistent with the existing streets with respect to dimensions, traffic volumes, and terrain.
- d. MMC Section 17.28.030 requires that utility easements be granted wherever necessary, be 10 feet wide, and centered on side or rear lot lines. It also requires easements for any watercourses on site. The applicant proposes an 8-foot public utility easement on the front lot line of all 4 lots. There are no existing or proposed public utilities that necessitate these easements; therefore they do not need to conform to the location or dimension requirements. There are no watercourses on site; therefore no watercourse easements are necessary.

- e. MMC Section 17.28.040 specifies lot design standards. The proposal meets the requirements of this section as shown in the table below:

Standard	Complies
Lot size, width, shape and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19. This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature.	Yes
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.	Yes
Changes in direction along side and rear lot lines shall be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding ten percent (10%) of the distance between opposing lot corners along a given lot line is prohibited. Changes in direction shall be measured from a straight line drawn between opposing lot corners.	Yes
Lot shape standards may be adjusted subject to Section 19.700, Variances, Exceptions and Home Improvement Exceptions	No variance required
Double frontage and reversed frontage lots should be avoided except where essential to provide separations of residential development from railroads, traffic arteries, adjacent nonresidential uses or to overcome specific disadvantages of topography and orientation.	Yes

- f. MMC Section 17.28.080 provides criteria for when parks are required as part of subdivisions. No public open spaces are proposed for this subdivision. A public open space is not necessary for this subdivision because the Comprehensive Plan does not call for public park on or near the site, and the amount of land being subdivided is minimal.
10. The Planning Commission finds that the proposal, as conditioned, meets the requirements of MMC Chapter 17.32.
- a. MMC Section 17.32.010 specifies the procedures for improvements associated with subdivisions. The applicant proposes improvements associated with the subdivision. As conditioned, the applicant will submit the required public improvement plans and construct the improvements in the order specified by this section.
- b. MMC Section 17.32.020 specifies the types of improvements that will be required with subdivisions. The applicant will construct the required improvements of this section. Per the requirements of MMC Section 17.32.020.A, the right-of-way for SE 63rd Avenue will require removal of the root structure of a recently removed tree and repairs to existing pavement damaged by removal. MMC Section 17.32.020.E requires improvements for drainage of surface water. The City of Milwaukie requires that new single-family dwellings

provide drywells to collect storm water on private lots. As conditioned, the improvements required by this section will be installed.

- c. MMC Section 17.32.030 requires that all improvements constructed by the applicant be guaranteed for workmanship and material for one year. As conditioned, the applicant will submit a payment and performance bond for the required improvements to meet the requirements of this section.
- 11. MMC Chapter 17.44 specifies that any variances needed for Title 17 requirements be processed in accordance with MMC Chapter 19.700. No variances related directly to the standards of Title 17 are requested. Two variances have been requested for MMC Chapter 19.1400, and are being reviewed by the standards of MMC Chapter 19.700. The Planning Commission finds that the requirements of this chapter are satisfied.
- 12. MMC Section 19.302 – Residential Zone R-7.

As conditioned, the Planning Commission finds that the proposal is consistent with MMC Section 19.302 – Residential Zone R-7 lot width, depth, area, and setback requirements. Attachment 3 – Zoning Compliance Report demonstrates compliance with Section 19.302.

- 13. MMC Chapter 19.1400 – Transportation Planning applies to all subdivisions. As conditioned, the Planning Commission finds that the application complies with MMC Chapter 19.1400:
 - a. MMC Chapter 19.1400 applies to subdivisions, except as limited by MMC subsection 19.1403.1. The proposed development is a 4-lot subdivision. Subdivisions are not limited by MMC subsection 19.1403.1. The Planning Commission finds that MMC Chapter 19.1400 applies to the proposed development.
 - b. MMC Section 19.1404(C) authorizes the Engineering Director to approve adjustments to transportation facility design standards. The applicant requests an adjustment to eliminate the landscape strip on SE 63rd Avenue and SE 64th Avenue fronting the proposed development. Both streets are classified as local roads. MMC Table 19.1409.3 requires local roads to have a 5-foot wide planter strip. Staff recommends the applicant provide a 3.5-foot wide planter strip on both SE 63rd Avenue and SE 64th Avenue fronting the proposed development.

The Planning Commission approves the adjustment request to reduce the planter strip width from 5 feet to 3.5 feet upon finding the following:

- i) Reduction of the landscape strip to 3.5 feet meets the minimum dimensions of MMC Table 19.1409.3. The adjustment is consistent with the purposes of Chapter 19.1400 and the Milwaukie Transportation System Plan.

- ii) The adjoining street width on SE 63RD Avenue and SE 64TH Avenue is set for a 32-foot wide paved street. This existing width is wider than the local street standard. As a result, the full landscape strip width of 5 feet will not fit within the cross section for a local street right-of-way. Strict compliance is deemed infeasible due to engineering limitations of the adjoining transportation facilities. The maximum width of landscape strip that will fit within the right-of-way is 3.5 feet.
 - iii) A 3.5-foot landscape strip will adequately serve the site.
- c. MMC Section 19.1404(E) requires granting of variances comply with the criteria of MMC Chapter 19.700.

The applicant requests a variance to reduce the travel lane width requirements of MMC Table 19.1409.3 from 10 feet to 8 feet in width on SE 64th Avenue fronting the proposed development. Also, the applicant requests a variance to reduce the minimum half-street improvement required by MMC Section 19.1409.2.C.3 from 20 feet to 16 feet in width for SE 64th Avenue fronting the proposed development. Improvements on the SE 64th Avenue site frontage will connect with SE 64th Avenue to the south, which has a 16-foot paved width, 1.5-foot curb and 4-foot curb tight sidewalk. Right-of-way width for SE 64th Avenue is constrained to the east by an undeveloped lot outside of the City limits. The criteria for granting variances under MMC Section 19.702.1 are as follows.

- i. *The property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.*

The property has unusual conditions over which the applicant has no control. The approval of the existing subdivision, Walker Park Phase I, created a public road, SE 64th Avenue, which does not meet current requirements for half street improvements. Extension of SE 64th Avenue is needed to serve the proposed development. As stated by the applicant, the road cannot be widened to the east until the adjacent property develops and the road cannot be widened to the west because of the shift in the centerline.

Currently, the existing 25-foot half street of SE 64th Avenue south of the proposed development aligns with the section of SE 64th Avenue north of the proposed development. Shifting the alignment of SE 64th Avenue to provide for the required half street improvement will not align with the portion of SE 64th Avenue north of the proposed development.

- ii. *There are no feasible alternatives to the variance and the variance is the minimum variance necessary to allow the*

applicant the use of his/her property in a manner substantially the same as others in the surrounding area.

There are no feasible alternatives to the variance. As stated above, SE 64th Avenue cannot be widened to the east and should not be widened to the west as part of the proposed development. However, when the property on the east side of SE 64th Avenue develops, the City will require the developer to improve the roadway to full street width. The extension of SE 64th Avenue will serve the proposed development and will match the existing SE 64th Avenue serving properties created as part of the Walker Park Phase I subdivision. As a result, the applicant is using the property in a manner substantially the same as others in the surrounding area.

- iii. *Adverse impacts upon other properties that may be the result of this variance shall be mitigated to the extent feasible.*

The addition of one single-family residence onto SE 64th Avenue will have little impact upon other properties. The applicant will be extending SE 64th Avenue to the north as part of the proposed development. Additional mitigation is not required.

The Planning Commission finds that the applicant meets the variance criteria and approves the variance request to reduce required travel lane width to 8 feet on SE 64th Avenue fronting the proposed development. Also, the Planning Commission approves the variance request to reduce the required half-street improvement width to 16 feet.

- d. MMC Section 19.1405.5 establishes approval criteria for transportation review applications and ensures impacts are mitigated.

The Planning Commission finds that the proposed development, as conditioned, meets the approval criteria of MMC Section 19.1405.5 for decisions made under MMC Chapter 19.1400.

- e. MMC Section 19.1406 requires the applicant to provide an assessment and recommend mitigation of local street impacts when any non-residential development adds more than twenty-five (25) through vehicles per day to an adjacent residential local street.

The proposed development is a residential development. As a result, the applicant was not required to provide a neighborhood through-trip study as part of the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1406.

- f. MMC Section 19.1407 requires streets, sidewalks, and transportation facilities to be safe, convenient, and adequate to accommodate the impacts of new development.

The applicant proposes to construct required street improvements on SE Linwood Avenue, SE 63rd Avenue, and SE 64th Avenue fronting the proposed development.

The Planning Commission has approved an adjustment to reduce the planter strip width from 5 feet to 3.5 feet on SE 63rd Avenue and SE 64th Avenue fronting the proposed development.

The Planning Commission has approved a variance to reduce the travel lane width on SE 64th Avenue from 10 feet to 8 feet fronting the proposed development.

The Planning Commission has approved a variance to reduce the half street improvement width from 20 feet to 16 feet fronting the proposed development on SE 64th Avenue.

The Planning Commission finds that the proposed development, as conditioned, will not result in hazardous or unsafe transportation conditions or unacceptable level of service impacts that cannot be mitigated.

- g. MMC Section 19.1408 requires submission of a transportation impact analysis documenting the development impacts on the surrounding transportation system.

The proposed development did not score the 100 points necessary to require a transportation impact analysis in accordance with the Transportation Design Manual. As a result, the applicant was not required to provide a traffic impact analysis as part of the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1408.

- h. MMC Section 19.1409.1 establishes general standards for street design and improvement.

The applicant proposes that each lot of the development will have frontage and access to a public street. The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.1.

- i. MMC Section 19.1409.2 establishes standards for street functional classification and improvement standards.

Staff recommends the applicant construct a 22-foot paved half-street, 6-inch curb, 4.5-foot landscape strip, and 5-foot setback sidewalk on SE Linwood Avenue fronting the proposed development.

Staff recommends the applicant construct a 32-foot paved street with 6-inch curbs, 3.5-foot landscape strips, and 5-foot setback sidewalks on SE 63rd Avenue fronting the proposed development.

Staff recommends the applicant construct a 16-foot paved half-street, 6-inch curb, 3.5-foot landscape strip, and 5-foot setback sidewalk on SE 64th Avenue fronting the proposed development.

The applicant proposes a 2-foot right-of-way dedication on SE Linwood Avenue fronting the proposed development. The applicant proposes a 50-foot right-of-way dedication on SE 63rd Avenue fronting the proposed development. The applicant proposes a 25-foot right-of-way dedication on SE 64th Avenue fronting the proposed development.

The Planning Commission has approved an adjustment to reduce the planter strip width from 5 feet to 3.5 feet on SE 63rd Avenue and SE 64th Avenue fronting the proposed development.

The Planning Commission has approved a variance to reduce the travel lane width on SE 64th Avenue from 10 feet to 8 feet fronting the proposed development.

The Planning Commission has approved a variance to reduce the half street improvement width from 20 feet to 16 feet fronting the proposed development on SE 64th Avenue.

The applicant proposes to extend SE 63rd Avenue and SE 64th Avenue to the northern boundary lines of the tract to be developed.

Staff recommends the applicant construct a barricade and sign at the north end of SE 63rd Avenue and SE 64th Avenue, which shall not be removed until authorized by the Engineering Director.

Staff recommends no signs, structures, or vegetation in excess of three feet in height be placed in "vision clearance areas" at intersections, of streets, driveways, and alleys.

SE Linwood Avenue is listed as a Major Street. SE Linwood Avenue requires an additional setback from the centerline of Major Streets of 40 feet plus yard requirements of the zone.

The applicant has requested an exception to allow use of the existing pavement on SE 64th Avenue fronting the proposed development. The pavement was constructed on private property as part of the Walker Park Phase I subdivision. Both the City of Milwaukie Engineering Department and Street Operations Department has evaluated the condition of the pavement in question. Staff believes that the existing pavement is in very poor condition and is not adequate to accept into the public roadway system. Staff recommends denial of the request to allow use of the existing pavement on SE 64th Avenue fronting the proposed development.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.2.

- j. MMC Section 19.1412 establishes standards for transit facilities.

The portions of SE 63rd Avenue and SE 64th Avenue fronting the proposed development are not classified as transit routes in the Transportation System Plan. As a result, transit improvements as part of the proposed development are not required.

SE Linwood Avenue is classified as a transit route in the Transportation System Plan. There is a bus stop on SE Linwood Avenue approximately 60 feet south of the site. The City of Milwaukie staff has referred the application to TriMet for comment. However, staff has not received correspondence from TriMet regarding the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1412.

- k. MMC Section 19.1413 establishes standards for access management.

All new driveway approaches must be 7.5 feet from the property line.

The allowed driveway approach width for single-family residential uses is between 9 feet and 18 feet.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1413.

14. Title 16 of the Milwaukie Municipal Code requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth-disturbing activities. As conditioned the application complies with MMC Title 16 – Erosion Control.

Attachment 2
Recommended Conditions of Approval

1. The final plat application shall be submitted in accordance with Land Division Ordinance 17.24.
2. At time of submission of the final plat, the following shall be resolved:
 - a. Provide a narrative description of all actions taken to comply with these conditions of approval.
 - b. Provide a narrative of all changes made that are not related to these conditions of approval.
 - c. The plat shall be in substantial conformance with the applicant's site plan date stamped June 26, 2006, except as modified by these conditions of this approval.
 - d. The plat name shall not duplicate the name of any existing plat.
 - e. Dedication of rights-of-way along SE Linwood, SE 63rd and SE 64th Avenues shall be shown on the final plat. Dedication shall be provided as follows:
 - 1) Dedicate 2 feet of right-of-way on SE Linwood Avenue fronting the proposed development.
 - 2) Dedicate 50 feet of right-of-way on SE 63rd Avenue fronting the proposed development.
 - 3) Dedicate 25 feet of right-of-way on SE 64th Avenue fronting the proposed development.
 - f. A note shall be placed on the plat indicating that the partition is subject to requirements of City of Milwaukie Applications S-06-02, TPR-06-07, and VR-06-03.
 - g. Full engineered plans for all the public improvements must be submitted for review and approval before any construction begins. Street design and construction plans for the following improvements shall be prepared in accordance with city standards:
 - 1) Storm system improvements.
 - 2) Street improvements for pavement and curbs on SE Linwood, SE 63rd and SE 64th Avenues.
 - 3) 4.5-foot wide landscape strip and 5-foot setback sidewalk on SE Linwood Avenue fronting the proposed development.
 - 4) 3.5-foot wide landscape strips and 5-foot setback sidewalk on SE 63rd Avenue on both sides of the street fronting the proposed development.
 - 5) 3.5-foot wide landscape strip and 5-foot setback sidewalk on SE 64th Avenue fronting the proposed development.

The improvements must be completed or funded before the City will sign the subdivision plat.

- h. An erosion control plan and permit application must be submitted along with the engineered plans for public improvements.
3. Upon approval of the Public Improvement Plan, the following must be completed:
 - a. An inspection fee of five and one-half percent (5.5%) of the construction cost of the public improvements must be paid before construction begins.
 - b. A payment and performance bond for 100 percent of the cost of the public improvements must be provided prior to the start of construction.
 - c. The contractor must have a pre-construction conference with the City before construction begins.
4. Prior to approval of the final plat, the following shall be resolved:
 - a. Receive approval from the City of Milwaukie for a property line adjustment for the northern boundary of the site, establish that city approval was already received, or demonstrate that the property line adjustment received approval from all appropriate jurisdictions at the time it was recorded.
 - b. Per the approved Public Improvement Plan, the following shall be completed:
 - 1) Install all underground utilities, including stubs for utility service, prior to surfacing streets. In the event the existing sewer laterals are to be used for the proposed development, the applicant will be required to submit a TV inspection of the existing sewer laterals prior to start of construction. The City Engineer will determine if the sewer laterals are adequate for connection based on the results of the TV inspection. If the City Engineer determines that a sewer lateral is not adequate, the applicant shall install a new sewer lateral to the property.
 - 2) Improve existing storm system such that all storm runoff from impervious surface created from the required street improvements is captured and conveyed to the nearest feasible public storm system.
 - 3) Remove the entire main root structure of the recently removed tree fronting the proposed development on SE 63rd Avenue. The applicant shall replace all asphalt and base material disturbed by root removal to current City of Milwaukie construction standards.
 - 4) Construct all street improvements as follows:

- a) Construct street improvements on SE Linwood Avenue fronting the proposed development. The street improvements include a 22-foot wide paved half-street with 6-inch standard curb.
 - b) Construct street improvements on SE 63rd Avenue fronting the proposed development. The street improvements include a 32-foot wide paved street with 6-inch standard curb on both sides of the roadway.
 - c) Construct street improvements on SE 64th Avenue fronting the proposed development. The street improvements include a 16-foot wide paved street with 6-inch standard curb on both sides of the roadway.
 - c. Construct a barricade and sign at the north end of SE 63rd Avenue and SE 64th Avenue, which shall not be removed until authorized by the Engineering Director.
 - d. Provide pavement markings on SE Linwood Avenue as part of the required street improvements. Pavement marking improvements will be determined at the time of public improvement plan review.
 - e. The City of Milwaukie shall install all street signs relative to traffic control and street names. The applicant shall be responsible for the costs of all street signage for the proposed development. Necessary street signage shall be determined as part of the public improvements design review.
5. Prior to issuance of any building permit the following shall be resolved.
- a. The public improvements specified in condition 4 above must be completed before any building permit is issued.
 - b. The final plat must be recorded with Clackamas County and a copy given to the City of Milwaukie Planning Department.
 - c. An erosion control plan and permit application will be required along with each building permit application on each individual lot. Erosion controls shall be inspected by the city in accordance with the approved erosion control plan.
 - d. Proposed development on Lot 1 must maintain a setback of 60 feet from the centerline of SE Linwood Avenue, as required by the 40-foot centerline setback for SE Linwood Avenue per MMC Table 19.1409.2 and the 20-foot front yard setback of the Residential zone R7.
 - e. Receive approval from Clackamas County Fire District #1 for any required fire suppression systems.

6. Prior to final inspection for a building on the proposed development the following shall be resolved:
 - a. Submit approved public improvement Mylar "As Constructed" plans to the City of Milwaukie Planning Department.
 - b. Construct 4.5-foot wide landscape strip and 5-foot setback sidewalk on SE Linwood Avenue fronting the proposed development.
 - c. Construct 3.5-foot wide landscape strips and 5-foot setback sidewalk on SE 63rd Avenue on both sides of the street fronting the proposed development.
 - d. Construct a 3.5-foot wide landscape strip and 5-foot setback sidewalk on SE 64th Avenue fronting the proposed development.
 - e. Construct a private drywell for each lot of the proposed development for runoff created by new buildings. Connect all rain drains to the drywells.
 - f. Trim and remove vegetation and structures, excluding trees and utility poles, to a height less than 30 inches on the proposed development property within a 20-foot radius and in "vision clearance areas" at intersections of streets, driveways, and alleys. Remove all branches and foliage of trees within the 20-foot radii and "vision clearance areas" to a height of 8 feet on the proposed development property.
7. Other requirements:
 - a. Construct all public improvements to City of Milwaukie standards for construction.
 - b. Construct sidewalk and driveway approaches to meet all applicable guidelines of the Americans with Disabilities Act.
 - c. Construct driveway approaches 7.5 feet from the property line.
 - d. All driveway approaches for the proposed development are to be between 9 feet and 18 feet in width.
 - e. During construction, the public right-of-way shall not be used for storage of equipment, materials, construction trailers or construction vehicles. All construction vehicles, materials, and trailers shall be stored on site.

Attachment 3

Zoning Compliance Report

MMC 19.302 – Residential R-7 Development Standards

19.302.3 Standards — in a Residential R-7 Zone the following standards shall apply:

Standard	Required	Proposed for Lots 1, 2, 3, and 4	Complies
Lot Size	7000 square feet	Lot 1 = 7,940 square feet, Lot 2 = 7,790 square feet, Lot 3 = 7,796 square feet, Lot 4 = 7,465 square feet.	Yes
Front and Rear Yard Setback	20 feet	All lots are large enough to accommodate 20-foot front and rear yard setbacks for future structures. Lot 1 requires a 40-foot setback from centerline of SE Linwood Avenue in addition to the 20-foot front yard setback.	Yes
Side Yard Setback	10 and 5 feet, corner lot 20 feet on side abutting the street	All lots are large enough to accommodate required 5-foot and 10-foot side yard setbacks.	Yes
Off-Street Parking	As specified in Section 19.500	Off-street parking will be addressed at time of building permit for each parcel. Existing garage and pavement on Lot 3 comply with parking requirements for a single-family dwelling.	Future development will comply
Height Restrictions	35 feet	Height restrictions will be addressed at time of building permit.	Future development will comply
Lot Coverage	30 percent	The lots are above the minimum lot size and are large enough to accommodate dwelling units and accessory structures while complying with lot coverage standards.	Future development will comply
Minimum Vegetation	30 percent	The lots are large enough to accommodate dwelling units and accessory structures while complying with minimum vegetation requirements.	Future development will comply
Access Requirements	35 feet	Lots 1, 2, 3, and 4 have street frontage lengths of 72.5', 78.0', 78.0', and 74.5', respectively.	Yes
Lot Width	60 feet	Widths for Lots 1, 2, 3 and 4 are 72.5', 78.0', 78.0' and 74.5', respectively, at the depth of the required front yard setback.	Yes
Lot Depth	80 feet	Lot 1 is 108' deep, and lots 2, 3 and 4 are approximately 100' deep.	Yes
Transportation Requirements	Various	Analysis of MMC 19.1400 criteria and other transportation requirements is provided in Attachment 1 — Findings and Conditions in Support of Approval	Yes, as conditioned

Section 17.16.060 Preliminary plat for partition and subdivision.

The following shall accompany applications for partition:

Standard	Complies
Completed application form signed by all owners of property included in the proposal;	Yes
Application fee as adopted by the city council;	Yes
Completed and signed "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;	Yes
All information specified on the "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;	Yes
Requirements and information specified in Chapter 17.20; and	Yes
Any additional information as may be needed to demonstrate compliance with approval criteria. (Ord. 1907 (Attach. 1), 2002)	Not applicable

Section 17.20 Preliminary Plat

Code Section	Standard	Complies
17.20.010	Applicants for partition, subdivision, and replat shall prepare a preliminary plat and such improvement plans and other supplemental material including as may be required to describe and represent the objectives of the proposal.	Yes
17.20.020	The preliminary plat shall be drawn at a scale and on a sheet size that reliably and conveniently represents design details sufficient for the proper plan review and determination of compliance with this title.	Yes
17.20.030	Specifies the information to be shown on the preliminary plat.	Yes
17.20.040	Prohibits the platting of building lines.	Yes
17.20.050	Specifies the information to be shown on the existing conditions map for the preliminary plat.	Yes
17.20.060	Specifies the information to be shown on the proposed conditions map for the preliminary plat.	Yes

**Walker Park Phase 2 - Narrative
T1S-R2E-32CB Tax Lots 201 & 226
4-Lot Subdivision
Minor Quasi-Judicial**

May 2006

REVISED June 22, 2006

17.12 Application Procedure and Approval Criteria:

17.12.020 Purpose

RESPONSE:

This is a Minor Quasi-Judicial 4-Lot subdivision application with an exception request to the street improvements on SE 63rd, SE 64th and SE Linwood. The owner/applicant previously developed the adjacent property to the south into a 22-lot subdivision called Walker Park (Plat no. 2198). Additionally, there were (3) three existing homes that remained on separate lots and were not included in the final Walker Park plat; therefore, there are 25 lots total in the original development. They would now like to complete the subdivision by developing the remaining two tax lots under their ownership to the north of the Walker Park subdivision. The subject tax lots are located along Linwood Avenue to the west, tax lot 500 to the north, tax lot 100 to the east and the Walker Park Subdivision to the south. These two tax lots do not appear to have been divided by an approved land use application. The subject properties combined total .85 acres and are within the R-7 zone. No site specific building plans are being proposed for this 4-lot subdivision at this time. Tax lot 226 has an existing garage on the property that is proposed to be retained for later use by the future home. This garage complies with the setback standards of the R-7 zone as an accessory use and is under 500 square feet in size. Tax lot 201 is vacant land.

Legal Description:

T1S-R2E-32CB Tax Lot(s) 201 & 226

A copy of recorded Walker Park Plat #2198 has been included in this application submittal for reference.

17.12.030 Approval Criteria for Lot Consolidation, Property Line Adjustment and Replat

RESPONSE:

Not applicable. The owner/applicant is requesting a 4-lot subdivision.

17.12.040 Approval for Preliminary Plat

RESPONSE:

This proposed 4-lot subdivision is a reasonable development request. An adjustment to the Transportation Design Standards (Section 19.1400) is being requested for the street improvements on SE 64th, SE 63rd and SE Linwood Avenue as discussed in the pre-application meeting. The adjustment to SE 64th is that ½ street improvements are proposed with 15' asphalt concrete and 6' curb tight sidewalk and no landscape strips. The adjustments on 63rd are for 32' pavement widths with 6' curb tight sidewalks and no landscape strips. The adjustments for

Linwood are 24' pavements with 7.5 curb tight sidewalks and no planter strips. These adjustments were discussed during the pre-application meeting in order to best match the existing conditions of the area for 63rd and 64th and to accommodate the existing topography and reduce grading issues along SE Linwood Avenue. Additionally, the owner/applicant is requesting an exception to the asphalt standard for 64th Avenue. Since the asphalt is in good condition, the owner/applicant did not plan to replace this section. No new streets are proposed that will require street names, these are extensions of existing streets only. The owner/applicant is proposing to call this plat "Walker Park Phase 2" as this is the completion of the original Walker Park Plat. This name has been reserved at the Clackamas County Surveyor's Office.

17.12.050 Approval Criteria for Final Plat

RESPONSE:

The final plat submitted will meet the conditions outlined by planning staff. The owner/applicant does not anticipate a situation where final plat approval cannot be obtained.

17.16 Application Requirements and Procedures

17.16.010 Application Required

RESPONSE:

The application for this proposed 4-lot subdivision will meet the requirements of chapter 17.16.

17.16.020 Determination of Completeness

RESPONSE:

This application for a proposed 4-lot subdivision has been made complete as per the preliminary plat checklist and submission requirement checklist provided by the City of Milwaukie. Should additional information be requested, the applicant understands that 15 days will be given in order to respond to the City's requests.

17.16.030 Waiver of Submission Requirements

RESPONSE:

No waivers are being requested for this proposed 4-lot subdivision application submittal.

17.16.040 Lot Consolidation and Property Line Adjustment

RESPONSE:

Not applicable

17.16.060 Preliminary Plat for Partition or Subdivision

RESPONSE:

The completed application for a property boundary change and for the transportation plan review have been completed and signed by the owner/applicant and are included at the front part of this submittal package. The fee of \$3,755 which represents the Subdivision application fee as well as one-half of the transportation plan review fee and the Transportation Plan Review Exception Deposit will also be submitted to City of Milwaukie Planning via check from the owner/applicant. The checklists entitled "Preliminary Plat Checklist and Procedures" and

"Submission Requirements" and "Site Plan Checklist" have been reviewed and signed by the applicant. All information on these checklists has been included with this submittal packet as applicable/appropriate to a 4-lot subdivision request. The proposed development plan has been prepared and stamped by a Registered Land Surveyor and shows setbacks in sufficient detail. The requirements of section 17.20 will be addressed in the following pages.

17.20 Preliminary Plat

17.20.010 Submission of Plans

RESPONSE:

Plans have been prepared and are included in this application which represents the objectives of this 4-lot subdivision proposal.

17.20.020 Scale

RESPONSE:

The plans have been prepared at a 1"=30' scale which is of sufficient size for review given the nature and size of the property to be developed.

17.20.030 General Information to be Shown on the Preliminary Plat

RESPONSE:

The proposed development plan has been prepared by a Registered Oregon Land Surveyor and stamped accordingly. The plan meets the requirements as set forth in this section. A vicinity map has been included on sheet 1/4 under existing conditions.

17.20.040 Building Lines Prohibited

RESPONSE:

Not applicable

17.20.050 Existing Conditions

RESPONSE:

The "existing conditions" plan has been submitted with this application packet as sheet 1/4 and meets the requirements set forth in this section.

17.20.060 Proposed Conditions

RESPONSE:

Twelve (12) copies of the full size plan have been included with this application packet submittal. The plan meets the requirements set forth in this section. This narrative is addressing the required code sections 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.44, 19.701, 19.702, 19.1303, 19.302, 19.1400, 19.1403, 19.1404, 19.1405, 19.1407.2, 19.1409, 19.1410.2, 19.1411, 19.1412, 19.1413, 19.401, 19.425, 19.500, 19.501, 19.502 and 19.503.

17.24 Final Plat

RESPONSE:

The final plat will be prepared in a manner that will meet the requirements of this section. The additional information requested will also be submitted as requested.

17.28 Design Standards

17.28.010 Conformity of Subdivision

RESPONSE:

The proposed 4-lot subdivision will conform with the development plans of the City and take into account any preliminary plans as necessary.

17.28.020 Streets

RESPONSE:

No new streets are proposed for this project. The continuation of SE 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting to accommodate existing topography and reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

17.28.030 Easements

RESPONSE:

A public utility easement of 8-feet is proposed along all the road frontages. The owner/applicant proposes to dedicate a western portion of proposed lot 1 where the slopes are greater (SE Linwood Avenue). A curb and sidewalk is proposed for this portion of the dedicated property. The owner/applicant also proposes to dedicate 50 feet for SE 63rd and 25 feet for SE 64th for R-O-W/curb/sidewalk.

17.28.040 General lot design.

The proposed lots will be rectangular lots without compound lines or double frontage. Lot 1 will take access on SE Linwood Avenue, lot 2 will take access on SE 63rd, lot 3 will take access on SE 63rd and lot 4 will take access on SE 64th. Individual building layouts have not been selected at this time. The existing garage on proposed lot 3 meets the requirements of an accessory structure and is under 500 square feet in size.

17.28.050 Flag Lot Development and Future Access

RESPONSE:

Not applicable. No flag lots are proposed.

17.28.060 Flag Lot Design Standards**RESPONSE:**

Not applicable. No flag lots are proposed.

17.28.070 Flag Lot Limitations**RESPONSE:**

Not Applicable. No flag lots are proposed.

17.28.080 Public Open Spaces**RESPONSE:**

Not Applicable. No open space is required or proposed.

17.32 Improvements**17.32.010 Improvement Procedures****RESPONSE:**

The appropriate improvements will conform to the requirements of this section.

17.32.020 Required Improvements**RESPONSE:*****Streets/Curbs/Sidewalks:***

No new streets are proposed for this project. The continuation of 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting due to existing topography and to reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

Sanitary Sewer:

The lots have existing laterals stubbed to them already and will be served by public gravity sewer. No new service lines will be required.

Water:

Potable water is available in SE 63rd, SE 64th and SE Linwood Avenue. A lateral has already been installed for proposed lot 4. Lot 1, 2 and 3 requires a new lateral.

Storm:

There is a storm line in SE 64th to receive storm runoff. Catch basins are located in SE 63rd and there is an existing storm system in SE Linwood.

All utility facilities will be placed underground.

17.32.030 Guarantee

RESPONSE:

The owner/applicant understands that: "All improvements installed by the applicant shall be guaranteed as to workmanship and material for a period of one (1) year following acceptance by the city. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the engineering director."

17.44 Exceptions and Variances

RESPONSE:

An adjustment to the Transportation Design Standards (Section 19.1400) is being requested for the street improvements on SE 64th, SE 63rd and SE Linwood Avenue as discussed in the pre-application meeting. The adjustment to SE 64th is that ½ street improvements are proposed with 15' asphalt concrete and 6' curb tight sidewalk and no landscape strips. The adjustments on 63rd are for 32' pavement widths with 6' curb tight sidewalks and no landscape strips. The adjustments for Linwood are 24' pavements with 7.5 curb tight sidewalks and no planter strips. These adjustments were discussed during the pre-application meeting in order to best match the existing conditions of the area for 63rd and 64th and to accommodate the existing topography and reduce grading issues along SE Linwood Avenue. Additionally, the owner/applicant is requesting an exception to the asphalt standard for 64th Avenue. Since the asphalt is in good condition, the owner/applicant did not plan to replace this section. These adjustments are discussed further in response to section 19.1404 of this narrative.

19.1303 Solar Access for New Development

RESPONSE:

The currently existing City roads are oriented true north-south; therefore, all front lot lines will be true north-south. The lots cannot be oriented any other way due to the location of these existing roads. Additionally, the homes (when layouts are selected and building permit is obtained) will have to be built to meet setback and livability requirements first and it is unlikely they can be rotated to meet the exact solar access described in this section.

19.302 Residential Zone R-7

19.302.1 Outright Uses Permitted. In an R-7 zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;**
- B. Residential home;**
- C. Agricultural or horticultural use, provided that:**
 - 1. A retail or wholesale business sales office is not maintained on the premises, and**
 - 2. Poultry or livestock other than usual household pets are not housed or kept within one hundred (100) feet of any dwelling not on the same lot nor on a lot less than one (1) acre, nor having less than ten thousand (10,000) square feet per head of livestock;**
- D. Any other use similar to the above and not listed elsewhere.**

19.302.2 Conditional Uses Permitted. In an R-7 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Chapter 19.600:

- A. Temporary real estate office in a subdivision;
- B. Single-family attached dwelling;
- C. Senior and retirement housing;
- D. Type 2 accessory dwelling unit;
- E. Any other use similar to the above and not listed elsewhere.

RESPONSE:

The owner/applicant proposes one detached single family home per lot. No specific building layouts have been selected at this time. This is an outright use as per 19.302.1. No Conditional uses are proposed.

19.302.3 Standards. In an R-7 zone the following standards shall apply:

A. Lot size: Lot area shall be at least seven thousand (7,000) square feet. For a single-family attached complex the lot area shall be an average of at least seven thousand (7,000) square feet per unit. Lot width shall be at least sixty (60) feet. The minimum lot width shall be thirty (30) feet for interior single-family attached units. Average lot depth shall be at least eighty (80) feet.

RESPONSE:

The applicant would like to retain the existing garage on lot 3 to be used later with the home that is built in the future. The garage meets the accessory use requirements and is under 500 square feet in size. The proposed lots will exceed the minimum 7,000 square foot area. Lot width exceeds the minimum 60 foot width and the average depth will exceed 80 feet, which is consistent with the Code.

Lot 1 – 7,904 SF
 Lot 2 – 7,790 SF
 Lot 3 – 8,166 SF
 Lot 4 – 7,086 SF

B. Front yard: A front yard shall be at least Twenty (20) feet.

RESPONSE:

No specific building layouts are proposed for the lots at this time. All lots will meet the front yard minimum. Future development will be per 19.425.

C. Side yard: A side yard shall be at least five (5) feet and one side yard shall be at least ten (10) feet, except on corner lots a side yard shall be at least twenty (20) feet on the side abutting the street. For interior single-family attached units, side yards are not required.

RESPONSE:

No specific building layouts are proposed for the lots at this time, but the structures will be sized to meet this Code and the Requirements of 19.425. Required setbacks have been shown on sheet 2/4 and buildings will have to be built within this area and also be of a size to meet the maximum 30% lot coverage requirement.

D. Rear yard: A rear yard shall be at least twenty (20) feet.

RESPONSE:

Although specific home layouts have not been selected at this time, they will meet the setback requirements of this section of the code and 19.425.

E. (Repealed by Ord. 1893)

F. Off-street parking and loading: As specified in Chapter 19.500.

RESPONSE:

The future homes will have adequate off-street parking to comply with this requirement. Currently lot 3 has an existing garage that will allow the home that is built in the future to have their required parking.

G. Height restriction: Maximum height of a structure shall be two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is less.

RESPONSE:

The home layouts will be selected to comply with this requirement at time of building permit.

H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

RESPONSE:

The homes will not exceed the 30% lot coverage requirement. Sheet 2/4 shows the area that the home can be placed in order to meet setbacks and will not exceed the 30% coverage.

I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be thirty percent (30%) of the total area of the lot.

RESPONSE:

No specific house plans are being submitted. Meeting the maximum building lot coverage will result in meeting this requirement.

J. Frontage requirements. Every lot shall abut a public street other than an alley for at least thirty-five (35) feet, except as provided in the subdivision ordinance.

RESPONSE:

Lot 1 has frontage of 72.5 feet, lot 2 has frontage of 78 feet, lot 3 has frontage of 78 feet and lot 4 has frontage of 74.5 feet which all exceeds the 35 foot frontage requirement.

K. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 5.0 to 6.2 dwelling units per net acre.

RESPONSE:

Total area = 0.85 acres – dedication 0.14 = 0.71 acres net * 5.0 = 3.55 lots minimum
4 lots are proposed which meets the minimum density requirement.

L. Transportation requirements and standards: as specified in Chapter 19.1400. (Ord. 1893 (part), 2001: Ord. 1854 (part), 1999)

RESPONSE:

No new streets are proposed for this project. The continuation of SE 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting to accommodate existing topography and reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

19.701 Variances

RESPONSE:

A variance is being requested to reduce the standard 10 foot travel lane on SE 64th to 8 feet in width and to reduce the half street width improvement from 20 feet to 16 feet.

19.702.1 Criteria for Granting Variances

RESPONSE:

These variances to SE 64th are being requested because the street cannot be made wider due to physical constraints on the property. If the street was widened on the left side it would encroach upon land that is not owned by the applicant. If the road was shifted and then widened it would cause a sudden change in the centerline of the already pre-existing 320 feet of street which may create a hazardous driving condition. The variances are being requested in order to match existing conditions of an already established street in order to create the safest and efficient transportation situation for this local street.

19.1400 Transportation Planning and Design Standards, and Procedures

RESPONSE:

The subject site located at SE Linwood Avenue, SE 63rd and SE 64th with one existing garage on proposed lot 3. Detached single family homes are proposed for the four (4) proposed lots. No new streets are proposed for this project. The continuation of SE 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting to accommodate existing topography and reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

19.1403 – 19.1403.1 Applicability & Limitations

RESPONSE:

This application is for a 4 lot subdivision. An application for transportation review was submitted in the original application submittal on May 26, 2006.

19.1404 Exception, Adjustments or Variances

RESPONSE:

At this time this application is requesting an adjustment to the improvements on SE 63rd, SE 64th and SE Linwood Avenue. The variance request to SE 64th half street width and travel lane is discussed in Section 19.701 and 19.702 of this narrative.

1. SE 63rd - The adjustments on 63rd are for 32' pavement widths with 6' curb tight sidewalks and no landscape strips. This is consistent with the original design for SE 63rd. The existing conditions on SE 63rd include 32' pavement and curb tight sidewalks. This required adjustment is consistent with 19.1404 C. "Existing transportation facilities that serve the site are adequately sized and are usable and safe condition but do not meet a dimensional standard."
2. SE 64th - The adjustment to SE 64th is that ½ street improvements are proposed with 15' asphalt concrete and 6' curb tight sidewalk and no landscape strips. Additionally, the owner/applicant is requesting an exception to the asphalt standard for 64th Avenue. Since the asphalt is in good condition, the owner/applicant did not plan to replace this section.
This required adjustment is consistent with 19.1404 C. "Existing transportation facilities that serve the site are adequately sized and are usable and safe condition but do not meet a dimensional standard."
3. SE Linwood Avenue - The adjustments for Linwood are 24' pavements with 7.5 curb tight sidewalks and no planter strips to accommodate the existing topography and reduce grading issues as discussed in the pre-application meeting.
This required adjustment is consistent with 19.1404 C. "Existing transportation facilities that serve the site are adequately sized and are usable and safe condition but do not meet a dimensional standard."

All of these requested adjustments meet the overall Purpose section of 19.1401 C. "Assure that new development provides transportation improvements in rough proportion to identified impacts of the development."

19.1405.5 Development Review Process – Approval Criteria

RESPONSE:

Except as where requested in the sections above under adjustments and variances the proposed development and related transportation improvements comply with procedures, requirements and standards of Chapter 19.1400 and the Transportation Design Manual.

A transportation impact analysis was not required for this application as it scored below the 100 point threshold. This proposed development's proposed improvements will match existing conditions and be appropriately situated for extension should tax lots 500 and 400 be developed in the future. It is reasonable to suggest that none of these adjustments or variances requested would create a hazardous or unsafe transportation condition given that they are matching existing streets that have no history of traffic related problems.

19.1407.2 Adequacy Requirement

RESPONSE:

This section is not applicable as per section 19.1403.1 Limitations.

SE 63rd and SE 64th are both currently existing roadways classified as local roads. These roads will be extended and improved to provide adequate access at time of development in a manner that matches existing conditions in the area. SE Linwood Avenue is a currently existing roadway that is classified as an arterial road. Linwood will be improved in order to best accommodate the existing topography and reduce grading issues, while still providing an adequately improved road at time of development. Adjustments have been requested as detailed in the section above (section 19.1404).

19.1409.1 Street Requirements and Design Standards

RESPONSE:

The proposed improvements meet the Chapter 5 Goal for streets: "Provide a safe, well maintained cost effective and convenient transportation system."

Chapter 19.1408 refers to a traffic impact analysis which was not applicable for this particular application as it did not meet the 100 point threshold. This is a continuation of already existing streets and no new streets are being proposed. All proposed lots will have frontage to a public street. The continuation of these streets and the associated improvements are being designed in accordance with City standards, except where reasonable adjustments and variances have been requested to meet the existing conditions that are already functioning in a safe and efficient manner.

According to the table 19.1409.3 the landscape strips can be brought to zero in the minimum allowed section and the Sidewalk on Linwood can be a minimum of five feet, although 7.5 feet is being requested and the standard is 10 feet. Therefore, all the requested adjustments meet the minimum requirements and are reasonable requests given the existing conditions of the area.

19.1409.2 Street Functional Classification and Improvement Standards

RESPONSE:

Half street improvements are proposed for SE 64th and SE Linwood Street as discussed in the pre-application meeting. SE 63rd will be full street improvements. Proposed improvements will match existing conditions and be appropriately situated for extension should tax lots 500 and 400 be developed in the future. No new streets are proposed for this development. There is a storm line in SE 64th to receive storm runoff. Catch basins are located in SE 63rd and there is an existing storm system in SE Linwood.

19.1409.3 General Street Design Standards

RESPONSE:

No new streets, cul-de-sacs, alleys, street names or closed end street systems serving more than 20 dwellings are proposed. Half street improvements are proposed for SE 64th and SE Linwood Street as discussed in the pre-application meeting. SE 63rd will be full street improvements. Proposed improvements will match existing conditions and be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

19.1410.2 Public Sidewalks

RESPONSE:

The applicant is requesting curb tight sidewalks for SE 63rd and SE 64th to best match existing conditions. The applicant is also requesting curb tight sidewalks for SE Linwood in order to accommodate the existing topography and reduce grading issues.

19.1411 Bicycle Requirements and Standards

RESPONSE:

Linwood Avenue is an arterial and the proposed asphalt is 24 feet wide as required by the City in the pre-application meeting. This should be of sufficient width to safely accommodate bicycle traffic. SE 63rd and SE 64th are local streets and do not fall under this requirement.

19.1412 Transit Requirements and Standards

RESPONSE:

Since this is a 4-lot subdivision and not a multi-family residential development it is unlikely Tri-Met will recommend transit related facilities. In addition, Linwood is the only continued street that is subject to transit route considerations. However, the proposed development will comply with any reasonable comments from Tri-Met's review of the completed application.

19.1413.1 (C) Modification of Access Spacing Targets

RESPONSE:

The physical shape of the property precludes a driveway approach to a local street. There are multiple driveways to SE Linwood and a separate review of the access is attached to this application narrative.

19.1413.2 (C and D)**RESPONSE:**

A tentative layout illustrates that vehicles leaving lot 1 will be provided a turn-around to leave the site in a forward direction.

19.1413.2 Location of Driveway Access**RESPONSE:**

Proposed lot 1 will have a driveway that takes access on SE Linwood Avenue, lot 2 will have a driveway that takes access on SE 63rd, lot 3 will have a driveway that takes access on SE 63rd and lot 4 will have a driveway that takes access on SE 64th. The exact location of the driveways will be determined once building layouts are selected for each lot. Adequate maneuver area will be provided to eliminate backing into the public right-of-way.

19.1413.3 Number and side of Driveways**RESPONSE:**

One driveway for each parcel's dwelling is proposed. SE 63rd and SE 64th are considered local roads and SE Linwood is considered an arterial.

19.401 Accessory Structures**RESPONSE:**

Proposed lot 3 has a currently existing garage that the owner/applicant would like to retain for use later by the future residence that is built on the lot. This is a garage that is less than 500 square feet in size and meets the setback requirements for an accessory use. The garage was constructed in the 70's and complied with the uniform building code at the time of construction (documentation included in submittal packet).

19.425 Design Standards for Single Family Housing**RESPONSE:**

Although building layouts have not been selected for the individual lots at this time, the owner/applicant will follow the design standards which will be evaluated at time of building permit request.

19.500 Off Street Parking and Loading**19.501 Purpose.**

The purpose of this section is to provide adequate off-street parking and loading, to avoid congestion on the streets, to avoid unnecessary conflicts between vehicles and pedestrians, to encourage the use of bicycles and mass transit, and to facilitate access from streets to off-street parking lots and from structures to off-street parking and loading spaces. (Ord. 1880 (part), 2000)

RESPONSE:

No specific building layout plan is proposed at this time. At time of building permit a building layout plan will be submitted to meet or exceed the minimum number of required off-street parking.

19.502 Applicability of provisions.

A. The standards and procedures of Chapter 19.500 shall apply to all development, remodeling and changes of use that increase parking and loading demand.

B. The standards and procedures of this section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs. (Ord. 1880 (part), 2000)

RESPONSE:

No specific building layout plan is proposed at this time. At time of building permit a building layout plan will be submitted to meet or exceed the minimum number of required off-street parking.

19.503 Off Street Parking Standards

RESPONSE:

No specific building layout plan is proposed at this time. At time of building permit a building layout plan will be submitted to meet or exceed the minimum number of required off-street parking.

19.503.1 General Provisions.

RESPONSE:

This application is for a single family residential subdivision. Therefore sections 19.503.1 to 19.503.20 are not applicable.

19.503.21 Off-Street Vehicle Parking in Residential Zones

RESPONSE:

No specific building layout plan is proposed at this time. This will be addressed at time of building permit.

19.503.22 Recreational Vehicles and Pleasure Crafts

RESPONSE:

Not applicable.

Other:

The applicant listed as Stanley Walker is the owner of all real property that is shown in the submitted plans. Stanley Walker has signed the application forms and attests to true ownership.

ACCESS SPACING

19.1413.1 2

6.1 Page 37

Lot 1 of Walker Park Phase 2

A summary of existing driveways and Street Intersections relative to the proposed new Lot 1 of Walker Park Phase 2.

Linwood (South)

STA	0+84	East-side Driveway	STA	0+20	West-side Driveway
STA	2+14	East-side Driveway	STA	1+54	West-side Driveway
STA	2+78	East-side Driveway	STA		
STA	3+43	East-side Driveway	STA	3+53	West-side Driveway
STA	4+10	East-side Driveway	STA	4+30	West-side Driveway
STA	5+50+/-	SE Furnberg			

Linwood (North)

STA	0+26	West-side Driveway	STA	0+69	East-side Driveway
STA	3+28	West-side Driveway	STA	1+47	East-side Driveway
STA	3+95	West-side Driveway	STA	1+68	East-side Driveway
STA	4+26	West-side Driveway	STA	2+11	East-side Driveway
STA	5+13	West-side Driveway	STA	2+81	East-side Driveway
STA	5+37	West-side Driveway	STA	3+67	East-side Driveway
STA	5+88	West-side Driveway	STA	4+79	East-side Driveway
			STA	5+96	East-side Driveway

Our cursory investigation finds 6 existing driveways to the North and 5 existing driveways to the south within a total of 600 feet of the proposed Lot 1. Although designable it is not practical or possible to consolidate or eliminate the existing driveways. The Linwood School on the westerly side of the street and south of the project, limits speed during specific school hours, which extends to within approximately one hundred feet from the subject property. The normal posted speed along this portion of Linwood is 35MPH. The site distance at the proposed driveway is greater than the ASHTO minimum requirements and exceeds the access spacing distance. SE Linwood is striped for two travel lanes and two bike/pedestrian ways. No curbs or sidewalk exist, except for the school property in this area. This development will provide curb and sidewalk along the frontage which will improve the pedestrian travel. Other measures do not appear to be practical and there are no other alternatives to provide access to this lot. The final driveway design will provide area to allow vehicles to turn around on the property and not back out onto Linwood.

19.701 Variances

RESPONSE:

A variance is being requested to reduce the standard 10 foot travel lane on SE 64th to 8 feet in width and to reduce the half street width improvement from 20 feet to 16 feet. These two variances are being addressed together as they are dependent upon each other and are not separate issues.

19.702.1 Criteria for Granting Variances

RESPONSE:

A.

These variances to SE 64th are being requested because the street cannot be made wider due to physical constraints on the property. If the street was widened on the left side it would encroach upon land that is not owned by the applicant. If the road was shifted and then widened it would cause a sudden change in the centerline of the already pre-existing 320 feet of street which may create a hazardous driving condition.

B.

The variances are being requested in order to match existing conditions of an already established street in order to create the safest and efficient transportation situation for this local street.

C.

The requested variance would not cause an adverse condition upon other properties. The variance is being requested to avoid an adverse and unsafe condition.

19.704 Variance Procedure

RESPONSE:

This variance is being processed as a minor quasi-judicial review.

Clackamas County Fire District #1

Fire Prevention Office



RECEIVED

JUL 6 2006

CITY OF MILWAUKIE
PLANNING DEPARTMENT

E-mail Memorandum

To: Ryan Marquardt, City of Milwaukie Planning Dept
From: Ron Schumacher, Deputy Fire Marshal, Clackamas County Fire District #1
Date: 7/20/2006
Re: S-06-02; TPR-06-07, VR-06-03; Walker

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:

All homes built shall have a NFPA 13D sprinkler system installed due to the fact that there is not an approved fire department turn-around on either street.

**CITY OF MILWAUKIE
BUILDING
DEPARTMENT**

Memo

RECEIVED

JUL 03 2006

CITY OF MILWAUKIE
PLANNING DEPARTMENT

To: Ryan Marquardt, Assistant Planner
From: Tom Larsen, Building Official
Date: July 3, 2006
Re: S-06-02, etc.

-
1. Any future construction on the proposed lots shall comply with the Oregon Residential Specialty Code.
 2. Where an NFPA 13-D fire suppression system is used as an approved alternate due to inadequate Fire Department access, the alternate shall be recorded on the property deed as a requirement for future construction (OAR 918-480-0120).

RECEIVED

JUL 20 2006

CITY OF MILWAUKIE
PLANNING DEPARTMENT**MEMORANDUM**

TO: Community Development Department
THROUGH: Paul Shirey, Director of Engineering
FROM: Zach Weigel, Civil Engineer
RE: 4-Lot Subdivision – North End of SE 63RD Avenue and 64TH Avenue
S-06-02, TPR-06-07, and VR-06-03
DATE: July 20, 2006

Subdivide an existing parcel into 4 lots and construct public frontage improvements.

1. MMC Chapter 17.32 - Improvements

The Planning Commission finds that the proposed development, as conditioned, complies with Chapter 17.32.

2. MMC Chapter 19.1400 - Transportation

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 19.1400.

A. MMC Chapter 19.1400 applies to subdivisions, except as limited by MMC subsection 19.1403.1.

The proposed development is a 4-lot subdivision. Subdivisions are not limited by MMC subsection 19.1403.1

The Planning Commission finds that MMC Chapter 19.1400 applies to the proposed development.

B. MMC Section 19.1404(C) authorizes the Engineering Director to approve adjustments to transportation facility design standards.

The applicant requests an adjustment to eliminate the landscape strip on SE 63RD Avenue and SE 64TH Avenue fronting the proposed development. Both streets are classified as local roads. As a result, a 5-foot wide planter strip is required. Staff recommends the applicant provide a 3.5-foot wide planter strip on both SE 63RD Avenue and SE 64TH Avenue fronting the proposed development.

The Planning Commission approves the adjustment request to reduce the planter strip width from 5 feet to 3.5 feet upon finding the following:

- i. Reduction of the landscape strip to 3.5 feet meets the minimum dimensions of MMC Table 19.1409.3. The adjustment is consistent with the purposes of Chapter 19.1400 and the Milwaukie Transportation System Plan.
- ii. The adjoining street width on SE 63RD Avenue and SE 64TH Avenue is set for a 32-foot wide paved street. This existing width is wider

than the local street standard. As a result, the full landscape strip width of 5 feet will not fit within the local street right-of-way. Strict compliance is deemed infeasible due to engineering limitations of the adjoining transportation facilities. The maximum width of landscape strip that will fit within the right-of-way is 3.5 feet.

- iii. A 3.5-foot landscape strip will adequately serve the site, but will not meet the dimensional standard.

C. MMC Section 19.1404(E) requires granting of variances comply with the criteria of MMC Section 19.700.

The applicant requests a variance to reduce the travel lane width requirements of Code Table 19.1409.3 from 10 feet to 8 feet in width on SE 64TH Avenue fronting the proposed development. Also, the applicant requests a variance to reduce the minimum half-street improvement required by Code Section 19.1409.2(C)(3) from 20 feet to 16 feet in width for SE 64TH Avenue fronting the proposed development. The criteria for granting variances under MMC Section 19.702.1 are as follows.

- i. *The property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.*

Applicant: The extension of SE 64TH Avenue cannot be made wider due to physical constraints on the property. The road cannot be widened to the east because the road would encroach onto the neighboring property. The road cannot be widened to the west because the road would have a sudden shift in the centerline of the roadway, creating a hazardous driving condition.

Staff: The property has unusual conditions over which the applicant has no control. The approval of the existing subdivision, Walker Park Phase I, created a public road, SE 64TH Avenue, which does not meet current requirements for half street improvements. Extension of SE 64TH Avenue is needed to serve the proposed development. As stated by the applicant, the road cannot be widened east until the adjacent property develops and the road cannot be widened to the west because of the shift in the centerline.

Currently, the existing 25-foot half street of SE 64TH Avenue south of the proposed development aligns with the SE 64TH Avenue north of the proposed development. Shifting the alignment of SE 64TH Avenue to provide for the required half street improvement will not align with the portion of SE 64TH Avenue north of the proposed development.

- ii. *There are no feasible alternatives to the variance and the variance is the minimum variance necessary to allow the applicant the use of*

his/her property in a manner substantially the same as others in the surrounding area.

Applicant: Did not respond to this section in the application.

Staff: There are no feasible alternatives to the variance. As stated above, SE 64TH Avenue cannot be widened to the east or west as part of the proposed development. However, when the property on the east side of SE 64TH Avenue develops, the City will require the developer to improve the roadway to full street width. The extension of SE 64TH Avenue will serve the proposed development and will match the existing SE 64TH Avenue serving properties created as part of the Walker Park Phase I subdivision. As a result, the applicant is using the property in a manner substantially the same as others in the surrounding area.

- iii. *Adverse impacts upon other properties that may be the result of this variance shall be mitigated to the extent feasible.*

Applicant: The requested variance is requested in order to match existing conditions of an already established street in order to create the safest and efficient transportation situation for a local street.

Staff: Addition of one single-family residence onto SE 64TH Avenue will have little impact upon other properties. The applicant will be extending SE 64TH Avenue to the north as part of the proposed development. Any additional mitigation is not required.

The Planning Commission finds that the applicant meets the variance criteria and approves the variance request to reduce required travel lane width to 8 feet on SE 64TH Avenue fronting the proposed development. Also, the Planning Commission approves the variance request to reduce the required half-street improvement width to 16 feet.

- D. MMC Section 19.1405.5 establishes approval criteria for transportation review applications and ensure impacts are mitigated.

The Planning Commission finds that the proposed development, as conditioned, meets the approval criteria of MMC Section 19.1405.5 for decisions made under MMC Chapter 19.1400.

- E. MMC Section 19.1406 requires the applicant to provide an assessment and recommend mitigation of local street impacts when any non-residential development adds more than twenty-five (25) through vehicles per day to an adjacent residential local street.

The proposed development is a residential development. As a result, the applicant did not provide a neighborhood through-trip study as part of the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1406.

- F. MMC Section 19.1407 requires streets, sidewalks, and transportation facilities to be safe, convenient, and adequate to accommodate the impacts of new development.

The applicant proposes to construct required street improvements on SE Linwood Avenue, SE 63RD Avenue, and SE 64TH Avenue fronting the proposed development.

Planning Commission has approved an adjustment to reduce the planter strip width from 5 feet to 3.5 feet on SE 63RD Avenue and SE 64TH Avenue fronting the proposed development.

Planning Commission has approved a variance to reduce the travel lane width on SE 64TH Avenue from 10 feet to 8 feet fronting the proposed development.

Planning Commission has approved a variance to reduce the half street improvement width from 20 feet to 16 feet fronting the proposed development on SE 64TH Avenue.

The Planning Commission finds that the proposed development will not result in hazardous or unsafe transportation conditions or unacceptable level of service impacts that cannot be mitigated.

- G. MMC Section 19.1408 requires submission of a transportation impact analysis documenting the development impacts on the surrounding transportation system.

The proposed development did not score the 100 points necessary to require a transportation impact analysis in accordance with the Transportation Design Manual. As a result, the applicant did not provide a traffic impact study as part of the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1408.

- H. MMC Section 19.1409.1 establishes general standards for street design and improvement.

The applicant proposes that each lot of the development will have frontage and access to a public street.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.1.

- I. MMC Section 19.1409.2 establishes standards for street functional classification and improvement standards.

Staff recommends the applicant construct a 22-foot paved half-street, 6-inch curb, 4.5-foot landscape strip, and 5-foot setback sidewalk on SE Linwood Avenue fronting the proposed development.

Staff recommends the applicant construct a 32-foot paved street with 6-inch curbs, 3.5-foot landscape strips, and 5-foot setback sidewalks on SE 63RD Avenue fronting the proposed development.

Staff recommends the applicant construct a 16-foot paved half-street, 6-inch curb, 3.5-foot landscape strip, and 5-foot setback sidewalk on SE 64TH Avenue fronting the proposed development.

The applicant proposes a 2-foot right-of-way dedication on SE Linwood Avenue fronting the proposed development. The applicant proposes a 50-foot right-of-way dedication on SE 63RD Avenue fronting the proposed development. The applicant proposes a 25-foot right-of-way dedication on SE 64TH Avenue fronting the proposed development.

Planning Commission has approved an adjustment to reduce the planter strip width from 5 feet to 3.5 feet on SE 63RD Avenue and SE 64TH Avenue fronting the proposed development.

Planning Commission has approved a variance to reduce the travel lane width on SE 64TH Avenue from 10 feet to 8 feet fronting the proposed development.

Planning Commission has approved a variance to reduce the half street improvement width from 20 feet to 16 feet fronting the proposed development on SE 64TH Avenue.

The applicant proposes to extend SE 63RD Avenue and SE 64TH Avenue to the northern boundary lines of the tract to be developed.

Staff recommends the applicant construct a barricade and sign at the north end of SE 63RD Avenue and SE 64TH Avenue, which shall not be removed until authorized by the Engineering Director.

Staff recommends no signs, structures, or vegetation in excess of three feet in height be placed in "vision clearance areas" at intersections, of streets, driveways, and alleys.

SE Linwood Avenue is listed as a major street. Staff recommends an additional setback from the centerline of Major Streets of 40 feet plus yard requirements of the zone.

The applicant has requested an exception to allow use of the existing pavement on SE 64TH Avenue fronting the proposed development. The pavement was constructed on private property as part of the Walker Park Phase I subdivision. Both the City of Milwaukie Engineering Department and Street Operations Department has looked at the condition of the pavement in question. Staff believes that the existing pavement is in very poor condition and is not adequate to accept into the public roadway system. Staff recommends denial of the request to allow use of the existing pavement on SE 64TH Avenue fronting the proposed development.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.2.

- J. MMC Section 19.1409.3 establishes standards for general street design standards.

The proposed development is less than 3 acres in size. The block length on SE 63RD Avenue and SE 64TH Avenue as part of the proposed development will be less than 800 feet.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.3.

- K. MMC Section 19.1410 establishes standards for pedestrian facilities.

The applicant will construct all new sidewalk and driveway approaches on SE Linwood Avenue, SE 63RD Avenue, and SE 64TH Avenue fronting the proposed development to meet the current requirements of the Americans with Disabilities Act.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1410.

- L. MMC Section 19.1411 establishes standards for bicycle facilities.

The portions of SE 63RD Avenue and SE 64TH Avenue fronting the proposed development are not classified as bike routes in the Transportation System Plan. As a result, bike lane improvements as part of the proposed development are not required.

SE Linwood Avenue is classified as a bike route in the Transportation System Plan. The applicant proposes to widen SE Linwood Avenue fronting the proposed development to provide for future bike lanes. Bike lanes will be striped when SE Linwood Avenue is improved north and south of the development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1411.

- M. MMC Section 19.1412 establishes standards for transit facilities.

The portions of SE 63RD Avenue and SE 64TH Avenue fronting the proposed development are not classified as transit routes in the Transportation System Plan. As a result, transit improvements as part of the proposed development are not required.

SE Linwood Avenue is classified as a transit route in the Transportation System Plan. The City of Milwaukie staff has referred the application to TriMet for comment. However, staff has not received correspondence from TriMet regarding the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1412.

- N. MMC Section 19.1413 establishes standards for access management.

The driveway approach must be 7.5 feet from the property line.

The allowed driveway approach width for single-family residential uses is between 9 feet and 18 feet.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1413.

3. Milwaukie Municipal Code requires erosion controls to be installed prior to earth disturbing activities. A condition of approval has been recommended to ensure compliance with this requirement.

Recommended Conditions of Approval

1. Prior to approval of the final plat and issuance of any building permits the following shall be resolved:
 - A. Submit full-engineered plans for all public improvements to the City of Milwaukie Planning Department for review and approval.
 - B. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - C. Provide a payment and performance bond for 100 percent of the cost of the public improvements prior to the start of construction.
 - D. Provide an erosion control plan and obtain an erosion control permit.
 - E. Dedicate 2 feet of right-of-way on SE Linwood Avenue fronting the proposed development.
 - F. Dedicate 50 feet of right-of-way on SE 63RD Avenue fronting the proposed development.
 - G. Dedicate 25 feet of right-of-way on SE 64TH Avenue fronting the proposed development.
 - H. Extend all utility mains to the north boundary of the proposed development.
 - I. Improve existing storm system such that all storm runoff from impervious surface created from the required street improvements is captured and conveyed to the nearest feasible public storm system.
 - J. Install all underground utilities, including stubs for utility service, prior to surfacing streets.
 - K. Construct all required street improvements as follows:
 - i. Construct street improvements on SE Linwood Avenue fronting the proposed development. The street improvements include a 22-foot wide paved half-street with 6-inch standard curb.
 - ii. Construct street improvements on SE 63RD Avenue fronting the proposed development. The street improvements include a 32-foot wide paved street with 6-inch standard curb on both sides of the roadway.
 - iii. Construct street improvements on SE 64TH Avenue fronting the proposed development. The street improvements include a 16-foot wide paved street with 6-inch standard curb on both sides of the roadway.
 - J. Construct a barricade and sign at the north end of SE 63RD Avenue and SE 64TH Avenue, which shall not be removed until authorized by the Engineering Director.

- K. Maintain an additional setback from the centerline of SE Linwood Avenue of 40 feet plus yard requirements of the zone.
 - L. Provide pavement markings on SE Linwood Avenue as part of the required street improvements. Pavement marking improvements will be determined at the time of public improvement plan review.
 - M. The City of Milwaukie shall install all street signs, relative to traffic control and street names. The applicant shall be responsible for the costs of all street signing for the proposed development. Necessary street signage shall be determined as part of the public improvements design review.
2. Prior to final inspection for a building on the proposed development the following shall be resolved:
- A. Submit approved public improvement Mylar "As Constructed" plans to the City of Milwaukie Planning Department.
 - B. Construct 4.5-foot wide landscape strip and 5-foot setback sidewalk on SE Linwood Avenue fronting the proposed development.
 - C. Construct 3.5-foot wide landscape strips and 5-foot setback sidewalk on SE 63RD Avenue on both sides of the street fronting the proposed development.
 - D. Construct a 3.5-foot wide landscape strip and 5-foot setback sidewalk on SE 64TH Avenue fronting the proposed development.
 - E. Construct a private drywell for each lot of the proposed development for runoff created by new buildings. Connect all rain drains to the drywells.
 - F. Trim and remove vegetation and structures, excluding trees and utility poles, to a height less than 30 inches on the proposed development property within a 20-foot radius and in "vision clearance areas" at intersections of streets, driveways, and alleys. Remove all branches and foliage of trees within the 20-foot radii and "vision clearance areas" to a height of 8 feet on the proposed development property.
3. Other requirements.
- A. Construct all public improvements to City of Milwaukie standards for construction.
 - B. Construct sidewalk and driveway approaches to meet all applicable guidelines of the Americans with Disabilities Act.
 - C. Construct driveway approaches 7.5 feet from the property line.
 - D. All driveway approaches for the proposed development are to be between 9 feet and 18 feet in width.

**Walker Park Phase 2 - Narrative
T1S-R2E-32CB Tax Lots 201 & 226
4-Lot Subdivision
Minor Quasi-Judicial**

May 2006

REVISED June 22, 2006

17.12 Application Procedure and Approval Criteria:

17.12.020 Purpose

RESPONSE:

This is a Minor Quasi-Judicial 4-Lot subdivision application with an exception request to the street improvements on SE 63rd, SE 64th and SE Linwood. The owner/applicant previously developed the adjacent property to the south into a 22-lot subdivision called Walker Park (Plat no. 2198). Additionally, there were (3) three existing homes that remained on separate lots and were not included in the final Walker Park plat; therefore, there are 25 lots total in the original development. They would now like to complete the subdivision by developing the remaining two tax lots under their ownership to the north of the Walker Park subdivision. The subject tax lots are located along Linwood Avenue to the west, tax lot 500 to the north, tax lot 100 to the east and the Walker Park Subdivision to the south. These two tax lots do not appear to have been divided by an approved land use application. The subject properties combined total .85 acres and are within the R-7 zone. No site specific building plans are being proposed for this 4-lot subdivision at this time. Tax lot 226 has an existing garage on the property that is proposed to be retained for later use by the future home. This garage complies with the setback standards of the R-7 zone as an accessory use and is under 500 square feet in size. Tax lot 201 is vacant land.

Legal Description:

T1S-R2E-32CB Tax Lot(s) 201 & 226

A copy of recorded Walker Park Plat #2198 has been included in this application submittal for reference.

17.12.030 Approval Criteria for Lot Consolidation, Property Line Adjustment and Replat

RESPONSE:

Not applicable. The owner/applicant is requesting a 4-lot subdivision.

17.12.040 Approval for Preliminary Plat

RESPONSE:

This proposed 4-lot subdivision is a reasonable development request. An adjustment to the Transportation Design Standards (Section 19.1400) is being requested for the street improvements on SE 64th, SE 63rd and SE Linwood Avenue as discussed in the pre-application meeting. The adjustment to SE 64th is that ½ street improvements are proposed with 15' asphalt concrete and 6' curb tight sidewalk and no landscape strips. The adjustments on 63rd are for 32' pavement widths with 6' curb tight sidewalks and no landscape strips. The adjustments for

Linwood are 24' pavements with 7.5 curb tight sidewalks and no planter strips. These adjustments were discussed during the pre-application meeting in order to best match the existing conditions of the area for 63rd and 64th and to accommodate the existing topography and reduce grading issues along SE Linwood Avenue. Additionally, the owner/applicant is requesting an exception to the asphalt standard for 64th Avenue. Since the asphalt is in good condition, the owner/applicant did not plan to replace this section. No new streets are proposed that will require street names, these are extensions of existing streets only. The owner/applicant is proposing to call this plat "Walker Park Phase 2" as this is the completion of the original Walker Park Plat. This name has been reserved at the Clackamas County Surveyor's Office.

17.12.050 Approval Criteria for Final Plat

RESPONSE:

The final plat submitted will meet the conditions outlined by planning staff. The owner/applicant does not anticipate a situation where final plat approval cannot be obtained.

17.16 Application Requirements and Procedures

17.16.010 Application Required

RESPONSE:

The application for this proposed 4-lot subdivision will meet the requirements of chapter 17.16.

17.16.020 Determination of Completeness

RESPONSE:

This application for a proposed 4-lot subdivision has been made complete as per the preliminary plat checklist and submission requirement checklist provided by the City of Milwaukie. Should additional information be requested, the applicant understands that 15 days will be given in order to respond to the City's requests.

17.16.030 Waiver of Submission Requirements

RESPONSE:

No waivers are being requested for this proposed 4-lot subdivision application submittal.

17.16.040 Lot Consolidation and Property Line Adjustment

RESPONSE:

Not applicable

17.16.060 Preliminary Plat for Partition or Subdivision

RESPONSE:

The completed application for a property boundary change and for the transportation plan review have been completed and signed by the owner/applicant and are included at the front part of this submittal package. The fee of \$3,755 which represents the Subdivision application fee as well as one-half of the transportation plan review fee and the Transportation Plan Review Exception Deposit will also be submitted to City of Milwaukie Planning via check from the owner/applicant. The checklists entitled "Preliminary Plat Checklist and Procedures" and

"Submission Requirements" and "Site Plan Checklist" have been reviewed and signed by the applicant. All information on these checklists has been included with this submittal packet as applicable/appropriate to a 4-lot subdivision request. The proposed development plan has been prepared and stamped by a Registered Land Surveyor and shows setbacks in sufficient detail. The requirements of section 17.20 will be addressed in the following pages.

17.20 Preliminary Plat

17.20.010 Submission of Plans

RESPONSE:

Plans have been prepared and are included in this application which represents the objectives of this 4-lot subdivision proposal.

17.20.020 Scale

RESPONSE:

The plans have been prepared at a 1"=30' scale which is of sufficient size for review given the nature and size of the property to be developed.

17.20.030 General Information to be Shown on the Preliminary Plat

RESPONSE:

The proposed development plan has been prepared by a Registered Oregon Land Surveyor and stamped accordingly. The plan meets the requirements as set forth in this section. A vicinity map has been included on sheet 1/4 under existing conditions.

17.20.040 Building Lines Prohibited

RESPONSE:

Not applicable

17.20.050 Existing Conditions

RESPONSE:

The "existing conditions" plan has been submitted with this application packet as sheet 1/4 and meets the requirements set forth in this section.

17.20.060 Proposed Conditions

RESPONSE:

Twelve (12) copies of the full size plan have been included with this application packet submittal. The plan meets the requirements set forth in this section. This narrative is addressing the required code sections 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.44, 19.701, 19.702, 19.1303, 19.302, 19.1400, 19.1403, 19.1404, 19.1405, 19.1407.2, 19.1409, 19.1410.2, 19.1411, 19.1412, 19.1413, 19.401, 19.425, 19.500, 19.501, 19.502 and 19.503.

17.24 Final Plat

RESPONSE:

The final plat will be prepared in a manner that will meet the requirements of this section. The additional information requested will also be submitted as requested.

17.28 Design Standards

17.28.010 Conformity of Subdivision

RESPONSE:

The proposed 4-lot subdivision will conform with the development plans of the City and take into account any preliminary plans as necessary.

17.28.020 Streets

RESPONSE:

No new streets are proposed for this project. The continuation of SE 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting to accommodate existing topography and reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

17.28.030 Easements

RESPONSE:

A public utility easement of 8-feet is proposed along all the road frontages. The owner/applicant proposes to dedicate a western portion of proposed lot 1 where the slopes are greater (SE Linwood Avenue). A curb and sidewalk is proposed for this portion of the dedicated property. The owner/applicant also proposes to dedicate 50 feet for SE 63rd and 25 feet for SE 64th for R-O-W/curb/sidewalk.

17.28.040 General lot design.

The proposed lots will be rectangular lots without compound lines or double frontage. Lot 1 will take access on SE Linwood Avenue, lot 2 will take access on SE 63rd, lot 3 will take access on SE 63rd and lot 4 will take access on SE 64th. Individual building layouts have not been selected at this time. The existing garage on proposed lot 3 meets the requirements of an accessory structure and is under 500 square feet in size.

17.28.050 Flag Lot Development and Future Access

RESPONSE:

Not applicable. No flag lots are proposed.

17.28.060 Flag Lot Design Standards

RESPONSE:

Not applicable. No flag lots are proposed.

17.28.070 Flag Lot Limitations

RESPONSE:

Not Applicable. No flag lots are proposed.

17.28.080 Public Open Spaces

RESPONSE:

Not Applicable. No open space is required or proposed.

17.32 Improvements

17.32.010 Improvement Procedures

RESPONSE:

The appropriate improvements will conform to the requirements of this section.

17.32.020 Required Improvements

RESPONSE:

Streets/Curbs/Sidewalks:

No new streets are proposed for this project. The continuation of 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting due to existing topography and to reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

Sanitary Sewer:

The lots have existing laterals stubbed to them already and will be served by public gravity sewer. No new service lines will be required.

Water:

Potable water is available in SE 63rd, SE 64th and SE Linwood Avenue. A lateral has already been installed for proposed lot 4. Lot 1, 2 and 3 requires a new lateral.

Storm:

There is a storm line in SE 64th to receive storm runoff. Catch basins are located in SE 63rd and there is an existing storm system in SE Linwood.

All utility facilities will be placed underground.

17.32.030 Guarantee

RESPONSE:

The owner/applicant understands that: "All improvements installed by the applicant shall be guaranteed as to workmanship and material for a period of one (1) year following acceptance by the city. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the engineering director."

17.44 Exceptions and Variances

RESPONSE:

An adjustment to the Transportation Design Standards (Section 19.1400) is being requested for the street improvements on SE 64th, SE 63rd and SE Linwood Avenue as discussed in the pre-application meeting. The adjustment to SE 64th is that ½ street improvements are proposed with 15' asphalt concrete and 6' curb tight sidewalk and no landscape strips. The adjustments on 63rd are for 32' pavement widths with 6' curb tight sidewalks and no landscape strips. The adjustments for Linwood are 24' pavements with 7.5 curb tight sidewalks and no planter strips. These adjustments were discussed during the pre-application meeting in order to best match the existing conditions of the area for 63rd and 64th and to accommodate the existing topography and reduce grading issues along SE Linwood Avenue. Additionally, the owner/applicant is requesting an exception to the asphalt standard for 64th Avenue. Since the asphalt is in good condition, the owner/applicant did not plan to replace this section. These adjustments are discussed further in response to section 19.1404 of this narrative.

19.1303 Solar Access for New Development

RESPONSE:

The currently existing City roads are oriented true north-south; therefore, all front lot lines will be true north-south. The lots cannot be oriented any other way due to the location of these existing roads. Additionally, the homes (when layouts are selected and building permit is obtained) will have to be built to meet setback and livability requirements first and it is unlikely they can be rotated to meet the exact solar access described in this section.

19.302 Residential Zone R-7

19.302.1 Outright Uses Permitted. In an R-7 zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;**
- B. Residential home;**
- C. Agricultural or horticultural use, provided that:**
 - 1. A retail or wholesale business sales office is not maintained on the premises, and**
 - 2. Poultry or livestock other than usual household pets are not housed or kept within one hundred (100) feet of any dwelling not on the same lot nor on a lot less than one (1) acre, nor having less than ten thousand (10,000) square feet per head of livestock;**
- D. Any other use similar to the above and not listed elsewhere.**

19.302.2 Conditional Uses Permitted. In an R-7 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Chapter 19.600:

- A. Temporary real estate office in a subdivision;**
- B. Single-family attached dwelling;**
- C. Senior and retirement housing;**
- D. Type 2 accessory dwelling unit;**
- E. Any other use similar to the above and not listed elsewhere.**

RESPONSE:

The owner/applicant proposes one detached single family home per lot. No specific building layouts have been selected at this time. This is an outright use as per 19.302.1. No Conditional uses are proposed.

19.302.3 Standards. In an R-7 zone the following standards shall apply:

A. Lot size: Lot area shall be at least seven thousand (7,000) square feet. For a single-family attached complex the lot area shall be an average of at least seven thousand (7,000) square feet per unit. Lot width shall be at least sixty (60) feet. The minimum lot width shall be thirty (30) feet for interior single-family attached units. Average lot depth shall be at least eighty (80) feet.

RESPONSE:

The applicant would like to retain the existing garage on lot 3 to be used later with the home that is built in the future. The garage meets the accessory use requirements and is under 500 square feet in size. The proposed lots will exceed the minimum 7,000 square foot area. Lot width exceeds the minimum 60 foot width and the average depth will exceed 80 feet, which is consistent with the Code.

Lot 1 – 7,904 SF
Lot 2 – 7,790 SF
Lot 3 – 8,166 SF
Lot 4 – 7,086 SF

B. Front yard: A front yard shall be at least Twenty (20) feet.

RESPONSE:

No specific building layouts are proposed for the lots at this time. All lots will meet the front yard minimum. Future development will be per 19.425.

C. Side yard: A side yard shall be at least five (5) feet and one side yard shall be at least ten (10) feet, except on corner lots a side yard shall be at least twenty (20) feet on the side abutting the street. For interior single-family attached units, side yards are not required.

RESPONSE:

No specific building layouts are proposed for the lots at this time, but the structures will be sized to meet this Code and the Requirements of 19.425. Required setbacks have been shown on sheet 2/4 and buildings will have to be built within this area and also be of a size to meet the maximum 30% lot coverage requirement.

D. Rear yard: A rear yard shall be at least twenty (20) feet.

RESPONSE:

Although specific home layouts have not been selected at this time, they will meet the setback requirements of this section of the code and 19.425.

E. (Repealed by Ord. 1893)

F. Off-street parking and loading: As specified in Chapter 19.500.

RESPONSE:

The future homes will have adequate off-street parking to comply with this requirement. Currently lot 3 has an existing garage that will allow the home that is built in the future to have their required parking.

G. Height restriction: Maximum height of a structure shall be two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is less.

RESPONSE:

The home layouts will be selected to comply with this requirement at time of building permit.

H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed thirty percent (30%) of the total area of the lot.

RESPONSE:

The homes will not exceed the 30% lot coverage requirement. Sheet 2/4 shows the area that the home can be placed in order to meet setbacks and will not exceed the 30% coverage.

I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be thirty percent (30%) of the total area of the lot.

RESPONSE:

No specific house plans are being submitted. Meeting the maximum building lot coverage will result in meeting this requirement.

J. Frontage requirements. Every lot shall abut a public street other than an alley for at least thirty-five (35) feet, except as provided in the subdivision ordinance.

RESPONSE:

Lot 1 has frontage of 72.5 feet, lot 2 has frontage of 78 feet, lot 3 has frontage of 78 feet and lot 4 has frontage of 74.5 feet which all exceeds the 35 foot frontage requirement.

K. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 5.0 to 6.2 dwelling units per net acre.

RESPONSE:

Total area = 0.85 acres – dedication 0.14 = 0.71 acres net * 5.0 = 3.55 lots minimum
4 lots are proposed which meets the minimum density requirement.

L. Transportation requirements and standards: as specified in Chapter 19.1400. (Ord. 1893 (part), 2001: Ord. 1854 (part), 1999)

RESPONSE:

No new streets are proposed for this project. The continuation of SE 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting to accommodate existing topography and reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

19.701 Variances

RESPONSE:

A variance is being requested to reduce the standard 10 foot travel lane on SE 64th to 8 feet in width and to reduce the half street width improvement from 20 feet to 16 feet.

19.702.1 Criteria for Granting Variances

RESPONSE:

These variances to SE 64th are being requested because the street cannot be made wider due to physical constraints on the property. If the street was widened on the left side it would encroach upon land that is not owned by the applicant. If the road was shifted and then widened it would cause a sudden change in the centerline of the already pre-existing 320 feet of street which may create a hazardous driving condition. The variances are being requested in order to match existing conditions of an already established street in order to create the safest and efficient transportation situation for this local street.

19.1400 Transportation Planning and Design Standards, and Procedures

RESPONSE:

The subject site located at SE Linwood Avenue, SE 63rd and SE 64th with one existing garage on proposed lot 3. Detached single family homes are proposed for the four (4) proposed lots. No new streets are proposed for this project. The continuation of SE 63rd Avenue, SE 64th Avenue and SE Linwood Avenue is proposed as shown on sheet 2/4 and will have pavement, curbs and sidewalks that match the existing conditions on SE 63rd and SE 64th and adjustments to the section of SE Linwood as recommended by the City at the pre-application meeting to accommodate existing topography and reduce grading issues. SE 63rd and SE 64th Avenue will terminate at the north portion of the owner/applicants property. Although there does not seem to be a future roads plan for the area, SE 63rd and SE 64th will be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

19.1403 – 19.1403.1 Applicability & Limitations

RESPONSE:

This application is for a 4 lot subdivision. An application for transportation review was submitted in the original application submittal on May 26, 2006.

19.1404 Exception, Adjustments or Variances

RESPONSE:

At this time this application is requesting an adjustment to the improvements on SE 63rd, SE 64th and SE Linwood Avenue. The variance request to SE 64th half street width and travel lane is discussed in Section 19.701 and 19.702 of this narrative.

1. SE 63rd - The adjustments on 63rd are for 32' pavement widths with 6' curb tight sidewalks and no landscape strips. This is consistent with the original design for SE 63rd. The existing conditions on SE 63rd include 32' pavement and curb tight sidewalks. This required adjustment is consistent with 19.1404 C. "Existing transportation facilities that serve the site are adequately sized and are usable and safe condition but do not meet a dimensional standard."
2. SE 64th - The adjustment to SE 64th is that ½ street improvements are proposed with 15' asphalt concrete and 6' curb tight sidewalk and no landscape strips. Additionally, the owner/applicant is requesting an exception to the asphalt standard for 64th Avenue. Since the asphalt is in good condition, the owner/applicant did not plan to replace this section.
This required adjustment is consistent with 19.1404 C. "Existing transportation facilities that serve the site are adequately sized and are usable and safe condition but do not meet a dimensional standard."
3. SE Linwood Avenue - The adjustments for Linwood are 24' pavements with 7.5 curb tight sidewalks and no planter strips to accommodate the existing topography and reduce grading issues as discussed in the pre-application meeting.
This required adjustment is consistent with 19.1404 C. "Existing transportation facilities that serve the site are adequately sized and are usable and safe condition but do not meet a dimensional standard."

All of these requested adjustments meet the overall Purpose section of 19.1401 C. "Assure that new development provides transportation improvements in rough proportion to identified impacts of the development."

19.1405.5 Development Review Process – Approval Criteria

RESPONSE:

Except as where requested in the sections above under adjustments and variances the proposed development and related transportation improvements comply with procedures, requirements and standards of Chapter 19.1400 and the Transportation Design Manual.

A transportation impact analysis was not required for this application as it scored below the 100 point threshold. This proposed development's proposed improvements will match existing conditions and be appropriately situated for extension should tax lots 500 and 400 be developed in the future. It is reasonable to suggest that none of these adjustments or variances requested would create a hazardous or unsafe transportation condition given that they are matching existing streets that have no history of traffic related problems.

19.1407.2 Adequacy Requirement

RESPONSE:

This section is not applicable as per section 19.1403.1 Limitations.

SE 63rd and SE 64th are both currently existing roadways classified as local roads. These roads will be extended and improved to provide adequate access at time of development in a manner that matches existing conditions in the area. SE Linwood Avenue is a currently existing roadway that is classified as an arterial road. Linwood will be improved in order to best accommodate the existing topography and reduce grading issues, while still providing an adequately improved road at time of development. Adjustments have been requested as detailed in the section above (section 19.1404).

19.1409.1 Street Requirements and Design Standards

RESPONSE:

The proposed improvements meet the Chapter 5 Goal for streets: "Provide a safe, well maintained cost effective and convenient transportation system."

Chapter 19.1408 refers to a traffic impact analysis which was not applicable for this particular application as it did not meet the 100 point threshold. This is a continuation of already existing streets and no new streets are being proposed. All proposed lots will have frontage to a public street. The continuation of these streets and the associated improvements are being designed in accordance with City standards, except where reasonable adjustments and variances have been requested to meet the existing conditions that are already functioning in a safe and efficient manner.

According to the table 19.1409.3 the landscape strips can be brought to zero in the minimum allowed section and the Sidewalk on Linwood can be a minimum of five feet, although 7.5 feet is being requested and the standard is 10 feet. Therefore, all the requested adjustments meet the minimum requirements and are reasonable requests given the existing conditions of the area.

19.1409.2 Street Functional Classification and Improvement Standards

RESPONSE:

Half street improvements are proposed for SE 64th and SE Linwood Street as discussed in the pre-application meeting. SE 63rd will be full street improvements. Proposed improvements will match existing conditions and be appropriately situated for extension should tax lots 500 and 400 be developed in the future. No new streets are proposed for this development. There is a storm line in SE 64th to receive storm runoff. Catch basins are located in SE 63rd and there is an existing storm system in SE Linwood.

19.1409.3 General Street Design Standards

RESPONSE:

No new streets, cul-de-sacs, alleys, street names or closed end street systems serving more than 20 dwellings are proposed. Half street improvements are proposed for SE 64th and SE Linwood Street as discussed in the pre-application meeting. SE 63rd will be full street improvements. Proposed improvements will match existing conditions and be appropriately situated for extension should tax lots 500 and 400 be developed in the future.

19.1410.2 Public Sidewalks

RESPONSE:

The applicant is requesting curb tight sidewalks for SE 63rd and SE 64th to best match existing conditions. The applicant is also requesting curb tight sidewalks for SE Linwood in order to accommodate the existing topography and reduce grading issues.

19.1411 Bicycle Requirements and Standards

RESPONSE:

Linwood Avenue is an arterial and the proposed asphalt is 24 feet wide as required by the City in the pre-application meeting. This should be of sufficient width to safely accommodate bicycle traffic. SE 63rd and SE 64th are local streets and do not fall under this requirement.

19.1412 Transit Requirements and Standards

RESPONSE:

Since this is a 4-lot subdivision and not a multi-family residential development it is unlikely Tri-Met will recommend transit related facilities. In addition, Linwood is the only continued street that is subject to transit route considerations. However, the proposed development will comply with any reasonable comments from Tri-Met's review of the completed application.

19.1413.1 (C) Modification of Access Spacing Targets

RESPONSE:

The physical shape of the property precludes a driveway approach to a local street. There are multiple driveways to SE Linwood and a separate review of the access is attached to this application narrative.

19.1413.2 (C and D)

RESPONSE:

A tentative layout illustrates that vehicles leaving lot 1 will be provided a turn-around to leave the site in a forward direction.

19.1413.2 Location of Driveway Access

RESPONSE:

Proposed lot 1 will have a driveway that takes access on SE Linwood Avenue, lot 2 will have a driveway that takes access on SE 63rd, lot 3 will have a driveway that takes access on SE 63rd and lot 4 will have a driveway that takes access on SE 64th. The exact location of the driveways will be determined once building layouts are selected for each lot. Adequate maneuver area will be provided to eliminate backing into the public right-of-way.

19.1413.3 Number and side of Driveways

RESPONSE:

One driveway for each parcel's dwelling is proposed. SE 63rd and SE 64th are considered local roads and SE Linwood is considered an arterial.

19.401 Accessory Structures

RESPONSE:

Proposed lot 3 has a currently existing garage that the owner/applicant would like to retain for use later by the future residence that is built on the lot. This is a garage that is less than 500 square feet in size and meets the setback requirements for an accessory use. The garage was constructed in the 70's and complied with the uniform building code at the time of construction (documentation included in submittal packet).

19.425 Design Standards for Single Family Housing

RESPONSE:

Although building layouts have not been selected for the individual lots at this time, the owner/applicant will follow the design standards which will be evaluated at time of building permit request.

19.500 Off Street Parking and Loading

19.501 Purpose.

The purpose of this section is to provide adequate off-street parking and loading, to avoid congestion on the streets, to avoid unnecessary conflicts between vehicles and pedestrians, to encourage the use of bicycles and mass transit, and to facilitate access from streets to off-street parking lots and from structures to off-street parking and loading spaces. (Ord. 1880 (part), 2000)

RESPONSE:

No specific building layout plan is proposed at this time. At time of building permit a building layout plan will be submitted to meet or exceed the minimum number of required off-street parking.

19.502 Applicability of provisions.

A. The standards and procedures of Chapter 19.500 shall apply to all development, remodeling and changes of use that increase parking and loading demand.

B. The standards and procedures of this section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs. (Ord. 1880 (part), 2000)

RESPONSE:

No specific building layout plan is proposed at this time. At time of building permit a building layout plan will be submitted to meet or exceed the minimum number of required off-street parking.

19.503 Off Street Parking Standards

RESPONSE:

No specific building layout plan is proposed at this time. At time of building permit a building layout plan will be submitted to meet or exceed the minimum number of required off-street parking.

19.503.1 General Provisions.

RESPONSE:

This application is for a single family residential subdivision. Therefore sections 19.503.1 to 19.503.20 are not applicable.

19.503.21 Off-Street Vehicle Parking in Residential Zones

RESPONSE:

No specific building layout plan is proposed at this time. This will be addressed at time of building permit.

19.503.22 Recreational Vehicles and Pleasure Crafts

RESPONSE:

Not applicable.

Other:

The applicant listed as Stanley Walker is the owner of all real property that is shown in the submitted plans. Stanley Walker has signed the application forms and attests to true ownership.

ACCESS SPACING

19.1413.1 2

Lot 1 of Walker Park Phase 2

A summary of existing driveways and Street Intersections relative to the proposed new Lot 1 of Walker Park Phase 2.

Linwood (South)

STA	0+84	East-side	Driveway	STA	0+20	West-side	Driveway
STA	2+14	East-side	Driveway	STA	1+54	West-side	Driveway
STA	2+78	East-side	Driveway	STA			
STA	3+43	East-side	Driveway	STA	3+53	West-side	Driveway
STA	4+10	East-side	Driveway	STA	4+30	West-side	Driveway
STA	5+50+/-	SE Furnberg					

Linwood (North)

STA	0+26	West-side	Driveway	STA	0+69	East-side	Driveway
STA	3+28	West-side	Driveway	STA	1+47	East-side	Driveway
STA	3+95	West-side	Driveway	STA	1+68	East-side	Driveway
STA	4+26	West-side	Driveway	STA	2+11	East-side	Driveway
STA	5+13	West-side	Driveway	STA	2+81	East-side	Driveway
STA	5+37	West-side	Driveway	STA	3+67	East-side	Driveway
STA	5+88	West-side	Driveway	STA	4+79	East-side	Driveway
				STA	5+96	East-side	Driveway

Our cursory investigation finds 6 existing driveways to the North and 5 existing driveways to the south within a total of 600 feet of the proposed Lot 1. Although designable it is not practical or possible to consolidate or eliminate the existing driveways. The Linwood School on the westerly side of the street and south of the project, limits speed during specific school hours, which extends to within approximately one hundred feet from the subject property. The normal posted speed along this portion of Linwood is 35MPH. The site distance at the proposed driveway is greater than the ASHTO minimum requirements and exceeds the access spacing distance. SE Linwood is striped for two travel lanes and two bike/pedestrian ways. No curbs or sidewalk exist, except for the school property in this area. This development will provide curb and sidewalk along the frontage which will improve the pedestrian travel. Other measures do not appear to be practical and there are no other alternatives to provide access to this lot. The final driveway design will provide area to allow vehicles to turn around on the property and not back out onto Linwood.

19.701 Variances

RESPONSE:

A variance is being requested to reduce the standard 10 foot travel lane on SE 64th to 8 feet in width and to reduce the half street width improvement from 20 feet to 16 feet. These two variances are being addressed together as they are dependent upon each other and are not separate issues.

19.702.1 Criteria for Granting Variances

RESPONSE:

A.

These variances to SE 64th are being requested because the street cannot be made wider due to physical constraints on the property. If the street was widened on the left side it would encroach upon land that is not owned by the applicant. If the road was shifted and then widened it would cause a sudden change in the centerline of the already pre-existing 320 feet of street which may create a hazardous driving condition.

B.

The variances are being requested in order to match existing conditions of an already established street in order to create the safest and efficient transportation situation for this local street.

C.

The requested variance would not cause an adverse condition upon other properties. The variance is being requested to avoid an adverse and unsafe condition.

19.704 Variance Procedure

RESPONSE:

This variance is being processed as a minor quasi-judicial review.

Clackamas County Fire District #1

Fire Prevention Office



RECEIVED

JUL 6 2006

CITY OF MILWAUKIE
PLANNING DEPARTMENT

E-mail Memorandum

To: Ryan Marquardt, City of Milwaukie Planning Dept
From: Ron Schumacher, Deputy Fire Marshal, Clackamas County Fire District #1
Date: 7/20/2006
Re: S-06-02; TPR-06-07, VR-06-03; Walker

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:

All homes built shall have a NFPA 13D sprinkler system installed due to the fact that there is not an approved fire department turn-around on either street.

**CITY OF MILWAUKIE
BUILDING
DEPARTMENT**

Memo

RECEIVED

JUL 03 2006

CITY OF MILWAUKIE
PLANNING DEPARTMENT

To: Ryan Marquardt, Assistant Planner
From: Tom Larsen, Building Official
Date: July 3, 2006
Re: S-06-02, etc.

1. Any future construction on the proposed lots shall comply with the Oregon Residential Specialty Code.
2. Where an NFPA 13-D fire suppression system is used as an approved alternate due to inadequate Fire Department access, the alternate shall be recorded on the property deed as a requirement for future construction (OAR 918-480-0120).

RECEIVED

JUL 20 2006

MEMORANDUM

CITY OF MILWAUKIE
PLANNING DEPARTMENT

TO: Community Development Department
THROUGH: Paul Shirey, Director of Engineering
FROM: Zach Weigel, Civil Engineer
RE: 4-Lot Subdivision – North End of SE 63RD Avenue and 64TH Avenue
S-06-02, TPR-06-07, and VR-06-03
DATE: July 20, 2006

Subdivide an existing parcel into 4 lots and construct public frontage improvements.

1. MMC Chapter 17.32 - Improvements

The Planning Commission finds that the proposed development, as conditioned, complies with Chapter 17.32.

2. MMC Chapter 19.1400 - Transportation

The Planning Commission finds that the following complies with applicable criteria of MMC Chapter 19.1400.

A. MMC Chapter 19.1400 applies to subdivisions, except as limited by MMC subsection 19.1403.1.

The proposed development is a 4-lot subdivision. Subdivisions are not limited by MMC subsection 19.1403.1

The Planning Commission finds that MMC Chapter 19.1400 applies to the proposed development.

B. MMC Section 19.1404(C) authorizes the Engineering Director to approve adjustments to transportation facility design standards.

The applicant requests an adjustment to eliminate the landscape strip on SE 63RD Avenue and SE 64TH Avenue fronting the proposed development. Both streets are classified as local roads. As a result, a 5-foot wide planter strip is required. Staff recommends the applicant provide a 3.5-foot wide planter strip on both SE 63RD Avenue and SE 64TH Avenue fronting the proposed development.

The Planning Commission approves the adjustment request to reduce the planter strip width from 5 feet to 3.5 feet upon finding the following:

- i. Reduction of the landscape strip to 3.5 feet meets the minimum dimensions of MMC Table 19.1409.3. The adjustment is consistent with the purposes of Chapter 19.1400 and the Milwaukie Transportation System Plan.
- ii. The adjoining street width on SE 63RD Avenue and SE 64TH Avenue is set for a 32-foot wide paved street. This existing width is wider

than the local street standard. As a result, the full landscape strip width of 5 feet will not fit within the local street right-of-way. Strict compliance is deemed infeasible due to engineering limitations of the adjoining transportation facilities. The maximum width of landscape strip that will fit within the right-of-way is 3.5 feet.

- iii. A 3.5-foot landscape strip will adequately serve the site, but will not meet the dimensional standard.

C. MMC Section 19.1404(E) requires granting of variances comply with the criteria of MMC Section 19.700.

The applicant requests a variance to reduce the travel lane width requirements of Code Table 19.1409.3 from 10 feet to 8 feet in width on SE 64TH Avenue fronting the proposed development. Also, the applicant requests a variance to reduce the minimum half-street improvement required by Code Section 19.1409.2(C)(3) from 20 feet to 16 feet in width for SE 64TH Avenue fronting the proposed development. The criteria for granting variances under MMC Section 19.702.1 are as follows.

- i. *The property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.*

Applicant: The extension of SE 64TH Avenue cannot be made wider due to physical constraints on the property. The road cannot be widened to the east because the road would encroach onto the neighboring property. The road cannot be widened to the west because the road would have a sudden shift in the centerline of the roadway, creating a hazardous driving condition.

Staff: The property has unusual conditions over which the applicant has no control. The approval of the existing subdivision, Walker Park Phase I, created a public road, SE 64TH Avenue, which does not meet current requirements for half street improvements. Extension of SE 64TH Avenue is needed to serve the proposed development. As stated by the applicant, the road cannot be widened east until the adjacent property develops and the road cannot be widened to the west because of the shift in the centerline.

Currently, the existing 25-foot half street of SE 64TH Avenue south of the proposed development aligns with the SE 64TH Avenue north of the proposed development. Shifting the alignment of SE 64TH Avenue to provide for the required half street improvement will not align with the portion of SE 64TH Avenue north of the proposed development.

- ii. *There are no feasible alternatives to the variance and the variance is the minimum variance necessary to allow the applicant the use of*

his/her property in a manner substantially the same as others in the surrounding area.

Applicant: Did not respond to this section in the application.

Staff: There are no feasible alternatives to the variance. As stated above, SE 64TH Avenue cannot be widened to the east or west as part of the proposed development. However, when the property on the east side of SE 64TH Avenue develops, the City will require the developer to improve the roadway to full street width. The extension of SE 64TH Avenue will serve the proposed development and will match the existing SE 64TH Avenue serving properties created as part of the Walker Park Phase I subdivision. As a result, the applicant is using the property in a manner substantially the same as others in the surrounding area.

- iii. *Adverse impacts upon other properties that may be the result of this variance shall be mitigated to the extent feasible.*

Applicant: The requested variance is requested in order to match existing conditions of an already established street in order to create the safest and efficient transportation situation for a local street.

Staff: Addition of one single-family residence onto SE 64TH Avenue will have little impact upon other properties. The applicant will be extending SE 64TH Avenue to the north as part of the proposed development. Any additional mitigation is not required.

The Planning Commission finds that the applicant meets the variance criteria and approves the variance request to reduce required travel lane width to 8 feet on SE 64TH Avenue fronting the proposed development. Also, the Planning Commission approves the variance request to reduce the required half-street improvement width to 16 feet.

- D. MMC Section 19.1405.5 establishes approval criteria for transportation review applications and ensure impacts are mitigated.

The Planning Commission finds that the proposed development, as conditioned, meets the approval criteria of MMC Section 19.1405.5 for decisions made under MMC Chapter 19.1400.

- E. MMC Section 19.1406 requires the applicant to provide an assessment and recommend mitigation of local street impacts when any non-residential development adds more than twenty-five (25) through vehicles per day to an adjacent residential local street.

The proposed development is a residential development. As a result, the applicant did not provide a neighborhood through-trip study as part of the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1406.

- F. MMC Section 19.1407 requires streets, sidewalks, and transportation facilities to be safe, convenient, and adequate to accommodate the impacts of new development.

The applicant proposes to construct required street improvements on SE Linwood Avenue, SE 63RD Avenue, and SE 64TH Avenue fronting the proposed development.

Planning Commission has approved an adjustment to reduce the planter strip width from 5 feet to 3.5 feet on SE 63RD Avenue and SE 64TH Avenue fronting the proposed development.

Planning Commission has approved a variance to reduce the travel lane width on SE 64TH Avenue from 10 feet to 8 feet fronting the proposed development.

Planning Commission has approved a variance to reduce the half street improvement width from 20 feet to 16 feet fronting the proposed development on SE 64TH Avenue.

The Planning Commission finds that the proposed development will not result in hazardous or unsafe transportation conditions or unacceptable level of service impacts that cannot be mitigated.

- G. MMC Section 19.1408 requires submission of a transportation impact analysis documenting the development impacts on the surrounding transportation system.

The proposed development did not score the 100 points necessary to require a transportation impact analysis in accordance with the Transportation Design Manual. As a result, the applicant did not provide a traffic impact study as part of the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1408.

- H. MMC Section 19.1409.1 establishes general standards for street design and improvement.

The applicant proposes that each lot of the development will have frontage and access to a public street.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.1.

- I. MMC Section 19.1409.2 establishes standards for street functional classification and improvement standards.

Staff recommends the applicant construct a 22-foot paved half-street, 6-inch curb, 4.5-foot landscape strip, and 5-foot setback sidewalk on SE Linwood Avenue fronting the proposed development.

Staff recommends the applicant construct a 32-foot paved street with 6-inch curbs, 3.5-foot landscape strips, and 5-foot setback sidewalks on SE 63RD Avenue fronting the proposed development.

Staff recommends the applicant construct a 16-foot paved half-street, 6-inch curb, 3.5-foot landscape strip, and 5-foot setback sidewalk on SE 64TH Avenue fronting the proposed development.

The applicant proposes a 2-foot right-of-way dedication on SE Linwood Avenue fronting the proposed development. The applicant proposes a 50-foot right-of-way dedication on SE 63RD Avenue fronting the proposed development. The applicant proposes a 25-foot right-of-way dedication on SE 64TH Avenue fronting the proposed development.

Planning Commission has approved an adjustment to reduce the planter strip width from 5 feet to 3.5 feet on SE 63RD Avenue and SE 64TH Avenue fronting the proposed development.

Planning Commission has approved a variance to reduce the travel lane width on SE 64TH Avenue from 10 feet to 8 feet fronting the proposed development.

Planning Commission has approved a variance to reduce the half street improvement width from 20 feet to 16 feet fronting the proposed development on SE 64TH Avenue.

The applicant proposes to extend SE 63RD Avenue and SE 64TH Avenue to the northern boundary lines of the tract to be developed.

Staff recommends the applicant construct a barricade and sign at the north end of SE 63RD Avenue and SE 64TH Avenue, which shall not be removed until authorized by the Engineering Director.

Staff recommends no signs, structures, or vegetation in excess of three feet in height be placed in "vision clearance areas" at intersections, of streets, driveways, and alleys.

SE Linwood Avenue is listed as a major street. Staff recommends an additional setback from the centerline of Major Streets of 40 feet plus yard requirements of the zone.

The applicant has requested an exception to allow use of the existing pavement on SE 64TH Avenue fronting the proposed development. The pavement was constructed on private property as part of the Walker Park Phase I subdivision. Both the City of Milwaukie Engineering Department and Street Operations Department has looked at the condition of the pavement in question. Staff believes that the existing pavement is in very poor condition and is not adequate to accept into the public roadway system. Staff recommends denial of the request to allow use of the existing pavement on SE 64TH Avenue fronting the proposed development.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.2.

- J. MMC Section 19.1409.3 establishes standards for general street design standards.

The proposed development is less than 3 acres in size. The block length on SE 63RD Avenue and SE 64TH Avenue as part of the proposed development will be less than 800 feet.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1409.3.

- K. MMC Section 19.1410 establishes standards for pedestrian facilities.

The applicant will construct all new sidewalk and driveway approaches on SE Linwood Avenue, SE 63RD Avenue, and SE 64TH Avenue fronting the proposed development to meet the current requirements of the Americans with Disabilities Act.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1410.

- L. MMC Section 19.1411 establishes standards for bicycle facilities.

The portions of SE 63RD Avenue and SE 64TH Avenue fronting the proposed development are not classified as bike routes in the Transportation System Plan. As a result, bike lane improvements as part of the proposed development are not required.

SE Linwood Avenue is classified as a bike route in the Transportation System Plan. The applicant proposes to widen SE Linwood Avenue fronting the proposed development to provide for future bike lanes. Bike lanes will be striped when SE Linwood Avenue is improved north and south of the development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1411.

- M. MMC Section 19.1412 establishes standards for transit facilities.

The portions of SE 63RD Avenue and SE 64TH Avenue fronting the proposed development are not classified as transit routes in the Transportation System Plan. As a result, transit improvements as part of the proposed development are not required.

SE Linwood Avenue is classified as a transit route in the Transportation System Plan. The City of Milwaukie staff has referred the application to TriMet for comment. However, staff has not received correspondence from TriMet regarding the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC Section 19.1412.

- N. MMC Section 19.1413 establishes standards for access management.

The driveway approach must be 7.5 feet from the property line.

The allowed driveway approach width for single-family residential uses is between 9 feet and 18 feet.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC Section 19.1413.

3. Milwaukie Municipal Code requires erosion controls to be installed prior to earth disturbing activities. A condition of approval has been recommended to ensure compliance with this requirement.

Recommended Conditions of Approval

1. Prior to approval of the final plat and issuance of any building permits the following shall be resolved:
 - A. Submit full-engineered plans for all public improvements to the City of Milwaukie Planning Department for review and approval.
 - B. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - C. Provide a payment and performance bond for 100 percent of the cost of the public improvements prior to the start of construction.
 - D. Provide an erosion control plan and obtain an erosion control permit.
 - E. Dedicate 2 feet of right-of-way on SE Linwood Avenue fronting the proposed development.
 - F. Dedicate 50 feet of right-of-way on SE 63RD Avenue fronting the proposed development.
 - G. Dedicate 25 feet of right-of-way on SE 64TH Avenue fronting the proposed development.
 - H. Extend all utility mains to the north boundary of the proposed development.
 - I. Improve existing storm system such that all storm runoff from impervious surface created from the required street improvements is captured and conveyed to the nearest feasible public storm system.
 - J. Install all underground utilities, including stubs for utility service, prior to surfacing streets.
 - K. Construct all required street improvements as follows:
 - i. Construct street improvements on SE Linwood Avenue fronting the proposed development. The street improvements include a 22-foot wide paved half-street with 6-inch standard curb.
 - ii. Construct street improvements on SE 63RD Avenue fronting the proposed development. The street improvements include a 32-foot wide paved street with 6-inch standard curb on both sides of the roadway.
 - iii. Construct street improvements on SE 64TH Avenue fronting the proposed development. The street improvements include a 16-foot wide paved street with 6-inch standard curb on both sides of the roadway.
 - J. Construct a barricade and sign at the north end of SE 63RD Avenue and SE 64TH Avenue, which shall not be removed until authorized by the Engineering Director.

- K. Maintain an additional setback from the centerline of SE Linwood Avenue of 40 feet plus yard requirements of the zone.
 - L. Provide pavement markings on SE Linwood Avenue as part of the required street improvements. Pavement marking improvements will be determined at the time of public improvement plan review.
 - M. The City of Milwaukie shall install all street signs, relative to traffic control and street names. The applicant shall be responsible for the costs of all street signing for the proposed development. Necessary street signage shall be determined as part of the public improvements design review.
2. Prior to final inspection for a building on the proposed development the following shall be resolved:
- A. Submit approved public improvement Mylar "As Constructed" plans to the City of Milwaukie Planning Department.
 - B. Construct 4.5-foot wide landscape strip and 5-foot setback sidewalk on SE Linwood Avenue fronting the proposed development.
 - C. Construct 3.5-foot wide landscape strips and 5-foot setback sidewalk on SE 63RD Avenue on both sides of the street fronting the proposed development.
 - D. Construct a 3.5-foot wide landscape strip and 5-foot setback sidewalk on SE 64TH Avenue fronting the proposed development.
 - E. Construct a private drywell for each lot of the proposed development for runoff created by new buildings. Connect all rain drains to the drywells.
 - F. Trim and remove vegetation and structures, excluding trees and utility poles, to a height less than 30 inches on the proposed development property within a 20-foot radius and in "vision clearance areas" at intersections of streets, driveways, and alleys. Remove all branches and foliage of trees within the 20-foot radii and "vision clearance areas" to a height of 8 feet on the proposed development property.
3. Other requirements.
- A. Construct all public improvements to City of Milwaukie standards for construction.
 - B. Construct sidewalk and driveway approaches to meet all applicable guidelines of the Americans with Disabilities Act.
 - C. Construct driveway approaches 7.5 feet from the property line.
 - D. All driveway approaches for the proposed development are to be between 9 feet and 18 feet in width.