



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, October 24, 2017, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

- 2.1 May 25, 2017 (*continued from 10/10/17*)
- 2.2 June 27, 2017 (*continued from 10/10/17*)
- 2.3 August 22, 2017
- 2.4 September 12, 2017

3.0 Information Items

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

- 5.1 Summary: Silas Heights Subdivision
Applicant/Representative: David Riggins / H.A. McCoy Engineering & Surveying
Address: 11159 SE Maplehurst Rd
File: S-2017-003, with VR-2017-010
Staff: Brett Kelter

6.0 Worksession Items

- 6.1 Summary: North Milwaukie Industrial Area (NMIA) Code Amendments
Staff: Vera Koliass and Amy Koski

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

- November 14, 2017 1. Joint Training Session with City Council: Public Hearing Training
- November 28, 2017 1. Public Hearing: ZA-2017-003/CPA-2017-002 NMIA Code Amendments

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

1. **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. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@milwaukieoregon.gov. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov.
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

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.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Greg Hemer, Chair
Adam Argo, Vice Chair
John Henry Burns
Sherry Grau
Scott Jones
Kim Travis

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kolver, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE
 PLANNING COMMISSION
 SPECIAL SESSION
 MINUTES
 Milwaukie City Hall
 10722 SE Main Street
 THURSDAY, MAY 25, 2017
 6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
 Adam Argo, Vice Chair
 John Burns
 Sherry Grau
 Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
 Amy Koski, Economic Dev. Coordinator
 Brett Kelter, Associate Planner
 Alex Roller, Engineering Tech II

COMMISSIONERS ABSENT

Shannah Anderson

1.0 Call to Order – Procedural Matters*

Chair Hemer called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

***Note:** The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

2.0 Worksession Item

- 2.1 Summary: North Milwaukie Industrial Area Draft Framework Plan and Implementation Strategy Overview
 Staff: Amy Koski

Amy Koski, Economic Development Coordinator, stated the update on the North Milwaukie Industrial Area (NMIA) Plan was to get feedback on key concepts and prepare for the upcoming public hearing. She noted the extensive public process used in developing the draft Framework Plan and Implementation Strategy over the last nine months.

Alex Dupey, MIG, presented the NMIA Draft Framework Plan (Plan) and Implementation Strategy overview via PowerPoint, and noted the Plan was intended to maintain and increase the area's employment potential for next 20 years even as changes occurred in technology, transportation, industry, etc.

Key comments and responses to Commissioner questions from staff and Mr. Dupey were as follows:

- The vision, goals, and objectives had already been vetted through a significant public process, which included the NMIA Advisory Committee, City Council, and a public meeting; some of the comments received had been incorporated.
- While incubator and smaller businesses were the new trend, larger lots with easy truck access were preferable for warehousing and distribution. Transitioning warehouses to flex space and housing smaller incubator spaces was the kind of low-cost adaptive reuse of the older and well-maintained buildings presently occurring in the NMIA. Businesses were also looking for walkable destinations, such as retail, restaurants, and transit that supported the area.
- The Plan would help address how to shift from the adaptive reuse of existing buildings to new construction in the near-term to reach the project vision to attract innovative and entrepreneurial businesses that would increase employment density, provide family wage jobs, and transition from a regional to world-class area.

- The NMIA was best suited for small-scale manufacturing. Heavy manufacturing required a lot of space and would locate elsewhere.
- The sewer treatment systems described in the Plan could be funded through a variety of funding mechanisms, including a local improvement district; however, further study was required.
- In the ecodistrict section, other green infrastructure options should be considered, like green streets and roofs, as well as riparian restoration rather than concepts like sewer mining, which was further out in terms of feasibility and application.

Discussion and comments regarding whether the Ecodistrict Framework made sense and was achievable in the NMIA's long-term vision included:

- A more tangible definition was needed of the achievements necessary to declare the area an ecodistrict. Strengthening the targets and linking the specific actions to implement would facilitate knowing an ecodistrict had been achieved.
- The climate action plan was yet undeveloped.
- The ecodistrict concept should be driven by businesses and not hamper businesses looking to relocate to the area. The ecodistrict could be a selling feature for the City of repurposing the existing buildings. Over-regulations could hamper the development and site changeover, but the City could take actions to help transition the area in concert with the vision of an ecodistrict.

Discussion and comments regarding the proposed zoning, the appropriate amount of commercial/retail square footage, and the minimum and maximum building heights was as follows:

- City Council established a policy direction to not add residential in the new NMIA Zone, but to preserve the existing industry and employment uses.
- The Business Industrial (BI) Zone in Milwaukie was a good example for the southern portion of the NMIA in terms of buildings size and a local retail and restaurant hub serving the employees.
- No feedback or concerns had been received about tall structures next to the highway. Solar access and other design standards would apply to building heights to avoid shading issues around Johnson Creek. Given Johnson Creek's reputation as a great amenity, it was important to pay particular attention to how development would interact with that environment.
- Public agencies owned a large portion and key areas of the NMIA. Those agencies were represented on the advisory committees along with property and business owners, residents, nonprofit organizations, and City staff.
- Manufacturers should be able to have retail space to sell their manufactured goods, but retail as a primary use should not be allowed.
- The ODOT building and large old tree in front were defining elements of the area. Including language to preserve, relocate, and repurpose the ODOT building was suggested. Opportunities to repurpose the buildings could infuse interest into the area in the short-term. ODOT was a willing partner on the advisory group and participated in conversations about what to do with the site, which ODOT now used only for vehicle storage

Ms. Koski announced the public open house on June 27 at 4:30 pm would be followed by the Planning Commission public hearing at 6:30 pm. The City Council public hearing was scheduled for July 18, 2017. Commissioners were asked to email any further comments or questions on transportation to staff.

Chair Hemer called for a brief recess and reconvened the meeting at approximately 7:46 pm.

3.0 Public Hearing

- 3.1 Summary: Rusk Rd Planned Development
 Applicant/Owner: Brownstone Development, Inc. / Turning Point Church
 Address: 13333 SE Rusk Rd
 File: PD-2017-01
 Staff: Brett Kelter

Chair Hemer reopened the public hearing and read the conduct of quasi-judicial hearing format into the record.

Vice Chair Argo declared a potential conflict of interest, noting two members of the applicant's team, Scott Emmens and Zachary Horowitz, were former coworkers. He has had no conversations with any applicant team member about the application.

Chair Hemer declared that when he worked at Milwaukie Lumber five years ago, he had worked with the late Ernie Green, who worked for Brownstone Development.

Vice Chair Argo and **Commissioner Grau** indicated they had reviewed the materials from the previous hearing and were prepared to participate.

Chair Hemer called for public testimony.

In Support

Edward Hacmac, 13033 SE Rusk Road, stated that although his property flooded twice in the last decade, he believed the culvert under the expressway would reduce the risk of the subject property flooding. Traffic was his biggest concern. The school district has a plan to eventually relocate the nearby bus barn, which should dramatically affect traffic. The district line for the two area high schools bisects the property and could cause increased traffic depending on which school system the site ends up feeding into. He suggested working with the church and using its property to help address traffic and wetlands issues. Some wetlands and oaks could be saved by relocating lots from the southwest portion of the site to the area near the community gardens and rearranging the turnaround at the end. Changes along Rusk Road could create an extra lane for turn lane at the Highway 224 intersection.

Eugene Zaharie (5273 SE Jackson St) was called forward to testify but was no longer present. **Mr. Egner** later read aloud the comment that Mr. Zaharie had written on his sign-in slip.

In Opposition

The following people were called for public testimony, but they were no longer in attendance: Christina McCusker, Dan Sweet, John Christianson, Jean Dugan, Brad Whittington, and Mark Fitzsimmons.

Kirby Broderick, 6109 SE Eric St, suggested solutions to several issues, including flooding resulting from prior fill and development, as well as traffic and pedestrian safety. He questioned the foundation of the application, and contended the application was not an affordable housing solution but rather would offer housing at prices the market would bear.

Dominic Maze, 2705 SE 62nd Ave, Portland, noted he was a professional biologist familiar with the ecology and hydrology of this site. While building on the fill area was appropriate, the wetland and oak habitat on the site made most of the site inappropriate for housing. His professional opinion differed from the arborist's report in that he found no diseased Oregon white oaks on the site.

- He disagreed that retention ponds improved water quality, arguing there was a net loss of water quality at the site with the disturbance of the wetlands and their canopy. He urged the

Commission not to allow the variance for this housing development near this rare Oregon white oak woodland growing with ash trees.

- He believed the retention ponds would not be adequate to handle the extremely highwater table in the floodplain in the winter, given the amount of impervious surface proposed. In addition, the non-native plants slated for the retention ponds were not appropriate to the site and would require the use of herbicides in the retention ponds.

Wallace Brown, 5824 SE Kellogg Creek Dr, said there was significant risk for flooding with the addition of more impervious surface at the site, and he noted the back of his property at the corner of Kellogg Creek Dr and Rusk Rd flooded every year. He would like to see more risk mitigation. While Milwaukie should encourage growth, the community should also consider what risk they were encouraging in the future and whether this site plan was the best way to mitigate that risk.

Joseph Edge, Oak Grove Community Council (Clackamas CPO) Director, said the Department of Land Conservation and Development (DLCD) was currently working to implement the new regulations for cities participating in the Federal Emergency Management Agency (FEMA) flood insurance program by March 2018. Most of the houses constructed on the site would lie within the 500-year flood plain, which would see more frequent flood activity due to climate change. The Commission should consider how to mitigate the risk to life and property with creative developments that took into account the increased frequency of a 500-year flood. He agreed this was not a proposal for affordable housing; a development selling at market rates with the residents dependent on cars was not affordable housing for families. He encouraged the Commission to consider what outstanding amenities were being offered and to consider the impacts of allowing variances to create sites without buildable areas outside of the Habitat Conservation Areas (HCAs). He added that the National Marine Fisheries Service (NMFS) was drafting new regulations for development in floodplains, including the 500-year floodplain.

John Ritchie, 7016 SE Savannah St, stated that he and his wife were longtime residents and were concerned about the proposed 92-unit development's impact on the quality of life in the area. While they were not against building homes, they did question whether 92 units were appropriate for this property. They supported previous comments about not impacting the environmentally-sensitive portion of the site. They were looking for a quality development to upgrade the quality of life in the area.

Beverly Curtis, 13182 SE Pennywood Ct, questioned how families could pay the costs of homeownership, including expensive flood insurance and homeowner association fees, if this was affordable housing. She questioned whether the number of children that would live in the development and their impact on the neighborhood schools had been estimated. She asked if the most current floodplain map was being used, and if there was an example of a similar development somewhere.

Mr. Egner read a comment from Eugene Zaharie, 5273 SE Jackson St, in support of the application stating, "92 is better than 80."

Additional Comments by staff:

Referencing PowerPoint slides, staff responded to comments and questions raised previously by the Commission, as well as by the applicant and public testimony, as follows:

- Although the Oregon Department of Fish & Wildlife (ODFW) had provided information to staff via email explaining what "strategy habitat" meant, staff had not yet had time to review it. Copies of the email with the links were available.
- Staff was still researching Commissioner Burn's question about the Department of State Lands (DSL) and the history and legality of the fill.

- Any development on the site would trigger right-of-way improvements and affect the eight oaks in the public right-of-way. Flexibility for designing the right-of-way improvements to save the eight oaks was discussed.
- Staff described how the traffic impact study was used to determine what road improvements should be required. Staff had evaluated the movements at Rusk Rd and Hwy 224 and upheld the recommended condition of expanding the right-turn lane at the intersection.
 - Staff agreed with redoing the traffic counts on a regular school day, although they did not think a recount would change the result in terms of the development's traffic impact.
 - The standard methodology of a traffic impact study involves using the Institute of Transportation Engineers (ITE) trip generation manual, which sets trip generation counts by category of housing type. Housing type also determined system development charges, etc.
 - The undeveloped right-of-way on Rusk Rd is sufficient to widen and extend the turn lane without having to purchase property.
- Staff did not advocate filling in the floodplain, but would administer the rules in Milwaukie Municipal Code Title 18 Flood Hazards for evaluating a proposal to fill in the floodplain.
 - Staff was not sure how the new National Marine Fisheries Service (NMFS) floodplain requirements would affect the City when they were finally implemented. The Commission was encouraged to consider the floodplain alteration issues in the context of the Natural Resources review and the Code's intent to protect the natural resources. The standard was to avoid, minimize, and mitigate impacts to the natural resources. There was also a requirement to build at least one foot above the base flood elevation.
 - When considering the density bonus, the Commission had broad discretion to identify the approach to the floodplain as something to consider in whether or not the development was outstanding.

• **Mr. Kelper** reviewed the five general approval criteria for a planned development that applied with or without a density bonus request. The third criterion regarding capacity of existing utilities could be used by the Commission to address traffic concerns, whether or not required improvements were triggered. The fourth and fifth criteria, along with the natural resource review, could provide discretion to consider factors such as floodplain impacts. Mr. Kelper added that requiring outstanding design and extraordinary amenities for the density bonus (beyond the maximum allowed 80 units) effectively functioned as a sixth criterion.

Mr. Kelper noted that the Commission's deliberation could include the Commissioners' own assessments and their evaluation. He reminded them that one question to consider was whether alternatives to the development had been sufficiently explored with regard to natural resources.

Staff responded to four points of concern raised by the applicant during their presentation:

- The prospect of adding a right-turn lane on Rusk Rd has already been addressed.
- Public access to the trail system could be considered as either a condition or an element of the proposal.
- North Clackamas Parks & Recreation District (NCPRD) indicated an interest and willingness to discuss how NCPRD might be involved with the open space, but they did not want to simply contract for maintenance of the area.
- A proposed condition of approval required that the FEMA maps, which also addressed flood insurance requirements, be revised before construction.
- Although the planned development approval expired after six months, the Code offered flexibility to use a phased timeline for the development plan and program.

- Some suggested revisions to the findings and conditions in light of the natural resource report provided by ESA were as follows:
 - A condition to allow the City to look at the site again after the FEMA map corrections, to more accurately capture the HCAs (especially with respect to the oak trees) and correct the City's natural resource administrative map for the site.
 - A condition to preserve prior restoration plantings on the site where practicable.
 - A condition to take measurements along the bottom of the proposed slope to confirm the actual disturbances resulting from the physical construction.
 - A condition for a weed control and mitigation plan.
- Staff would need additional supporting material and time to evaluate the alternative revised site plan. The applicant could choose to extend the 180-day land use clock, if needed.
- Staff recommended the Commission continue the hearing and provide direction to staff and the applicant about changes the Commissioners would like to see. Staff highlighted several questions for the Commission to consider in light of the revised plan during deliberations.

Mr. Egner confirmed that the Commission could use the findings presented by staff to approve the original plan. However, staff believed the Commission would prefer the revised plan or a different plan over the original plan.

Applicant's Rebuttal

Chair Hemer called for the applicant's rebuttal.

Serah Breakstone, Senior Planner, DOWL, noted Mr. Kelter's comment about the flexibility regarding the half-street improvements on Kellogg Creek Dr that would allow saving the oak trees and stated that the applicant was willing to work with Engineering to figure out how to save more of the trees.

Scott Emmens, Senior Civil Engineer/Project Manager, DOWL, discussed the stormwater facilities. While the City preferred not to detain water on the site, the wetlands impact triggered a SLOPES V requirement for stormwater detention on the site. The applicant had followed the latest guidelines for retention ponds. With respect to the retention pond size, the team's predevelopment conditions were modeled after the 100% forested area found by Lewis & Clark. The water quality facilities were designed to detain the maximum pre- versus post-development conditions.

- He described how a worst-case-scenario methodology was applied to the site to draw the 70-ft flood stage elevation across the entire site, even though part of the site had a FEMA flood stage elevation of 66 ft. He believed the proposed mitigation more than compensated for the floodplain impact and created 600 cubic yards more of available storage on the site than what was there previously.
- He confirmed that the proposed mitigation would not improve the floodplain upstream or downstream, but only on the site itself.

John Van Staveren, Wetland Scientist, Pacific Habitat Services, 9540 SW Commerce Circle, Wilsonville, said he understood the concerns of the Watershed Council regarding the natural resources in this area. He reviewed the process his team went through in conducting the natural resource studies, including a wetland delineation approved by DSL, a plan presented at the neighborhood meeting, and an onsite meeting with the Army Corps of Engineers and DSL to review the plan. In accordance with the directive to avoid, minimize, and mitigate, the applicant's team minimized the wetland impact to .07 acres of impact on the wetland extremities, down from half an acre of impact. He added:

- It appeared that all of the oaks would be saved through redesign. As part of the required HCA mitigation, the applicant would need to complete the unfinished restoration of the riparian area and habitat.

- The criteria to treat stormwater came from the NMFS determination that Coho salmon were adversely affected by stormwater entering essential salmon habitat, such as Mt. Scott Creek, and there were treatment and detention requirements to mitigate the effect, which exceeded the requirements of local jurisdictions in Oregon. NMFS was currently reviewing the stormwater treatment plan for this site.
- He acknowledged that the endangered and at-risk species listed in the letter from ODFW were found in the area and creeks. The letter was general and appropriate in reflecting the ODFW's charge to protect habitat, but it did not go into detail about any physical impacts or mitigation related to the project.
- With regard to Mr. Maze's testimony about potential damage to the oaks from nearby development activities, he suggested asking the team's professional arborist for her opinion on the risk level involved.
- He confirmed that the rare plant found at the site and at Crater Lake would not be directly impacted nor was it a protected species. However, its level of protection did merit investigation.

Chris Brehmer, Principal Engineer/Licensed Traffic Engineer, Kittelson & Associates, reviewed the items in his memorandum responding to public testimony and distributed to the Commission. Although Kittelson received concurrence from review agencies that the trip rates used were appropriate, the traffic impacts of using single-family detached trip rates had been evaluated, and the trips generated were still within the agency performance standards. He addressed additional questions from the Commission as follows:

- Although the first traffic study was not done during a school day, the counts had been adjusted based on a similar study nearby and had yielded results that he was confident represented the conditions at Rusk Rd. In his professional opinion, he did not see a problem meeting the City's or any agencies' standards.
- Although ODOT prioritized traffic flow on highways with regard to traffic light rotation, when existing conditions changed due to growth in background and regional traffic, rotation times may increase to accommodate the greater demand on the side street.
- If a condition was made to expand the right-turn lane, he requested that flexibility be provided with the turn lane design; if the right-of-way was insufficient for the design, private developers could not exercise eminent domain to obtain additional property to complete a required improvement.

Ms. Breakstone observed that "affordable housing" had many different meanings, definitions, and connotations. The proposed housing was intended to be affordable at the market rate for working households with moderate incomes. She read a statement from the April 4th memo from Johnson Economics in support of the intended cost-sensitive starter family market that would value the local amenities and proximity to employment and commercial services. She noted the many values on the site--from floodplain storage, wetlands, white oaks, and the stream--to its development potential. The proposed revised site plan allowed the developer to maximize the development potential of the property while protecting the white oaks and minimizing the impacts to the natural area.

The applicant's team addressed additional questions from the Commission as follows:

- The church was not part of the development area or the 13.9 acres of the site plan.
- Currently, the improvements shown on the site plan along Rusk Road were limited to closing off the existing driveway in the southeast corner of the site. There was no room for a bike lane southbound on Rusk Rd from Hwy 224. The bike/ped trail connecting to the cul-de-sac went through the site and on to Kellogg Creek Dr. Since the right-of-way along the church frontage on the western side of Rusk extended only six inches behind the existing sidewalk, any church frontage improvements would be up to the church.

- The developer would accept a condition to allow public use of the soft surface trail and the bike/ped connection, per the developer's original intention.
- The applicant had not drafted language for a condition about granting the western open space to NCPRD.

Randy Myers, Brownstone Homes, 20475 S Fernview, West Linn, OR, confirmed that Brownstone would welcome continued discussion with NCPRD about taking over the open space. However, a public easement across the entire property could be an issue with regard to illegal camping. The condition also depended on how many units they were allowed, due to the break point involved. If 92 units were approved, he would sell the land to NCPRD for \$1. The developer disagreed with reducing the plan to 88 units, as the project functioned on volume of sales rather than individual sales and removing units escalated the costs per unit. He added:

- The preference was for NCPRD and the Watershed Council to manage the open space; however, the applicant was agreeable to the homeowner's association (HOA) providing funds to the Watershed Council to maintain the tract.
- He noted there was a certain window of time in which they could develop the site because of fill issues, adding they could not move fill in October.

Chair Hemer asked Mr. Runyard whether the Watershed Council would be willing to take money from the developer to maintain the creek.

Chris Runyard, responded he did not know, as that would be a discussion item for the Board. He agreed NCPRD was probably the best agency to deal with a contiguous wetland and oak forest.

Commissioner Burns asked if Mr. Runyard would be willing to accept the density bonus in exchange for guaranteed protection of the rest of the site by NCPRD according to the revised plan. **Mr. Runyard** replied no, he was not prepared to negotiate away what little old growth oak trees and wetlands were left in this area that had already been compromised.

Chair Hemer confirmed the applicant had no further rebuttal and closed the public testimony portion of the hearing.

Planning Commission Deliberation

Chair Hemer suggested continuing the hearing to allow the applicant to conduct a new traffic study on a school day and for staff to draft new conditions and findings to support the revised plan, including one accessway and a right-of-way alignment that did not remove any oaks. The Commission would also further review the information presented tonight. He believed the original traffic study was flawed because it did not count the actual traffic on Rusk Rd.

Commissioner Burns concurred, stating it would be wrong to move forward without another traffic study. He cited the amount and unanimity of the public testimony about how bad the traffic really was versus the professional traffic engineers' credible testimony.

Mr. Egner confirmed that the inclusion of new information would require the Commission to reopen the hearing for the applicant and public comment, but the testimony could be limited to the new information of the traffic study, the conditions, and the revised findings only.

Chair Hemer noted that the main issues raised during public testimony were flooding, traffic, density, and environmental impacts. He did not know if the revised plan changed the flooding issue and noted the Commission needed to consider whether there was enough public benefit for the 92-unit density.

Commissioner Grau suggested that the Commissioners discuss what they defined as 'exceptional' and the criteria for meeting that standard in light of the requirement that the project provide sufficient public benefit to merit the density bonus.

Mr. Egner confirmed that the revised plan required a variance to the number of lots served by one access. If the Commission rejected the variance request, the applicant would have to put in a second accessway, which could possibly reduce the density.

The Commission was in consensus that the revised plan was better than the original proposed plan and that the site was available for homebuilding. The Commission also consented to go through the process again with the revised plan and questions related to the planned development zone then instead of now.

Discussion by the Commission continued with these key comments:

Commissioner Grau asked if any other Commission member wanted to hear from the arborist besides herself.

- Staff was asked to have an arborist corroborate the information from the environmental scientist regarding the ecological effects described.
- A straw poll was conducted regarding the requested 92 units. Commissioner Burns believed he could approve the 92 units. Commissioner Grau and Vice Chair Argo were unsure, and Commissioner Travis was not sold on 92 units.
 - The Commission needed to understand the intensity of use introduced on the site and the related aspects. Although the traffic engineers were confident another traffic study would confirm the project still met the intersection thresholds, the level of service designation did not address pedestrian safety.
 - The 92 units were leverage to achieve other benefits in the site plan, such as further minimizing the wetland impacts, protecting all the oaks, turning the wetlands over to NCPRD for protection indefinitely, and providing safer passage for kids. Achieving those objectives with 80 units was preferable, but 92 units was acceptable in order to achieve those benefits.
 - The arborist's professional opinion about the oaks along the edge of the development near the slope was needed before determining whether 92 units would be acceptable.
 - The amount of excavation required or how the bank would look were both unknowns, and there were an infinite number of possibilities. The Commission had already seen two alternate proposals with different amounts of cut and fill and different amounts of oaks preserved or removed.
- With regard to the findings, the arborist's opinion was of more consequence than the applicant doing another traffic study.
- The Commission agreed that saving and protecting the oaks was a criterion for exceptional design. The arborist's opinion really mattered because the Commission needed to know that the oaks would be saved now and would live for another 10 years.

Chair Hemer suggested using the revised plan with the accessway variance and the right-of-way change that saved the most oaks. He did not believe the 92 units should be an issue if the arborist's testimony was what would sway the Commission.

Mr. Egner said staff would work with the applicant to get all the background information they needed to bring back a set of findings and conditions, plus a new arborist report and a new traffic study.

The Commission requested the following information from staff:

- Confirm that sufficient right-of-way existed to widen the right-turn lane on Rusk Rd and that there were no other issues involving the right-of-way.

- Talk with NCPRD, draft a finding to turn the open space over to them and determine what things NCPRD would want to list as conditions.
- Confirm that the school district would be moving the bus barn in a couple of years.
- Provide the square footage of the fill proposed under the revised plan.
- Determine what was being built on the existing fill versus new fill, and research any potential liability or history regarding the illicit fill.

It was moved by Commissioner Grau and seconded by Vice Chair Argo to continue the public hearing for PD-2017-01 for 13333 SE Rusk Rd to a date certain of June 27, 2017. The motion passed unanimously.

4.0 Planning Department Other Business/Updates – None

5.0 Planning Commission Committee Updates and Discussion Items – None

6.0 Forecast for Future Meetings:

- | | |
|---------------|--|
| June 13, 2017 | 1. Public Hearing: PD-2017-002 13333 SE Rusk Rd- <i>continued tentative</i> |
| | 2. Public Hearing: DEV-2017-006/VR-2017-002 29 th Ave Triplex |
| | 3. Public Hearing: S-2017-002 4217 SE Railroad Ave |
| | 4. Public Hearing: VR-2017-004 11630 SE 27 th Ave ADU |
| June 27, 2017 | 1. Public Hearing: S-2017-002 4217 SE Railroad Ave- <i>continued tentative</i> |
| | 2. Public Hearing: WG-2017-002 Eagle and 21 st Avenue |
| | 3. Public Hearing: NMIA Framework Plan and Implementation Strategy |
| | 4. Worksession: Vision/Comprehensive Plan Update |

Chair Hemer confirmed the Commission would not have the worksession scheduled on June 27th and that the Rusk Rd public hearing would be addressed first on June 27th.

Meeting adjourned at approximately 10:34 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, June 27, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Adam Argo, Vice Chair
John Burns
Sherry Grau
Scott Jones

STAFF PRESENT

Denny Egner, Planning Director
Amy Koski, Economic & Resource
Development Coordinator

COMMISSIONERS ABSENT

Kim Travis
Shannah Anderson

1.0 Call to Order – Procedural Matters*

Chair Hemer called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes

- 2.1 April 25, 2017
- 2.2 May 9, 2017

It was moved by Commissioner Jones and seconded by Commissioner Burns to approve the April 25, 2017 and May 9, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items - There were none.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

- 5.1 Summary: Rusk Rd Planned Development
Applicant/Owner: Brownstone Development, Inc./Turning Point Church
Address: 13333 SE Rusk Rd
File: PD-2017-001 (master file)
Staff: Brett Kelter

Chair Hemer called the public hearing to order, noting the hearing was to be continued to a certain date of July 25, 2017.

It was moved by Commissioner Grau and seconded by Commissioner Jones to continue the public hearing of PD-2017-001 for 13333 SE Rusk Rd to a date certain of July 25, 2017. The motion passed unanimously.

5.2 Summary: North Milwaukie Industrial Area Framework Plan and Implementation Strategy

Applicant: City of Milwaukie

Staff: Amy Koski

Chair Hemer called the public hearing to order and read the conduct of a legislative hearing format into the record.

Amy Koski, Economic Development Coordinator, noted that she and City consultant, Alex Dupey, had previously provided an overview of the North Milwaukie Industrial Area (NMIA) Draft Framework Plan and Implementation Strategy.

Alex Dupey, Director of Planning Services, MIG, briefly highlighted the key components of the Framework Plan and Implementation Strategy via PowerPoint, noting the history and existing conditions of the NMIA and describing key areas that required further input from the Planning Commission.

Ms. Koski described the history of the current zoning and the zoning changes proposed in the Framework Plan. She noted City Council's policy direction concurred with public feedback, which was to limit residential use to the north consolidated M-TSA zoned section and not allow it in the newly proposed NMIA zone. The Commission's input was sought on residential use in the NMIA, general feedback on the concept plan, and if there were other concerns that needed to be addressed.

Key discussion items and responses to Commissioner questions were as follows:

- The 65-ft building height limit reflected the building heights in M-TSA Subareas 1 and 2 and the 5-story height limit in downtown. Taller buildings allow for more intense use and staff was concerned about increased intensity that may negatively impact the highway and trigger highway improvements under the State Transportation Planning Rule (TPR)
- A 1,000-ft buffer was required for any marijuana production sites in the NMIA, therefore the number of facilities would be limited.
- Retail uses were envisioned to primarily serve employees in the NMIA district, not as destination retail. Although the M-TSA promoted mixed use residential and smaller manufacturing, the 5,000 sq ft limit per use would help minimize traffic. Mitigating for traffic was an issue for rezoning.
- The Plan was setting a framework for more specific zoning discussions later. Specifics on how to accommodate retail and the uses allowed by zoning were more detailed than what the Framework Plan addressed.
- The Transportation Impact Analysis (TIA) would clarify what impact the proposed Plan would have on the transportation system and whether mitigations would be needed for Oregon Department of Transportation (ODOT). The TIA would enable the City to solve transportation impacts at the planning stage rather than the project stage.
 - The TPR analysis was not required for adoption of this plan, but a sensitivity analysis was needed to understand the general traffic impacts. For zoning purposes, the TPR and consideration from ODOT might be necessary; ODOT could require mitigations for a high level of increased traffic within its system. Substantial traffic differences existed between a 60,000 and 20,000 sq ft commercial building,
 - For the traffic sensitivity analysis, all four M-TSA subareas would be combined. A baseline was established as part of the existing traffic conditions in the existing zoning

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within the four subareas, but a sensitivity analysis would show the area as it would be with the proposed changes. The baseline was in the existing conditions report available on the project website.

- The proposed retail square footage limitations were due to the number of trips being generated and the site's location attracting drive-by customers. Electrical power substations and utilities did not generate traffic, so they did not have the same proposed square-footage limitations.

Mr. Egner confirmed the City received written correspondence not included in the packet that was distributed prior to the meeting. At the open house, he spoke with Mike Donovan, who works for Pendleton Woolen Mills and expressed concern about the reduction in retail square footage, but said he wanted more time to look it over before commenting.

Chair Hemer called for public testimony.

Ed Zumwalt, 10888 SE 29th Ave, Milwaukie, said he believed there were misunderstandings about what the rezoning would mean for the Dietrich's Mill End Store property and asked the Commission to consider the Dietrich's when considering the zoning of their property.

Eric Hovey, Economic and Development Consultant, stated he had done an economic viability evaluation for future redevelopment of the Oregon Worsted (Mill End Store) site, owned by Mr. Dietrich. The property was the only site in the NMIA located completely within the 100-year floodplain, which meant future redevelopment must be elevated above the floodplain, likely requiring structured parking on the ground level with additional levels above. In the metro area, only office, housing, and retail development supported the cost of building structured parking; however, the current zoning and the proposal only allowed industrial and office uses and precluded housing and limited retail. The Oregon Worsted property's situation was unique among properties in the NMIA area.

Peter Stark, 2939 NW Cornell Rd, Portland, OR, stated he was a consultant representing the Dietrichs and served on the NMIA Project Advisory Group (PAG). He noted the PAG had concerns about the Oregon Worsted site and wanted to address this site in particular. He referenced the floodplain map used in the NMIA document and that the Oregon Worsted property and adjacent property were the only ones impacted by the floodplain. The Commission had authority to create an overlay or exception because of the floodplain and unique condition of these properties. Without some concessions regarding residential use on this site, there was no way for the Dietrichs to redevelop the property. He added:

- Since the site was buffered by roadways and landscaping, there were options to ensure residential development, there were ways to work with the Dietrichs to ensure the development did not negatively impact the residential or industrial uses.
- Housing at this location could be an attractor for the retail downtown and also serve as workforce housing to support the industrial area.

Nancy Bishop Dietrich spoke about the history of Oregon Worsted Company and its involvement in the community. She requested a zoning overlay be included in the proposal to allow mixed use in the residential area. As a non-conforming use, they could not use grandfather rights to rebuild due to their location in the flood zone. She noted the family had the support of their neighbors and the Downtown Business Association.

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Howard Dietrich, 9701 SE McLoughlin Blvd, Milwaukie, noted the 65,000-sq ft Mill End Store had a number of long-term employees, and was a destination retail use and brought consumers into Milwaukie. He added:

- Since purchasing the property, the zoning had changed so no fill or building was allowed in the floodplain, which eliminated the ability to rebuild if another flood occurred. He noted that they purchased the property many years ago at the City's request. Building residential above the retail would allow them to rebuild the property to include their Mill End Store.
- The Dietrichs were a contributor to the community and wanted to be able to continue business in their current location.
- He noted the Bishop family had been in Milwaukie since before 1918, and that the proposed plan would also eliminate Pendleton Woolen Mills. These historic businesses were part of the fabric that made Milwaukie special.

Brian Heiberg, Heiberg Garbage & Recycling, 2300 SE Hanna Harvester Dr, Milwaukie, stated his company was in a good location and currently the business was an outright permitted use. However, the proposed Plan would change the business to a conditional use. He was very concerned about what that would do to future expansion opportunities. He wanted the company to remain a permitted use, noting they had been there for 25 years with no issues or problems.

Scott Churchill, 2708 SE Munroe St, Milwaukie, said he supported the NMIA Plan, which addressed a critical part of the city needing development. The area had some unique parcels, including the Mill End Store site, which was in the floodplain and had some development issues without a special overlay zone. He added:

- Workforce housing was needed in the area given the gentrification within the city that was pushing out affordable housing. The City was trying to create a workforce zone for employment, but if housing costs drove the employees to live in other areas, it would be a problem. Having workforce housing above the Mill End Store was a great opportunity and encouraged the Commission to consider workforce housing closely.
- He supported Mr. Stark and Mr. Hovey's research and encouraged the Commission to consider an overlay zone as proposed by Mr. Stark.

Mr. Dietrich confirmed that if granted a mixed-use overlay, he would plan the development now, and hope to develop before another flood occurred.

Chair Hemer called for staff comments.

Staff distributed and highlighted the letter from City Manager Ann Ober that addressed concerns heard in a recent meeting with the Dietrichs, Mr. Stark, Community Development Director Alma Flores, and Ms. Koski. Staff added:

- The floodplain section of the code did not include any provisions for rebuilding non-conforming uses in the floodplain, so if the Mill End Store building flooded or burned down, it could not likely be rebuilt without the building being elevated above the floodplain.
- While no specific flood zones existed, the entire area was tied to FEMA maps, which showed the entire area in the floodplain.
- Different code provisions applied depending on whether a structure was in the floodplain or floodway.
- The subject proposal would not negatively impact current property owners, other than to provide them with more flexibility by allowing an office use to be built.

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- The proposed land uses would not preclude development with parking underneath. The Plan addressed what land uses should be developed outside of the floodplain.
- The advisory group extensively discussed including residential in the NMIA zone; however, the Plan envisioned the area, primarily the new NMIA zone, as an entrepreneurial incubator and innovation district rather than a residential area. The majority of the advisory committee agreed the NMIA should be an employment focused district. The M-TSA still provided mixed use and those densities were proposed to be increased. City Council also indicated a desire for employment in the district, rather than housing.

Chair Hemer called for a brief recess, reconvening the meeting at approximately 8:48 pm. He confirmed there were no further public comments and closed the public hearing.

Discussion continued regarding the key issues and the Commission concurred on the following points:

- Item P8 in document S.5.2, related to marijuana businesses and production in the NMIA zone, needed further explanation prior to the proposal being sent to Council. Marijuana businesses and production should be zoned as a conditional use in the NMIA zone.
- Some bonuses, such as building height and floor-area ratio (FAR) bonuses, should be allowed to encourage the ecodistrict and employment/entrepreneurial incubator goals of the district. Further details would be discussed during the code drafting phase.
- Allow 20,000 sq ft retail developments and 30,000 sq ft conditional use developments without the 5,000 sq ft retail restriction in the M-TSA zone.
- An overlay zone of M-TSA standards would be established with a 10-year sunset and no stand-alone multifamily use allowed in the quadrant south of Milport Rd between McLoughlin Blvd and 17th Ave. The Commission was split on including the sunset clause.
 - The Commission had deliberated the pros and cons of implementing a site specific, mixed use overlay on the Oregon Worsted site or extending the M-TSA zone in the quadrant south of Milport Rd. The quadrant bordered residential uses and featured livability benefits and connectivity to Sellwood and downtown. Concerns were raised about increased property values resulting in the highest and best land uses changing to high utilization residential, which would displace jobs and existing businesses and resources.
 - Different approaches were discussed, including extending the M-TSA zone and creating a floating zone or overlay with a sunset clause.
- The Heiberg waste management site should remain a permitted use.

It was moved by Vice Chair Argo and seconded by Commissioner Grau to recommend to City Council adoption by resolution of the North Milwaukie Industrial Area Framework Plan and Implementation Strategy as amended. The motion passed unanimously.

Meeting adjourned at approximately 10:00 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, AUGUST 22, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Adam Argo, Vice Chair
John Burns
Sherry Grau
Scott Jones

STAFF PRESENT

Denny Egnor, Planning Director
Vera Koliass, Associate Planner
Mary Heberling, Assistant Planner
Dan Olsen, City Attorney

COMMISSIONERS ABSENT

Kim Travis

1.0 Call to Order – Procedural Matters*

Chair Hemer called the meeting to order at 6:42 p.m. and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes

2.1 June 13, 2017

Commissioner moved and Commissioner moved to approve the June 13, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egnor, Planning Director, noted that the final approval of the Community Vision as part of the Comprehensive Plan Update project was scheduled for the September 5th City Council meeting, as well as the Kellogg Creek/Rusk Rd Planned Development public hearing.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Tutoring School
Applicant/Owner: Tamara Jata, Blueberry House Tutoring LLC
Address: 10670 SE 52nd Ave
File: CSU-2017-004
Staff: Vera Koliass

Chair Hemer called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Chair Hemer reported an ex parte contact as he was vice chair of the Linwood Neighborhood District Association (NDA) and had a conversation about land use with the land use committee Chair Jesse Tremblay, but did not discuss this project.

Vera Koliass, Associate Planner, presented the staff report via PowerPoint and reviewed the proposal to run a religious-based educational tutoring school that would share space and operate out of the Living Water Community Fellowship Church. She noted the enrollment, staffing, and schedule of the school. She reviewed the approval criteria for a community service use regarding parking, location and use, neighborhood compatibility, and public benefits.

Ms. Koliass reviewed the compatibility criterion and said that the engineering review concluded that the increased trip generation was not significant. Hours of use did not conflict with the church use hours. Staff recommended approval with the recommended findings and conditions with an additional condition for bicycle parking.

Ms. Koliass answered questions from the Commission:

- Regarding the condition for frontage improvements, through the proportionality analysis and with the increased trip generation, the Engineering Director found those improvements were required.
- Any new use in addition to an existing community service use required Type III review.

Chair Hemer called for the applicant representative testimony.

Sonja Souder, 665 Zepher Way, Molalla OR 97038, stated she was the property manager and deaconess of the church. She noted the partnership between the church and Blueberry Tutoring. The church wanted the building to be appropriate for the school and noted the limited income for greater modifications.

Chair Hemer closed public testimony.

Commissioner Jones moved and Commissioner Burns seconded to approve land use application CSU-2017-004 with the findings and conditions as presented. The motion passed unanimously.

5.2 Summary: Summary/File(s): Logus Rd Subdivision
Applicant/Owner: Julian Illingworth
Address: 4543 SE Logus Rd
File(s): S-2016-002, VR-2016-010, PLA-2016-002
Staff: Mary Heberling (*continued from July 25, 2017*)

Chair Hemer called the hearing to order and read the conduct of continued quasi-judicial hearing format into the record and noted the focus of the continued hearing was on the right-of-way variance.

Commissioner Burns declared an ex parte contact, and stated Mr. Seitz, an adjacent property owner to the subject property, approached him after the previous hearing regarding redeveloping Mr. Seitz's property. Commissioner Burns told Mr. Seitz that it was inappropriate for a Commissioner to speak about a potential application.

Mary Heberling, Assistant Planner, presented the staff report via PowerPoint. She reviewed the proposal, the conceptual site plan, and the Melody Ln improved right-of-way (ROW) approved at the previous hearing. The focus of this hearing was regarding the 15 ft ROW dedication for a future connection between Logus Rd and Melody Ln.

Ms. Heberling stated the reason for the dedication was that Melody Ln was at its 400-ft length limit for a dead-end street and required a connection for this subdivision to occur. She added that Commissioner Burns had questioned if the dedication could act as a formal pedestrian pathway before the actual street construction occurred when the lot to the east developed.

Ms. Heberling presented new information and options for the Commission to consider.

- A previously-noted benefit for the formal pedestrian pathway was access by neighborhood children to Lewelling Elementary; however, the boundary for the adjacent properties was actually for Ardenwald Elementary.
- If a formal pathway was created, it would not be required to be paved as a gravel path could be made to be compliant with the Americans with Disabilities Act (ADA).
- Option 1 was to restrict vehicle and pedestrian access, which could limit conflict with the existing driveway and maintained proportionality, but would restrict public pedestrian access to a public ROW.
- Option 2 would allow for an informal pathway which could allow for pedestrian access but still limit conflict with the existing driveway.
- Option 3 was for a formal pedestrian pathway that could provide an ADA-compliant pathway and pedestrian access to nearby locations, but could come with a higher cost to the applicant and conflict and confusion regarding access.

Ms. Heberling reviewed comments received and the decision-making options. She answered questions from the Commission.

- Regarding research on a similar pedestrian pathway near Ardenwald Elementary, it was intended to be a pathway. Similar informal pathways existing in the city where the ROW was unimproved and vehicle access was restricted.
- Due to proportionality and the ROW being provided by the applicant, improvements on that ROW could not be required.
- The developer would be required to improve Melody Ln and dedicate the north-south 15-ft ROW. Once the adjacent property to the east developed, another proportionality analysis would be done to determine if any ROW should be dedicated, but the City would be responsible for finding the funding for the actual road connection.

Chair Hemer called for the applicant's testimony.

Julian Illingworth, 6334 N Curtis Ave Portland, clarified where the current gravel road was and the accessory dwelling unit on Lot 1 was intended to stay. He was in favor of either Option 1 or Option 2 regarding the pedestrian pathway and said the neighbors would likely use the pathway regardless of signage. Regarding ROW improvements for the dedication, Lots 1 and 3 essentially would have already paid their proportionality and so a local improvement district (LID) including those lots would be objectionable.

Chair Hemer closed public testimony.

Planning Commission Deliberation

Commissioner Burns agreed that the disadvantages of Option 3 for the pathway ruled that option out and he would lean toward the informal pedestrian access for the neighborhood. He was in favor of considering a waiver of remonstrance to a future LID to remove a potential hurdle to future improvements.

The Commission agreed and was in favor of Option 2 to allow informal pedestrian access.

Mr. Egner clarified that the Commission could include the waiver of remonstrance as a condition if the proportionality called for it with future development. He added that improvement of that ROW was required for development of the adjacent and nearby properties to the east.

Dan Olsen, City Attorney, added that the condition should include the development of the nearby properties as to prevent one or two property owners shouldering most of the LID cost.

Chair Hemer noted he did not agree with the waiver of remonstrance condition.

Commissioner Burns moved and Commissioner Grau seconded to approve land use applications S-2016-002, VR-2016-010, and PLA-2016-002 for 4543 SE Logus Rd with the recommended findings and conditions as amended to include the conditions for Option 2 for an informal pedestrian pathway access and a waiver of remonstrance with a proportionality clause. The motion passed unanimously.

5.3 Summary/File(s): Kellogg Bridge Replacement
Applicant/Owner: Rick Buen, City of Milwaukie
Address: 11211 SE McLoughlin Blvd
File(s): WG-2017-002, NR-2017-002
Staff: Vera Koliass

Chair Hemer called the hearing to order and read the conduct of continued quasi-judicial hearing format into the record.

Vera Koliass, Associate Planner, presented the staff report via PowerPoint. She identified the location of the project within Riverfront/Milwaukie Bay Park and noted the zoning, water quality resource areas, habitat conservation areas, and Willamette greenway overlay. She outlined the project elements and noted the key questions for the Commission to consider regarding the Willamette Greenway objectives.

Ms. Koliass described the project elements that would enhance the area and recreational qualities of the lands along the Willamette River. The proposed bridge design was an improvement and would create a sense of permanence and serve as a gateway. The current state of the area had been scoured due to weather events in recent years and the reconstruction of the bridge would help correct the scour and erosion issues, and the bank stabilization would create fish habitat structures and vegetation to the area. Overall, it was an improvement and repair project. She noted the revised mitigation plan included in the meeting packet.

Ms. Koliass noted the recommendation for approval by the Design and Landmarks Committee, and reviewed the decision-making options.

Staff and the applicant answered questions from the Commission as follows:

- **Rick Buen, Civil Engineer and Applicant**, clarified that the sidewalk to the south of the bridge was an existing sidewalk. An extension of the sidewalk would be part of Phase III of the Riverfront/Milwaukie Bay Park project and was not part of this bridge replacement project.
- **Randy Reeve, Reeve-Sherwood Consulting**, consultant team for the City, responded regarding the removal of the Kellogg Creek dam that although this bridge was set away from the Oregon Department of Transportation (ODOT) bridge, this bridge would be constructed to set the stage for removal of the ODOT bridge by shifting the bridge to the west and built with an adequate opening for the streamflow.

Commissioner Grau moved and Vice Chair Argo seconded to approve land use applications WG-2017-002 and NR-2017-002 with the recommended findings and conditions as presented. The motion passed unanimously.

5.4 Summary/File(s): Project Galaxy Design Review
 Applicant/Owner: Kurt Schultz, SERA Architects
 Address: 2036 SE Washington St
 File(s): DR-2017-001, VR-2017-007
 Staff: Vera Kolias

Chair Hemer called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Ms. Kolias presented the staff report via PowerPoint. She reviewed the site location, features, and zoning. The proposal was for a 5-story mixed-use building with ground floor retail and commercial and 110 residential units above, with interior vehicle and bicycle parking. The fourth story height bonus was for residential, and the fifth story height bonus was for a Green Globes certification for the building. The variance request was for the 6-ft step back requirement for levels four and five and for the minimum access standards for the garage entrance proposed between Main St and 21st Ave.

The proposal met the downtown design standards but for two. One standard required a 15-ft break in the horizontal building façade along Washington St; the applicant proposed a vertical band of projecting windows and color and material changes to break up the façade. Also, mural art was proposed for either side of the garage entrance. The second standard not met was for 60% of the upper floor windows to be vertically oriented. The proposal met approximately 50% of the requirement and the applicant proposed oversized windows to mitigate the difference.

Ms. Kolias reviewed the Design and Landmarks Committee (DLC) recommendation for approval of the 6-ft step back variance but to require a minimum 4-ft step back on the fifth floor on the 21st Ave and Washington St facades. The DLC also recommended approval of the Design Review application with additional comments regarding cedar paneling alternatives, mural size, additional Washington St canopies, transparency, and street trees. The applicant provided more information as requested by the DLC.

Key questions for the Commission to consider were as follows:

- Did the proposed design sufficiently address the downtown design guidelines and standard purpose statements through the Type III review process?

- **Ms. Kolias** reviewed the standards and purpose statements of the design standards for building façade details and for windows and doors, and noted the applicable design guidelines for Milwaukie character, pedestrian emphasis, architectural features, and lighting and landscaping.
- She said staff believed the proposed design met the guidelines with features for an active storefront to promote a lively downtown and pedestrian experience, views oriented toward the river, integrated art, natural materials, varied architectural features, and prominent corners and entrances.
- Was the variance to the 6-ft step back for the fifth floor reasonable?
 - Ms. Kolias said the proposal included a tripartite façade to break up the bulk and mass of the building, and the shadow boxes on the middle floors and the oversized cornice top created the illusion of the step back.
 - She added that staff recommended approval of the variance with the proposed design. The findings show that the design met the intent of the design standards without strict compliance with the standard.
 - **Ms. Kolias** noted the applicant had provided additional information showing the step back would increase the building height and overall construction cost of the project significantly.
- Should the proposed design address the blank wall facing the Adams Street Connector that faced toward the light rail station? If so, how?
 - Ms. Kolias said a recommended condition of approval was to require a mural be installed on the wall as well as on the northern façade adjacent to the garage entrance door.
 - She noted the applicant provided design examples for a mural design following the DLC meeting.
- Should the proposed design address the future development of 11138 SE Main St (the Bloom building)? If so, how?
 - Ms. Kolias said a multi-story building could be built which would affect the podium and terrace area and views of the subject building. However, the applicant had no control of this and the City could not require the applicant to consider the development of an adjacent property.

Ms. Kolias reviewed the comments received which had been forwarded to the applicant. She reviewed the decision-making options. Staff recommended approval of the design review and variance request applications.

Ms. Kolias and DLC Chair Lauren Loosveldt answered questions from the Commission:

- The proposal met the public area and street tree requirements.
- There was not a step back as currently proposed. **Ms. Loosveldt** noted the DLC felt the shadow boxes created adequate interest to the façade but there was concern about the span of the Washington St façade and requested the 4 ft setback to break that up. The DLC approved of the proposal for a mural on the south elevation wall.
- Regarding the ground floor façade along Washington St, the DLC proposed to increase transparency and break up the brick, and suggested back-painted glass for the murals adjacent to the garage entrance and storefront spandrels.

Chair Hemer called for the applicant's presentation.

Tom Brenneke, Guardian Real Estate Services, 760 SW 9th Ave Portland, was the project developer and noted he was from Milwaukie and felt this project was a catalyst project for downtown.

Kurt Schultz, SERA Architects, 338 NW 5th Ave Portland, was the project applicant and distributed revised proposed plans based on the DLC feedback. He described why the team elected to use the Type III downtown Design Review process rather than the prescriptive development standards as it gave more opportunity for input into the project and more flexibility to create a good project for Milwaukie. He reviewed the project site and elements, and noted the Main St façade was designed with the future Milwaukie Farmers Market along Main St in mind. The residential entrance and amenities would be on 21st Ave to be more transit-oriented, with the retail spaces on the northwest and northeast corners to engage the pedestrian experience. The garage entrance was midblock to be farthest from the nearby intersections, and the project would include stacked mechanized parking to maximize square footage and a bike parking and repair space. He described other elements of the project per level and noted the proposed outdoor space exceeded the City's development requirements. The design elements were intended to be warm and inviting, with a greater amount of glazing, a strong ground floor and cornice, shadow boxes, and dynamic corners.

Mr. Schultz explained the building height and the project elements of residential development and green-certified building that allowed for the 2-story height bonuses but noted that it was below the maximum height by feet allowed. The variance was requested for the step back required for the upper two stories because the step back would reduce the rentable area as well as greatly increase construction cost due to the units no longer being stacked with regard to utilities, etc. He noted the DLC comments were incorporated into the design, and he addressed the analysis of the DLC's proposed 4 ft step back and the complications for that design, regarding stormwater, construction costs, and loss of units. Therefore, the step back would result in the project not being financially feasible.

The applicant answered questions from the Commission and noted that:

- Green Globes certification involved similar standards to LEED certification but with a different scoring system and did its own certification process.
- The footprint of the property restricted where the service entrance and utilities locations could be and informed the location to be placed in the middle of the Washington St façade. The wall murals and other elements would help break up the brick span along Washington St.
- A potential solution to the step back was adding shadowboxes to create the illusion of a step back on the top level.
- The applicant intended to work with the artMOB arts committee to select the artist(s) for the wall art along Washington St.

Chair Hemer called for public testimony.

In Support

Jim Bernard, 10212 SE New Arrow Rd Canby OR, former owner of the subject property, noted as former Milwaukie mayor, there was great effort made to create development interest in downtown Milwaukie with little success. He supported the project and design and believed the project would greatly help Milwaukie grow.

In Opposition

Nathaniel Taylor, 2836 SE Washington St, said he walked the area often and valued the

current view of the skyline and trees. He thought the building design was good but disagreed with the step back variance and noted the intent of the Planning Commission's decision to require the step back. He felt the design could provide a beautiful open corridor and pedestrian environment if it were built to the design standards. The rental units would likely create a more transitory community.

Scott Churchill, 2708 SE Monroe St, said he supported high-quality downtown housing development that followed the requirements of the code. As a former Planning Commissioner and City Councilor, he spent time to ensure that development, particularly in downtown, would have proper bulk and mass and be pedestrian-scaled. The requested variances fell short of the intent of the code and noted the fourth and fifth floors were bonus floors, not an entitlement. The step back was critical for proper bulk and mass and pedestrian-scaled experience and was out of proportion to the existing and future context of downtown buildings. The shadowbox was a protrusion not a substitute for the step back.

Chair Hemer closed public testimony.

Planning Commission Deliberation

Chair Hemer noted that he was on the DLC at the time the downtown code amendments occurred. The 6 ft step back for bonus floors above the allowed 3 floors was a compromise as the city and community were concerned about how a five-story building would look and feel in downtown. He found the shadowbox option interesting and asked **Commissioner Jones** if that design in fact achieved the same result as the step back was intended to do?

- **Commissioner Jones** responded that it did provide an illusion to break up the façade; however, it could be more successful if the step back was possible to provide more shade separation and daylighting, given this was the north side of the building and so would have a significant shadow effect on the businesses to the north. That was his concern about not setting those top floors back. His recommendation was for a 4-ft step back of the fifth floor on the Washington St façade only.

Mr. Schultz brought to the dais an image of the Washington St façade with a hand-drawn shadowbox added to the drawing for reference.

- **Mr. Egner** noted that the drawing was new evidence and therefore the hearing would need to be reopened.

Chair Hemer reopened the public hearing and testimony, and added into the record an exhibit of the added shadowbox drawing.

Mr. Taylor commented that the shadowbox was only illusionary and was massive, hanging over Washington St. The required step back would open Washington St, creating an open canyon effect to the river and preserve the skyline.

Mr. Churchill noted this was new evidence and time was needed to review and comment on it. He requested a continuance of the hearing.

Chair Hemer closed public testimony.

The Commission requested for the applicant to provide a new drawing with the additional shadowbox on the Washington St façade as well as a 3-D rendering of that elevation.

Commissioner Grau moved and Chair Argo seconded to continue the hearing for DR-2017-001 and VR-2017-007 to a date certain of September 12, 2017, to allow for the applicant to submit new evidence within seven days, and to allow for public review and written testimony within the following seven days in response to the new evidence.

6.0 Worksession Items – None

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Updates and Discussion Items

Chair Hemer noted the Sellwood-Milwaukie Sunday Parkways was scheduled for September 24, 2017.

9.0 Forecast for Future Meetings:

- September 12, 2017 1. Worksession: Comprehensive Plan Advisory Committee Appointment:
 - 2. Public Hearing: CU-2017-001 Eton Ln Vacation Rental
- September 26, 2017 1. TBD

Meeting adjourned at approximately 10:27 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair

**CITY OF MILWAUKIE
PLANNING COMMISSION
Milwaukie City Hall
10722 SE Main Street
TUESDAY, September 12, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Sherry Grau
John Burns
Scott Jones
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
Mary Heberling, Assistant Planner
Peter Watts, City Attorney

COMMISSIONERS ABSENT

Adam Argo, Vice Chair

1.0 Call to Order – Procedural Matters*

Chair Hemer called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes

2.1 May 25, 2017 (postponed to October 10, 2017)

3.0 Information Items

Denny Egner, Planning Director, reminded the Commissioners that there was a Planning Commission training available to them on September 28, 2017.

4.0 Audience Participation – This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Eton Ln Vacation Rental
Applicant/Owner: Karleanne Rogers and Kevin Berigan
Address: 1524 SE Eton Ln
File: CU-2017-001
Staff: Mary Heberling

Chair Hemer called the public hearing to order and read the conduct of quasi-judicial hearing format into the record.

Mary Heberling, Assistant Planner, presented the staff report via PowerPoint and noted the location, zoning, and site elements. The proposal was for a conditional use to allow the house to be used as a vacation rental. The applicants lived out of state for ten months out of the year, therefore it was a vacation rental rather than a short-term rental. The primary intent of the vacation rental was to offset the house cost to the homeowners. The vacation rental had been in use since 2011 but the property owners had not known they needed the conditional use

approval and so now were going through the review process to come into conformance. She reviewed the approval criteria for the conditional use.

Ms. Heberling noted the key issues regarding impact mitigation and if the proposed use would not have unmitigated nuisance impacts. The applicant provided information for the key issues, including that there would be no physical change to the house or property, the home would host 4-6 rentals per year, house rules had been developed, privacy characteristics of the property, and that two local property managers would be available. She reviewed the comments received. Staff recommended approval and reviewed the decision-making options.

Staff answered questions from the Commission:

- A vacation rental did not require the property owner to reside on the property; a short-term rental required the property owner to reside on the property a minimum of 270 days out of the year. Only a vacation rental required a conditional use review.
- A vacation rental required a business registration. The code did not require a building inspection process currently; however, this was an oversight in the short-term rental code amendment process.

Chair Hemer called for comments from the applicant or applicant's representative.

Liz Broderick-Kartye, representative for the applicants, said she and her husband acted as the property managers. She noted that property rules were reviewed with the guests and they had not received complaints from neighbors to date. The property was rented as a 7-day or extended stay rental. She was willing to be the on-call for nuisance or police calls, and a representative to address any issues that arise with the neighbors. She was aware that the neighborhood was quiet and expressed the expectation of respect to the tenants.

Chair Hemer called for public testimony.

Caroline Locherstein, 10131 SE Cambridge Ln, stated she was in support of the application and noted her backyard was closest to the subject property's swimming pool. She was aware of the house rules and quiet times, but would like to have a contact person for when those rules were not followed by renters. In her experience, renters had generally followed the quiet hours.

Kathleen O'Brien, 1520 SE Eton Ln, noted their garden was adjacent to the subject property's backyard and their garden was an oasis for their family. However, this changed when the subject site began to have vacation rentals. The rental parties were often loud and disruptive to the neighborhood, and she was unaware that there was a property manager available. She felt the advantages of the vacation rental benefitted the homeowner and the disadvantages fell on the neighborhood. A vacation rental was a fundamentally different use of property.

Mark Bedau, 1520 SE Eton Ln, wanted to reiterate his wife's statements and noted a few of the approval criteria for the conditional use, particularly to not "adversely change the character of the area or impact the adjacent properties". He gave a few examples of incidents that had occurred in the past of noise after the quiet hours. Rules were difficult to enforce without a property manager. He noted the difference between neighbors and vacationers and their expectations of conduct.

Chair Hemer called for rebuttal from the applicant's representative.

Ms. Broderick-Kartye responded that she would work to reach out to the neighbors so they had a point of contact for any issues.

Planning Commission Deliberation

Commissioner Jones was hesitant to put conditions such as revocation of approval for nuisance violations, etc., and felt that was out of the jurisdiction of the Commission. Although the concerns were legitimate, he felt those issues were more the purview of a neighborhood district association or good neighbor agreements, etc. He encouraged the owners and/or property managers to work on such an agreement.

Commissioner Burns noted that the approval criteria were to consider the identified impacts that were beyond those usually generated by allowed uses, and the concerns raised were typical neighbor issues that would come with a house with a pool, even as a family home. Concerns could be addressed through the noise ordinance. Based on the approval criteria, he would be inclined to approve the application.

Commissioner Hemer noted that the applicant was acting to comply with the code. However, there were concerns that could be addressed through communication between the property manager and the neighbors regarding house rules and a point of contact for complaints.

The Commission discussed the condition regarding information between the renters, property managers, and neighbors that would include house rules, and contact information for complaints. Also discussed was to condition the intended frequency of rentals based on the current average of 4-6 rentals per year.

Commissioner Jones moved and Commissioner Burns seconded to approve land use application CU-2017-001 for 1524 SE Eton Ln with the recommended conditions of approval and the added condition for the applicant or applicant's representative provide neighbors within 250 ft a list of house rules and critical contact information. The motion passed unanimously.

- 5.2 Summary: Project Galaxy Design Review Continued from 8/22/2017
 Applicant/Owner: Kurt Schultz, SERA Architects
 Address: 2036 SE Washington St
 File: DR-2017-001, VR-2017-007
 Staff: Denny Egner for Vera Kolias

Chair Hemer called the public hearing to order and read the conduct of the quasi-judicial hearing format into the record, noting the hearing was in the deliberation phase with both the record and public testimony portion closed. He requested the record be opened for staff to present new information requested by the Commission at the last meeting.

Denny Egner, Planner Director, explained that during the meeting on August 22nd, there was a request for the record to be kept open for seven days in order to provide a response to drawings that were submitted to the Commission. Written testimony had been received and was included in the meeting packets. Unless the Commission wanted to reopen the hearing for new evidence and testimony, he believed the record could stay closed.

Mr. Egner reviewed the key issue for the continued hearing regarding the variance request for the 6-ft step back. He displayed the original proposal which included shadowboxes to provide a push-pull effect and break up the bulk and mass of the building. The new drawing submitted

included a shadowbox on the Washington St façade along with additional window improvements on the ground level. He reviewed the comments received regarding the new evidence and those not related to the new materials. He also reviewed the decision-making options.

Mr. Egner answered questions from the Commission as follows:

- The variance was only required for the step back; the other items that did not comply were addressed through the design review guidelines.
- The Downtown Design Guidelines document was adopted around 2003. However, the clear and objective development and design standards were adopted as part of the Moving Forward Milwaukie project in 2015, which included the step back provision for bonus floors above three stories.

Planning Commission Deliberation

Chair Hemer reviewed that the Design and Landmarks Committee (DLC) recommended the previous design without the shadowbox, with a 4-ft setback on the fifth floor. The other option was to deny the variance and require the 6-ft setback on the fourth and fifth floors. The new proposal before the Commission included the shadowbox on Washington St without a step back.

The Commission agreed with the new window facade and mural art proposed to meet the criteria on the lower floor on Washington St.

Chair Hemer asked Commissioner Jones whether he believed the 6-ft step back requirement met the objective of proper scale toward existing buildings.

- **Commissioner Jones** said he believed the requirement met this objective and additionally provided a compatible design for existing and future buildings.
- He said that although it would be the largest building in downtown, the façade features helped to break up the mass.

Chair Hemer asked for the Commissioner's comments.

Commissioner Burns noted that he had spent time walking the area around the building to get a better sense of what this proposal would look and feel like, and concluded that he supported the proposal and variance with the new proposed design.

Commissioner Travis reviewed the previous discussion and testimony, and although she liked the proposal, she struggled with varying standards that had been recently developed through a community process. She questioned if consideration for financial feasibility of development was given when standards were crafted, or was the focus more on aesthetics.

Commissioner Grau concurred with Commissioner Travis regarding the community's efforts on the design standards. However, although the step back standards for the fourth and fifth floors were not being met by the application, the proposal was appealing with the addition of the shadowbox and additional details along the Washington St façade.

Chair Hemer responded to Commissioner Travis' question and stated that issue was raised. Through the Moving Forward Milwaukie process, feedback from developers was that 3-story buildings were not financially feasible with local rents, which raised the question of how to allow additional floors. The Commission at that time wanted to offer incentives for additional floors when developers provided green buildings and residential development. The 6-ft step back was

created as a compromise to have the appearance of a 3-story building and allow for the economic feasibility of a building. Allowing a height variance was allowed for an exceptionally designed proposal. He too liked the proposal but was conflicted with the rule.

Commissioner Jones suggested that the intent of allowing for different review processes was to have more oversight of projects of this type, and part of that occurred through the variance process. The variance process put the onus on the applicant to prove that the good of the proposal outweighed the bad. He believed the applicant provided a proposal that benefited the city.

Commissioner Travis suggested an additional condition for dedicated affordable housing units.

- **Peter Watts, City Attorney**, responded that that was not part of the record and therefore the record would need to be reopened to allow for the applicant to participate and analyze the condition to determine if they could accept that condition. It could cause significant issues.
- **Commissioner Jones** reminded the Commission of the distinction between subsidized and below-market rate housing.
- **Mr. Egner** added that affordable housing was a City Council goal and a long-term process. The 2016 Housing Needs Analysis would come to the Commission as part of the Comprehensive Plan update process.

Commissioner Burns was in support of the variance, and added that the step back request was what was before the Commission today and what was allowed by the process. He believed the proposal would enhance the experience of living in Milwaukie as it was presented. With respect to those that developed the code, as written it left open the opportunity for a variance.

Commissioner Jones noted that the applicant was meeting or exceeding requirements for public art, public space, glazing, and materiality standards. More stormwater management and patios were also gained through this proposal that would not have been included if it was designed with the step back.

Commissioner Burns suggested that through the variance process, the proposal resulted in additional attention to detail and a more appealing building.

Mr. Watts noted that, although he understood the importance of precedent, the purpose of a variance was to look at an individual application and was project-specific. It was to allow for a determination and decision based on the project and the criteria. A proposal that adhered to the code could get approved that was unappealing without the Commission's review.

Mr. Egner noted that the DLC recommendation was for the Commission to review the fifth floor and require a minimum 4-ft setback, or to consider other alternatives or options to reduce massing, specifically on the Washington St and 21st Ave elevations. This left the option to consider other solutions, which the applicant offered with the shadowbox.

Chair Hemer agreed that the proposal went beyond the scope of the design standards and the expectation to allow for the variance, even though there was conflict regarding going against the recommendation of the DLC.

Commissioners Travis and Grau concluded that, regardless of their reservations around the community's intent, the proposal was appealing and there was a need for housing in Milwaukie. Therefore, the proposal should be approved.

It was moved by Commissioner Jones and seconded by Commissioner Burns to approve applications DR-2017-001 and VR-2017-007 and the recommended findings and conditions of approval found in the attachments. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Comprehensive Plan Update Project Advisory Committee
Appointment Staff: David Levitan/Denny Egner

Mr. Egner noted three Commissioners had expressed interest in the committee position.

Commissioner Grau moved and Commissioner Jones seconded in favor of Commissioner Travis as Planning Commission representative to the Comprehensive Plan Project Advisory Committee (CPAC). The motion passed unanimously.

7.0 Planning Department Other Business/Updates

- 7.1 Planning Commission Supplemental Notebook Pages

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

Chair Hemer reminded that Sellwood-Milwaukie Sunday Parkways was scheduled for September 24, 2017 and noted the community events.

9.0 Forecast for Future Meetings:

- | | | |
|--------------------|----|---|
| September 26, 2017 | 1. | TBD - <i>Cancelled</i> |
| October 10, 2017 | 1. | Worksession: North Milwaukie Industrial Area Code Amendments <i>tentative</i> |

Mr. Egner noted the 2018 Planning Commission work program would come to the Commission on October 10th as well and then presented to City Council on October 17, 2017.

Meeting adjourned at approximately 8:55 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kever, Associate Planner

Date: October 17, 2017, for October 24, 2017, Public Hearing

Subject: File(s): S-2017-003 (master file), VR-2017-010
Applicant: Hayes McCoy (applicant's representative)
Owner(s): David Riggins
Address: 11159 SE Maplehurst Rd
Legal Description (Map & Tax Lot): 1S2E32BC00100
NDA: Linwood

ACTION REQUESTED

Approve applications S-2017-001 and VR-2017-010 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for an 11-lot subdivision, with a reduction in rear yard setbacks from 20 ft to 15 ft for all lots.

BACKGROUND INFORMATION

The 2.5-acre subject property, which is zoned for low-density residential use (Residential R-7), is currently developed with a single-family house and several detached accessory structures. The applicant proposes to subdivide the property to establish 11 buildable lots that will be accessed by public streets extended from 66th Ave to the north and Maplehurst Rd from the east (see Figure 1).

The applicant has requested a 5-ft variance from the 20-ft rear yard setback requirement for all lots.

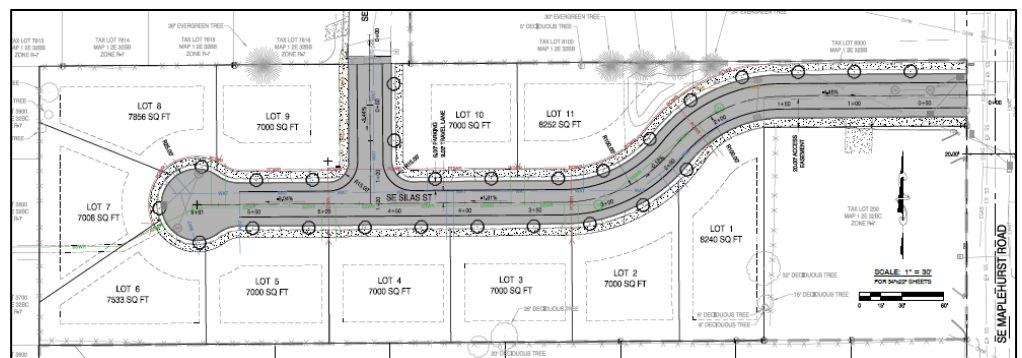


Figure 1. Proposed development

A. Site and Vicinity

The site is located at 11159 SE Maplehurst Rd. The site contains a detached single-family dwelling, one large detached garage structure, and two smaller detached shed buildings. The site is accessed through a flag-pole-type driveway onto Maplehurst Rd to the east. To the north, 66th Ave dead-ends where the detached garage is located, but an existing barrier prevents direct access to the subject property from the street.

The surrounding area consists of similarly zone low-density residential lots developed with single-family detached houses (see Figure 2). Approximately half the perimeter of the subject property is on the Milwaukie city boundary, with Residential R-10 lots in unincorporated Clackamas County adjacent to the south and northeast. Other Residential R-7 lots within the Milwaukie city limits are adjacent to the west, northwest, and east.



Figure 2. Site and vicinity

B. Zoning Designation

Residential R-7 (see Figure 3)

C. Comprehensive Plan Designation

Low Density Residential (LDR)

D. Land Use History

City records indicate no previous land use actions for this site.

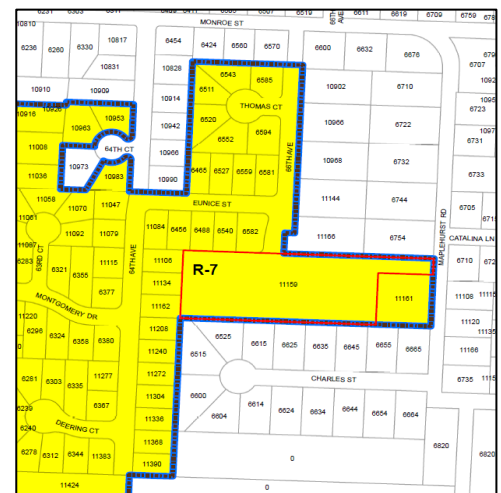


Figure 3. City zoning designation

E. Proposal

The applicant is proposing an 11-lot subdivision for development of single-family detached dwellings. A new public street will be extended into the subdivision from Maplehurst Rd to the east, where the existing driveway is located. The new street will connect to an extension of 66th Ave from the north but will also establish a cul-de-sac at the west end of the site. The new streets will include landscape strips and setback sidewalks (except along the west side of the newly extended 66th Ave, where the sidewalk will be curb-tight), with public water and wastewater lines. The wastewater line will connect to an existing public line that extends from 64th Ave through an easement across an adjacent residential property to the west.

The applicant is requesting a Type II variance to reduce the rear yard setbacks for all 11 lots by 25%, from 20 ft to 15 ft. Additional variance requests have been made (1) to allow Lots 6 and 8 to exceed the 10% compound line segment standard of MMC Subsection 17.28.040.C; (2) to allow Lots 5, 9, and 11 to fall below the 80-ft minimum lot depth standard of the R-7 zone; and (3) to address the intersection spacing requirement of MMC Subsection 19.708.1.

The project requires approval of the following land use applications:

1. Subdivision (master file #S-2017-003)
2. Variance Request (VR-2017-010)

See Attachment 3 for a list of the applicant's materials.

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Are there negative impacts resulting from the requested rear-yard setback reduction that should be mitigated?
- B. Are there negative impacts associated with the proposed subdivision design in general (i.e., lot dimensions and configurations, street layout, etc.) that should be addressed?

Analysis

A. Are there negative impacts resulting from the requested rear-yard setback reduction that should be mitigated?

The proposed variance to reduce the rear yard setback from 20 ft to 15 ft on all lots would potentially result in new houses being located 5 ft closer to the rear property line (and adjacent residential properties) than would otherwise be allowed in the R-7 zone. The new houses could be as tall as 2.5 stories or 35 ft in average height, while most adjacent houses are single-story. For those adjacent residents, this could result in a sense of reduced privacy and increased massing from the proposed development.

Due to the reduced width of the required right-of-way dedication for a public street connection through the proposed development, most of the new public sidewalks will be constructed within a 6-ft-wide public access easement along the front of all new lots. Although the required front yard setback is not measured from the farthest edge of the

easement, the applicant's plans measure the required front yards with the easement in mind, making them 5 to 6 ft wider. This results in additional space between pedestrian traffic on the sidewalks (and vehicular traffic in the streets) and the nearest portions of the new houses. Essentially, the applicant has proposed to compensate by pushing the basic house footprint 5 ft closer to the rear property line.

Landscape screening along the perimeter of the subject property would reduce the impacts of potential massing in the proposed development and provide some additional privacy on adjacent residential lots. Staff has recommended a condition to achieve this result.

B. Are there negative impacts associated with the proposed subdivision design in general (i.e., lot dimensions and configurations, street layout, etc.) that should be addressed?

Staff believes that the overall design of the proposed subdivision is likely the best one possible, given the constraints of the subject property's dimensions and its limited access point at Maplehurst Rd. It is important that 66th Ave be extended south and that a connection to Maplehurst Rd be established. The applicant has coordinated with the City's Engineering Department to provide a layout that responds well to the constraints. As proposed, the streets are wide enough for vehicle traffic, with on-street parking on both sides. Although it is more common for public sidewalks to be located in the public right-of-way, public access easements are an acceptable way to achieve the same end without putting an undue burden on the adjacent properties.

Lots on a cul-de-sac must naturally include angled and often compounded line segments, and a cul-de-sac would be a necessary component for most any development of the subject property. The impacts on the proposed lots of the cul-de-sac shape and of the necessary curvature of Silas St are minimal and do not present significant constraints on future development. Development of the subject property presents an important opportunity for connectivity improvements in various aspects of public infrastructure—streets, sewer, stormwater, and water service. The surrounding area is within either the existing City limits or the City's Urban Growth Management Area, and these infrastructure connections are important for future development. There do not appear to be any significant negative impacts of the proposed development that warrant mitigation.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the application for the proposed subdivision, which will result in 11 developable lots in the R-7 zone.
2. Approve the requested variance to reduce the minimum rear yard setbacks for all 11 lots by 25%, from 20 ft to 15 ft. This will allow the potential building footprints of new houses on the lots to be within 15 ft of the adjacent properties.
3. Approve the added variances to (1) exceed the 10% compound line segment standard for Lots 6 and 8; (2) allow Lots 5, 9, and 11 to fall below the minimum lot depth standard; and (3) allow an adjustment to the access spacing standards of MMC Subsection 19.708.1. This will allow the proposed configuration of lots and streets.
4. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Install plantings along the property boundaries adjacent to residential lots outside the proposed development, to provide some screening from the proposed development.
- Extend the public water line in Silas St to the eastern boundary of the subject property.
- Connect the development to the City stormwater system in 64th Ave.
- Widen the proposed public access easement to 6 ft.
- Construct ADA ramps on all corners of the intersection of 66th Ave and Silas St.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.1006 Type III Review
- MMC Title 17 Land Division
- MMC Section 19.301 Low Density Residential Zones (incl. R-7)
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.911 Variances
- MMC Chapter 19.1200 Solar Access Protection

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III 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 5 decision-making options as follows:

- A. Approve the application upon finding that all approval criteria have been met.
- B. Approve the application subject to the recommended Findings and Conditions of Approval.
- C. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- D. Deny the application upon finding that it does not meet approval criteria.
- E. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by January 5, 2018, 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

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering, Building, and Public Works Operations departments, Linwood Neighborhood District Association (NDA), Southgate Community Planning Association, Clackamas Fire District #1, and North Clackamas School District. The following is a summary of the comments received by the City. See Attachment 4 for further details.

- **Rob Livingston, Erosion Control Specialist, City of Milwaukie Public Works:** The applicant should note that the Underground Injection Control (UIC) devices proposed to collect and treat stormwater runoff must meet the minimum requirements established in the City's Public Works Standards (including for depth). Also, the applicant is advised that the project will require a 1200C erosion control permit from DEQ [Department of Environmental Quality], since the project is larger than 1 acre.
Staff Response: The erosion control comments are incorporated into the "Additional Requirements" section of the Recommended Conditions of Approval (see Attachment 2).
- **Jesse Temblay, Member of Land Use Committee, Linwood NDA:** The NDA has no concerns or questions about the proposal. The LUC is in favor of approving the rear-yard variance and supports the addition of 11 lots for development.
- **Matt Amos, Fire Inspector, Clackamas Fire District #1 (CFD#1):** There do not appear to be any issues with access or water supply.
- **Alex Roller, Engineering Tech II, City of Milwaukie Engineering Department:** Comments related to the proposal's compliance with Milwaukie Municipal Code (MMC) Title 12 Streets, Sidewalks, and Public Places; and MMC Chapter 19.700 Public Facility Improvements, with relevant recommended conditions of approval.
Staff Response: The Engineering Department's comments are incorporated into the Recommended Findings and Conditions as appropriate (see Attachments 1 and 2, respectively).

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation, (stamped received August 8, 2017, by the Planning Department)				
a. Applicant's Narrative	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Plan Set	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Stormwater Management Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Preapplication Report	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/planning/planning-commission-180>.

**Recommended Findings in Support of Approval
Master File #S-2017-003, Silas Heights Subdivision**

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

1. The applicant (Hayes McCoy), representing the property owner (David Riggins), has applied for approval to subdivide the property at 11159 SE Maplehurst Dr. This site is in the Residential R-7 Zone. The land use application master file number is S-2017-003, with accompanying file number VR-2017-010.
2. The applicant has proposed an 11-lot subdivision for development of single-family detached dwellings. A new public street would be extended into the subdivision from Maplehurst Rd to the east, where the existing driveway is located. The new street would connect to an extension of 66th Ave from the north but would also establish a cul-de-sac at the west end of the site. The new streets would include landscape strips and setback sidewalks (except along the west side of the newly extended 66th Ave, where the sidewalk is proposed to be curb-tight), with public water and wastewater lines. The wastewater line would connect to an existing public line that extends from 64th Ave through an easement across an adjacent residential property to the west.

The applicant has requested a variance to reduce the minimum rear yard setbacks for all lots from 20 ft to 15 ft. As addressed in Finding 5-d(3)(c), an additional variance request has been made to allow Lots 6 and 8 to exceed the 10% compound line segment standard of MMC Subsection 17.28.040.C. As addressed in Finding 6-b, an additional variance request has been made to allow Lots 5, 9, and 11 to fall below the 80-ft minimum lot depth standard of the R-7 zone. As addressed in Finding 7-f, an additional variance request has been made to address the intersection spacing requirement of MMC Subsection 19.708.1.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Title 17 Land Division
 - MMC Section 19.301 Low Density Residential Zones (including R-7)
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.911 Variances
 - MMC Chapter 19.1200 Solar Access Protection
4. The application submittal includes a proposed Subdivision (preliminary plat) and Variance Request. The subdivision requires Type III review; 2 of the variance requests require Type II review and the other requires Type III review. As per MMC Subsection 19.1001.6.B, the overall proposal is being processed with Type III review.

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on October 24, 2017, as required by law.

5. MMC Title 17 Land Division

MMC Title 17 establishes the City's regulations and procedures for lot consolidations, land divisions, property boundary changes, and creation of streets and rights-of-way. As per MMC Section 17.04.050, all decisions on boundary changes and land divisions expire 1 year after the date of approval, with one 6-month extension allowed upon submission of a formal request to the original decision-making authority.

a. MMC Chapter 17.12 Application Procedure and Approval Criteria

MMC 17.12 establishes the application procedures and approval criteria for land divisions and property boundary changes. Specifically, MMC Subsection 17.12.020.E provides that applications for subdivision preliminary plat are subject to Type III review.

MMC Section 17.12.040 establishes the following approval criteria for preliminary plat:

- (1) The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.

The proposed preliminary plat is for a subdivision of 11 lots for development of single-family detached dwellings. As addressed throughout these findings, the proposed subdivision complies with the applicable standards of Title 19 and other applicable ordinances, regulations, and design standards.

The Planning Commission finds that this standard is met.

- (2) The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

The proposed subdivision will create lots that meet the minimum standards of the underlying R-7 zone and will allow reasonable development without the need for any additional variances of land division or zoning standards at the time of construction. Although the applicant has requested a variance to the minimum rear yard standard for all lots, the variance request is not necessary to allow reasonable development.

The Planning Commission finds that this standard is met.

- (3) The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).

The proposed subdivision name, Silas Heights, is not duplicative, and the plat otherwise satisfies the provisions of ORS 92.090(1).

The Planning Commission finds that this standard is met.

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

Phase 2 of the Shields Addition (platted in 1986) as well as the Maple Hurst subdivision of 1909 are adjacent to the subject property to the north. Both subdivisions established portions of the public right-of-way for 66th Ave, which terminates at the northern boundary of the subject property. The proposed subdivision would extend 66th Ave to provide access to several of the new lots and to connect with a new public street that would extend west to Maplehurst Road.

The Cleveland Addition (platted in 1955) established 16 lots adjacent to the subject property to the south, accessed by a cul-de-sac extended east from Maplehurst Rd. No future street connections with adjacent properties were incorporated into the Cleveland Addition subdivision.

Given that the proposed subdivision connects the street stub at 66th Ave with Maplehurst Rd, the Planning Commission finds that this standard is met.

- (5) A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

The applicant has provided a detailed narrative description that demonstrates how the proposal conforms to all applicable standards and addresses variance requests as needed.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the applicable procedures and approval criteria for the proposed subdivision, as outlined in MMC 17.12, are met.

- b. MMC Chapter 17.16 Application Requirements and Procedures

MMC 17.16 establishes application requirements for land divisions and property boundary changes, including for preliminary plat for subdivision. The application must include all required forms and fees, as well as the information specified on the Submittal Requirements and Preliminary Plat checklists.

The applicant's submittal materials include all required forms and fees for the proposed subdivision, as well as plan sheets, narratives addressing the various applicable standards and criteria, and supporting documents and reports.

The Planning Commission finds that the application requirements and procedures of MMC 17.16 are met.

- c. MMC Chapter 17.20 Preliminary Plat

MMC 17.20 establishes the information required with the preliminary plat, including existing and proposed conditions, a drainage summary report, proposed deed restrictions (if any), and proposed public improvements.

The applicant's preliminary plat materials include existing and proposed conditions; a preliminary stormwater management plan; and plans for proposed improvements including grading, landscaping, public utilities, and frontage improvements. No deed restrictions are proposed.

The Planning Commission finds that the preliminary plat requirements of MMC 17.20 are met.

- d. MMC Chapter 17.28 Design Standards

MMC 17.28 establishes general design standards for land divisions and property boundary changes.

- (1) MMC Section 17.28.020 Public Facility Improvements

MMC 17.28.020 requires that all land divisions that increase the number of lots are subject to the requirements and standards of MMC Chapter 19.700 Public Facility Improvements.

The proposed subdivision will increase the number of lots. The applicable standards of MMC 19.700 are addressed in Finding 7.

- (2) MMC Section 17.28.030 Easements

MMC 17.28.030 requires that easements for public utilities (including sewers and water mains) be dedicated wherever necessary.

The proposed subdivision will establish new public streets, where most of the public utility infrastructure will be located, including one detention pond for stormwater. Existing utility easements across the adjacent residential properties to the west allow for new connections from the proposed development to existing utility facilities. The applicant has proposed to extend an easement for the public sewer main to be extended across Lots 6 and 7. A condition has been established to require the extension of all utility easements from the adjacent residential properties to the west and to install the corresponding utility infrastructure to connect to existing City utility facilities in 64th Ave.

As conditioned, this standard is met.

(3) MMC Section 17.28.040 General Lot Design

MMC Section 17.28.040 provides standards for general lot design.

(a) Size and Shape

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.

As discussed further in Finding 5-d(3) below, the size, shape, width, and orientation of the proposed lots is appropriate for the location and type of use proposed. As discussed below in Finding 6, the proposed lots conform to the minimum standards established in Title 19.

(b) Rectilinear Lots Required

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

The proposed lots are mostly rectilinear, except where the alignment of the proposed new street connection to Maplehurst Rd creates curving frontages for 3 lots (Lots 1, 2, and 11), and where the curve of the proposed cul-de-sac results in 3 lots (Lots 6-8) being more trapezoidal than rectangular in shape. As far as practicable, the sidelines of all lots run at right angles to the street upon which they face and the rear lot lines run parallel to the street.

(c) Limits on Compound Lot Line Segments

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 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.

As proposed, 2 of the lots in the proposed cul-de-sac (Lots 6 and 8) have compound side lot lines that exceed the 10% standard. The compound segment for Lot 6 has a lateral change of approximately 17% and the compound segment for Lot 8 has a lateral change of approximately 25%. As noted in Finding 5-d(3)(d), below, a variance request to address this issue is discussed in Finding 8.

(d) Adjustments to Lot Shape Standard

Lot shape standards may be adjusted subject to Section 19.911 Variances.

As noted in Finding 5-d(3)(c), above, the side lot lines for Lots 6 and 8 exceed the 10% lateral change allowed by MMC Subsection 17.28.040.C. As allowed by MMC Subsection 17.28.040.D, a variance to exceed the 10% standard has been added to the proposal and is addressed in Finding 8.

(e) Limits on Double and Reversed Frontage Lots

Double frontage and reversed frontage lots should be avoided, except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

No double frontage or reversed frontage lots are proposed.

(f) Measurement of Required Frontage

Pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access.

As proposed, the required frontages of all lots are measured along the streets upon which they take access.

As conditioned, and with the variance for lot shape addressed in Finding 8, the Planning Commission finds that the applicable lot design standards of MMC 17.28 are met.

The Planning Commission finds that, as conditioned, the proposed subdivision meets all applicable land division standards of MMC Title 17.

6. MMC Section 19.301 Low Density Residential Zones (including R-7)

MMC 19.301 establishes the allowable uses and development standards for the residential R-7 zone.

a. Permitted Uses

As per MMC Table 19.301.2, development of single-family detached dwellings is a permitted use in the R-7 zone.

The applicant has proposed an 11-lot subdivision, with lots sized to allow for development of detached single-family dwellings.

b. Lot and Development Standards

Table 6-b provides the applicable standards for development in the R-7 zone and indicates how the proposed new lots compare.

Table 6-b Lot and Development Standards		
Standard	R-7 Requirement	Proposed New Lots
1. Minimum Lot Size	7,000 sq ft	Lots range from 7,000 sq ft to approx. 8,200 sq ft.
2. Minimum Lot Width	60 ft	All lots are at least 60 ft wide.
3. Minimum Lot Depth	80 ft	All lots are at least 80 ft deep, except for Lots 5, 9, and 11, which are impacted by the street layout. Lot 5 = 76-ft average depth Lot 9 = 78-ft average depth Lot 11 = 78-ft average depth (with proposed stormwater easement) A variance request has been added to address these adjustments (see Finding 8).
4. Minimum street frontage	35 ft	All lots have at least 35 ft of street frontage.
5. Front Yard	20 ft	Will be evaluated at time of building permit review. As proposed, all lots can provide the minimum 20-ft front yard setback.
6. Side Yard	5 ft / 10 ft	Will be evaluated at time of building permit review. As proposed, all interior lots can provide the minimum 5-ft and 10-ft side yard setbacks.
7. Street-Side Yard	20 ft	Will be evaluated at time of building permit review. Lots 9, 10, and 11 are the only corner lots, and all can provide the minimum 20-ft street-side yard setback.
8. Rear Yard	20 ft	Will be evaluated at time of building permit review. A variance has been requested to reduce the minimum rear yard setback for all yards from 20 ft to 15 ft (see Finding 8).
8. Maximum Building Height	2.5 stories or 35 ft (whichever is less)	NA (will be evaluated at time of building permit review)
9. Side yard height plane limit	45-degree slope at 20 ft height	NA (will be evaluated at time of building permit review)
10. Maximum lot coverage	30%	NA (will be evaluated at time of building permit review)
11. Minimum vegetation	30%	NA (will be evaluated at time of building permit review)
12. Front yard minimum vegetation	40%	NA (will be evaluated at time of building permit review)
13. Minimum density	5.0 units per acre	Minimum of 10 units (Net lot area is approximately 1.97 acres, after subtracting the area of the proposed new public right-of-way.)
14. Maximum density	6.2 units per acre	Maximum of 12 units (Net lot area is approximately 1.97 acres, after subtracting the area of the proposed new public right-of-way.)

7. MMC Chapter 19.700 Public Facility Improvements

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

a. MMC Section 19.702 Applicability

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

The applicant proposes to subdivide the subject property into 11 new lots. The proposed subdivision triggers the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

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

The applicant had a preapplication conference with City staff prior to application submittal, on May 18, 2017. As addressed in Finding 7-c, the proposed development does not trigger a Transportation Impact Study and the proposal's compliance with MMC 19.700 has been evaluated as part of the overall subdivision review.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the process and requirements for evaluating development impacts on the surrounding transportation system, including determining when a formal Transportation Impact Study (TIS) is necessary and what mitigation measures will be required.

Trips generated from the proposed development affect neighboring local streets. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service previous to the proposed development. The proposed development also improves street connectivity and does not require a TIS.

d. MMC Section 19.705 Rough Proportionality

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

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements.

e. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

The location and nature of the proposed development did not trigger referral of the application to any other agencies.

f. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 provides general standards for streets, including for access management, clear vision, street layout and connectivity, and intersection design and spacing.

The applicant has demonstrated that adequate right-of-way, pedestrian improvements, and public utilities can be constructed within the provided preliminary plat. Final design will be approved through the plan review process. The proposed development is consistent with MMC Subsection 19.708.1.D.

Spacing between the proposed Silas St and the existing Catalina Ln is between 50 and 60 ft, less than the required 100-ft spacing between intersections on a local street. Approval of a variance to this spacing requirement will be required. Catalina Ln is a dead-end road that serves 14 houses and is not stubbed out to extend east for future development. The City's Engineering Department is recommending approval of the necessary intersection spacing variance as Catalina Ln does not generate enough traffic to affect the new intersection of Silas St and Maplehurst Rd being created by the proposed development.

With the approval of the intersection spacing variance addressed in Finding 8, the proposed development is consistent with the applicable standards of MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC 19.708.2 provides design standards for streets, including dimensional requirements for the various street elements (e.g., travel lanes, bike lanes, on-street parking, landscape strips, and sidewalks).

The proposed cross section for Silas St does not include the required minimum landscape strip width of 3 ft. The proposed travel lane is 15 ft wide, which can be reduced to the minimum of 14 ft to create a larger landscape strip. A condition of approval has been established to ensure that the minimum standards are met.

The required half-street construction for the proposed Silas St and 66th Ave includes the following elements: 5-ft setback sidewalk, 3-ft landscape strip, curb and gutter, and 12.5 ft of asphalt. The total proposed right-of-way width is 36 ft, which will provide for two 8-ft travel lanes and two 6-ft parking lanes, curb and gutter and 3-ft landscape strips on both sides, and with sidewalks in a public access easement. A condition has been established to ensure that the required improvements are constructed.

As conditioned, the proposed cross sections for Silas St and 66th Ave will conform to the applicable requirements of MMC 19.708.2.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 provides standards for public sidewalks, including the requirement for compliance with applicable standards of the Americans with Disabilities Act (ADA).

The construction of sidewalks along the proposed development property abutting all public rights-of-way is included in the street frontage requirements noted above. As proposed, all sidewalks will be constructed within 5.5-ft public access easements, except for the west side of 66th Ave, where the sidewalk will be constructed in the public right-of-way. A condition has been established to

require that the public access easements be widened to 6 ft to allow for sidewalk maintenance.

The sidewalks being constructed in an easement on private property could cause conflicts with placement of private utilities. A public utility easement shall be established to accommodate the placement of facilities outside of the sidewalk. A condition has been established to eliminate this conflict.

MMC Subsection 19.708.3.A.2 requires that public sidewalks shall conform to ADA standards. As proposed, the development plans do not include ADA ramps on any of the internal corners. A condition has been established to ensure that this standard will be met.

As conditioned, the development will be consistent with all applicable standards of MMC 19.708.3.

(4) MMC Subsection 19.708.4 Bicycle Facility Requirements and Standards

MMC 19.708.4 provides standards for bicycle facilities.

Milwaukie's Transportation System Plan (TSP) does not identify adjacent roadways as bike routes.

MMC 19.708.4 does not apply to the proposed development.

(5) MMC Subsection 19.708.5 Pedestrian/Bicycle Path Requirements and Standards

MMC 19.708.5 provides standards for pedestrian and bicycle paths.

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

MMC 19.708.5 does not apply to the proposed development.

(6) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 provides standards for transit facilities.

Transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

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

g. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes standards for review of new development with respect to adequacy of existing public utilities.

The applicant will be responsible for conducting a fire flow test on the hydrant at 66th Ave and Eunice St. The applicant will be responsible for constructing water line to the east property line of the subject property.

The City's stormwater system is available to connect to through a storm easement to the west of the development. Drywells have been proposed as part of the stormwater system. The applicant may only construct drywells if it is demonstrated that a

connection cannot be made to the stormwater system of either the City or Clackamas County Water Environment Services (WES).

Conditions have been established to ensure that public utilities will be adequate to serve the proposed development.

As conditioned, the proposed development meets the applicable standards of MMC 19.709.

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

8. MMC Section 19.911 Variances

MMC Section 19.911 establishes the variance process for seeking relief from specific code sections that have the unintended effect of preventing reasonable development or imposing undue hardship.

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word “prohibited.”

The applicant has requested 1 variance, and staff has noted 3 additional variances that are needed for the proposed subdivision. The 4 variance requests are as follows: (1) to reduce the rear yard setback for all lots from 20 ft to 15 ft; (2) to exceed the 10% compound line segment standard for Lots 6 and 8; (3) to allow Lots 5, 9, and 11 to fall below the minimum lot depth standard; and (4) to allow an adjustment to the access spacing standards of MMC Subsection 19.708.1.

The proposed variances meet the eligibility requirements and none of the proposed variances are considered ineligible. In particular, a variance is proposed to MMC Subsection 17.28.040.C, which specifies that compound lot line segments that exceed a 10% cumulative lateral shift are prohibited; but given that this provision is not about the use of land or the development (alteration or construction) of land as defined in MMC 19.201, it is not considered an ineligible variance request. In addition, MMC Subsection 17.28.040.D states that lot shape standards may be adjusted subject to the variance procedures of MMC 19.911. Because compound lot lines impact lot shape, they are therefore eligible for adjustment through the variance process.

The Planning Commission finds that the requests are each eligible for a variance as per MMC 19.911.2.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.B establishes the Type II review process for limited variations to numerical standards, including a variance of up to 25% to a rear yard setback standard. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards than those allowed through the Type II

review process as per MMC Subsection 19.911.3.B, variations that require additional discretion and warrant a public hearing.

The applicant has requested a 25% adjustment to the 20-ft rear yard setback standard of the R-7 zone, to reduce the rear yards of all lots to 15 ft. This request is eligible for Type II review as provided in MMC 19.911.3.B and so is subject to the Type II approval criteria established in MMC Subsection 19.911.4.A. The request for Lots 6 and 8 to exceed the 10% compound line standard of MMC 17.28.040.C (noted by staff) is not reviewable through the Type II process and is subject to the Type III approval criteria established in MMC Subsection 19.911.4.B. The request for Lots 5, 9, and 11 to fall less than 10% below the 80-ft lot depth standard of the R-7 zone (noted by staff) is eligible for Type II review as provided in MMC 19.911.3.B and is subject to the Type II approval criteria established in MMC 19.911.4.A.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests.

(1) MMC Subsection 19.911.4.A provides the following approval criteria for Type II variances:

- (a) The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

Rear Yard Setback Variance: The subject property does not include any designated natural resources. Reducing the rear yard setbacks of the new lots by 5 ft will not have a detrimental effect on surrounding properties, as any new homes will still be located at least 15 ft from the property line. Adjacent lots are developed with single-family homes, most of which are set back at least 20 ft from the boundaries with the subject property. To minimize the massing and privacy impacts on adjacent properties if new 2-story homes are considered, a condition has been added to require landscaping to provide a visual screen along the rear property line.

Lot Depth Variance: The shape of Lots 5, 9, and 11 results in the lot depth of each being slightly reduced below the 80-ft minimum requirement. This will not significantly affect the buildable area footprints for these lots. The reduced depths will still provide adequate dimension for meeting the required R-7 setbacks, including any approved reduced setback as addressed above.

As conditioned, the Planning Commission finds that the proposed variances will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

- (b) The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

Rear Yard Setback Variance: The proposed rear yard setback variance will have no effect on planned future improvements to transportation facilities or utilities.

Lot Depth Variance: The slightly reduced depths of Lots 5, 9, and 11 are a result of the new street system configuration, which is necessary to connect 66th Ave and Maplehurst Rd. The proposed lot depth variance will

have no effect on planned future improvements to transportation facilities or utilities.

The Planning Commission finds that the requested variances are reasonable and appropriate and meet one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (c) Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

Rear Yard Setback Variance: There is an existing single-family house on the subject property, which will be demolished as part of the proposed development. Adjacent lots are developed with single-family homes, most of which are set back at least 20 ft from the boundaries with the subject property. The proposed rear yard variance would allow new homes on the newly created lots to be 5 ft closer to the adjacent properties than the R-7 requirements would normally allow. To sustain the integrity of the existing design and layout of adjacent properties, a condition has been added to require landscaping to provide a visual screen along the rear property line.

Lot Depth Variance: The slightly reduced depths of Lots 5, 9, and 11 will not significantly affect the buildable area footprints for those lots. The reduced depths will still provide adequate dimension on those lots for meeting the required R-7 setbacks, including any approved reduced setback as addressed above.

As conditioned, the Planning Commission finds that the requested variances will sustain the integrity of existing building or site design, where site improvements already exist.

- (d) Impacts from the proposed variance will be mitigated to the extent practicable.

Rear Yard Setback Variance: Reducing the rear yard setbacks will allow new homes to be 5 ft closer to adjacent properties than the R-7 standard, which could result in greater massing and impacts to privacy. As noted above, a condition has been added to require landscaping to provide a visual screen along the rear property line.

Lot Depth Variance: The slightly reduced depths of Lots 5, 9, and 11 will not significantly affect the buildable area footprints for those lots and will not negatively impact adjacent properties or public facilities.

As conditioned, the Planning Commission finds that the variance requests will be mitigated to the extent practicable.

The Planning Commission finds that the 2 proposed variances discussed in Finding 8-c(1) meet the approval criteria for a Type II variance request, as provided in MMC 19.911.4.A.

- (2) MMC Subsection 19.911.4.B.1 provides the following approval criteria for Type III variances where the applicant elects to utilize the Discretionary Relief Criteria:
- (a) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Compound Line Segment Variance: The narrow north-south dimension of the subject property and the need to provide a connected street network make it a challenge to meet the minimum density requirement for the subject property. Adjusting the configuration of Lots 6 and 8 to reduce the cumulative lateral changes in direction for the compound line segments below 10% would reduce the area of both lots below the 7,000-sq-ft minimum for the R-7 zone.

Alternately, since the cul-de-sac is a necessary feature of the street network through the subject property, it creates a spatial situation where lot lines will have to run at angles from the street bulb toward the rear corners of the larger subject property, which inevitably results in compound line segments. Even if Lot 7 were to be eliminated and redistributed between Lots 6 and 8, both lots would still have compound line segments. The proposed lot configuration appears to be the best one for achieving the minimum density with lots that are all roughly equal in area and that provide a reasonable building area.

Access Spacing Variance: The subject property's street frontage on Maplehurst Rd is on the northern side of the overall property shape, due to the location of the adjacent residential property to the east. If the subject property included that adjacent property, the proposed new street connection to Maplehurst Rd could be shifted farther to the south and would meet the 100-ft spacing requirement from Catalina Ln.

As proposed, the new intersection of Silas St and Maplehurst Rd would be between 50 and 60 ft from Catalina Ln. Catalina Ln is a dead-end street serving 14 houses and is not stubbed out to extend east for future development. Catalina Ln does not generate enough traffic to affect the proposed new intersection of Silas St and Maplehurst Rd. It is important that the proposed development be served by a street connection to Maplehurst Rd, and there is only one place to locate the new street within the subject property. The proposed reduction in access spacing is the best option available to the applicant.

The Planning Commission finds that the applicant's analysis of alternatives is sufficient to address the impacts and benefits of the proposed variances. This criterion is met.

- (b) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (i) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (ii) The proposed variance has desirable public benefits.
 - (iii) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Compound Line Segment Variance: The proposal to allow Lots 6 and 8 to have compound line segments that exceed the 10% standard is reasonable and appropriate, given the configuration and dimensions of the subject property and the need to provide adequate street frontage for all proposed lots. The proposed variance does not result in impacts to surrounding

properties, provides a more reasonable buildable area on both lots, and allows the overall site to develop at or just above the minimum required density.

Access Spacing Variance: The proposal to allow Silas St to be less than 100 ft from Catalina Ln where both streets intersect Maplehurst Rd is reasonable and appropriate, given that the subject property has a very limited frontage on Maplehurst Rd and no opportunity to shift Silas St farther south. The proposed variance avoids impacting the existing adjacent house to the east and provides a needed street connection for the proposed development to Maplehurst Rd.

The Planning Commission finds that the requested variances are reasonable and appropriate and meet one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (c) Impacts from the proposed variance will be mitigated to the extent practicable.

Compound Line Segment Variance: The proposed variance to the compound line segment standard will not result in any impacts that require mitigation.

Access Spacing Variance: As required by the standards of MMC Chapter 12.24, clear vision will be maintained at the intersection of Silas St and Maplehurst Rd. The proposed variance to the access spacing standard will not result in any impacts that require mitigation.

The Planning Commission finds that the proposed variances will not result in any impacts that require mitigation.

The Planning Commission finds that the 2 proposed variances discussed in Finding 8-c(2) meet the approval criteria for Discretionary Relief for a Type III variance request, as provided in MMC 19.911.4.B.1.

As proposed and conditioned, the Planning Commission finds that all 4 of the requested variances meet the applicable approvable criteria of MMC 19.911.4.

The Planning Commission finds that, as proposed and conditioned, all 4 of the proposed variances are allowable as per the applicable standards of MMC 19.911.

9. MMC Chapter 19.1200 Solar Access Protection

A primary purpose of MMC 19.1200 is to orient new lots and parcels to allow utilization of solar energy. In particular, MMC Section 19.1203 establishes solar access provisions for new development. In particular, MMC Subsection 19.1203.2 establishes the applicability of MMC Subsection 19.1203.3 as applications for the creation of lots in single-family zones. Exceptions are allowable to the extent the Planning Director finds that the applicant has shown one or more of the conditions listed in MMC Subsections 19.1203.4 and 19.1203.5 exist and that exemptions or adjustments are warranted.

a. MMC Subsection 19.1203.3 Design Standard

MMC 19.1203.3 establishes a solar design standard for at least 80% of the lots in any proposed development, including basic requirements for minimum north-south dimension (90 ft) and front-lot-line orientation with respect to a true east-west axis (within 30 degrees). There are two other options for compliance, either establishing a

protected solar building line or demonstrating a level of performance with respect to protection from shading.

The proposed development is for 11 lots, only one of which (Lot 11) has a minimum north-south dimension of at least 90 ft. However, 8 of the lots (approximately 73%) have a minimum north-south dimension of at least 80 ft, and 9 of the lots (approximately 82%) have the front lot line oriented within 30 degrees of a true east-west axis.

The applicant has proposed to use the performance option. However, the Planning Commission finds that an adjustment to the design standard of MMC 19.1203.3 is warranted.

b. MMC Subsection 19.1203.5 Adjustment to Design Standard

MMC 19.1203.5 allows the reduction of the number of lots that must comply with MMC 19.1203.3 to the minimum extent necessary, if the applicant demonstrates that the standard would cause or is subject to certain conditions, such as adverse impacts on density, cost, or amenities.

Considering the size and dimensions of the subject property, as well as the importance of meeting the minimum density standard of the underlying R-7 zone and providing a connected street network, the design standard of MMC 19.1203.3 presents a challenge for the subject property. To configure lots with a north-south axis of at least 90 ft would greatly reduce the number of lots below the minimum required density and would make a public street connection between 66th Ave and Maplehurst Rd impossible.

As proposed, 8 of the 11 proposed lots (approximately 73%) are close to meeting the design standard of MMC 19.1203.3, with a north-south dimension of at least 80 ft; and 9 lots (approximately 82%) have the front lot line oriented within 30 degrees of a true east-west axis. In the proposed scenario, where strict adherence to the design standard would result in a significant decrease in density, a request to reduce the number of lots that must comply is reasonable.

The Planning Commission finds that the request to adjust the number of lots that must comply with the design standard of MMC 19.1203.3 is warranted. The 8 lots with a north-south axis of at least 80 ft are sufficient to meet the requirements of MMC 19.1200.

With the approved reduction noted above, the Planning Commission finds that the proposed development complies with the applicable standards of MMC 19.1200.

10. The application was referred to the following departments and agencies on September 13, 2017:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Public Works Department
- Clackamas Fire District #1
- Linwood Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Southgate Planning Association
- North Clackamas School District

The comments received are summarized as follows:

- **Rob Livingston, Erosion Control Specialist, City of Milwaukie Public Works:** The applicant should note that the Underground Injection Control (UIC) devices proposed to collect and treat stormwater runoff must meet the minimum requirements established in the City's Public Works Standards (including for depth). Also, the applicant is advised that the project will require a 1200C erosion control permit from DEQ [Department of Environmental Quality], since the project is larger than 1 acre.
- **Jesse Temblay, LUC Member, Linwood NDA:** The NDA has no concerns or questions about the proposal. The LUC is in favor of approving the rear-yard variance and supports the addition of 11 lots for development.
- **Matt Amos, Fire Inspector, Clackamas Fire District #1 (CFD#1):** There do not appear to be any issues with access or water supply.
- **Alex Roller, Engineering Tech II, City of Milwaukie Engineering Department:** Comments related to the proposal's compliance with Milwaukie Municipal Code (MMC) Title 12 Streets, Sidewalks, and Public Places; and MMC Chapter 19.700 Public Facility Improvements, with relevant recommended conditions of approval.

**Recommended Conditions of Approval
Master File #S-2017-003, Silas Heights Subdivision**

Conditions

1. The applicant shall submit a final plat application within 6 months of the preliminary plat approval, in accordance with MMC Section 17.24.040. The applicant shall obtain approval of the final plat prior to the expiration of this preliminary plat approval. The applicant's final plat application shall include the items listed on the City of Milwaukie Final Plat Checklist. The following specific items and changes are required as part of the application:
 - a. Provide a written narrative describing all changes made to the final plat that are not related to these conditions of approval.
 - b. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 - c. Provide a final plat that substantially conforms to the revised plans approved by this action, which are the plans stamped received by the City on August 8, 2017, except as otherwise modified by these conditions of approval.

The modifications required by these conditions of approval include the following revisions:

- (1) As per Finding 7-f(3), revise the width of the proposed public access easements to 6 ft.
 - (2) As per Finding 7-f(3), a public utility easement shall be established to accommodate private utility structures that cannot be placed in the sidewalk.
2. Prior to approval of the final plat, the following shall be resolved:
 - a. Extend existing public utility easements from adjacent properties west of the subject property across the new lots, and install the corresponding utilities to connect to existing public utilities.
 - b. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to the public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - c. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - d. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - e. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - f. Provide a payment and performance bond for 100% of the cost of the required public improvements.
 - g. Provide an erosion control plan and obtain an erosion control permit.

- h. Install all underground utilities, including stubs for utility service prior to surfacing any streets. A water flow test shall be required to assure adequate water flow for development. Water line shall be constructed to the east property line of development.
 - i. Construct 5-ft setback sidewalks, 3-ft landscape strips, curb and gutter, 25-ft asphalt surface, and driveways on all internal streets.
 - j. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line.
 - k. Construct ADA ramps on all corners of the intersection of 66th Ave and Silas St. Construct a curb return design that is approved by City of Milwaukie and Clackamas County at the intersection of Silas St and Maplehurst Rd.
 - l. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
 - m. Provide a final approved set of Mylar and electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
 - n. Remove all signs, structures, or vegetation in excess of 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
 - o. As per Finding 8-c(1), install plantings along the property boundaries adjacent to residential lots outside the proposed development. The plantings shall be of species that are expected to achieve a height of 25 ft within 5 years of planting and shall be spaced sufficiently to provide a visual screen (with 50% opacity for at least half of the year) between the proposed development and adjacent properties. Plantings may be evergreen or deciduous but shall not be listed as nuisance species on the City’s Native Plant List.
3. Prior to the final inspection for each primary structure constructed on the lots within the proposed development, the following shall be resolved:
 - a. Connect all residential roof drains to a private drywell or other approved structure.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various point in the development and permitting process.

1. The applicant should note that the Underground Injection Control (UIC) devices proposed to collect and treat stormwater runoff must meet the minimum requirements established in the City’s Public Works Standards (including for depth). Also, the applicant is advised that the project will require a 1200C erosion control permit from DEQ [Department of Environmental Quality], since the project is larger than 1 acre.
2. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).

Burden of Proof Statement

Land Use Application

REQUEST / LOCATION: Eleven lot subdivision with a variance to the rear yard setback, and associated improvements. 11159 SE Maplehurst Road, Milwaukie, OR 97222-2852. Tax lot 00300, Map 12E32BC.

APPLICANT: David Riggins

PROPERTY OWNER: David Riggins

Applicable Criteria: City of Milwaukie Land Division Ordinance: Title 17.12 Application Procedure and Approval Criteria, 17.16 Application Requirements and Procedures, 17.20 Preliminary Plat, 19.300 Base Zones, 19.400 Overlay Zones and Special Areas, 19.500 Supplementary Development Regulations, 19.600 Off-Street Parking and Loading, 19.700 Public Facility Improvements, 19.911 Variances, 19.1200 Solar Access Protection

Zoning Code Designation: R-7

Comprehensive Plan Designation: LD

CHAPTER 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA**17.12.010 PURPOSE**

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

17.12.020 APPLICATION PROCEDURE

- A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Type III procedures as indicated in this section.
- B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The Planning Director may modify the procedures identified in Table 17.12.020 as follows:
 - 1. Type III review may be changed to Type II review, or a Type II review may be changed to a Type I review, upon finding the following:
 - a. The proposal is consistent with applicable standards and criteria;
 - b. The proposal is consistent with the basis and findings of the original approval; and
 - c. The proposal does not increase the number of lots.
 - 2. Type III review may be required in the following situations:
 - a. When the Planning Commission approved the original land use action; and
 - b. The proposed change is inconsistent with the original approval.

**Table 17.12.020
Boundary Change Review Procedures**

Boundary Change Action	Type I	Type II	Type III
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the ORS and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the Planning Commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			
			X

C. An increase in the number of lots within the original boundaries of a partition plat shall be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds 3.

D. Partitions

1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1005 Type II Review. Should any associated application subject to Type III review be submitted in conjunction with a partition, the partition application shall be processed according to Section 19.1006 Type III Review.

2. Full compliance with all requirements for subdivision may be required if the Planning Commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds 2 acres and within a year is being partitioned into more than 2 parcels, any one of which is less than 1 acre.

E. Subdivisions

Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1006 Type III Review.

F. Final Plats

Applications for final plats of partitions and subdivisions shall be processed in accordance with Section 19.1004 Type I Review.

Response: *The proposal is an eleven-lot subdivision with a variance to the rear yard setback and subject to Type III Review per the standards in 17.12.020.*

17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT

A. Approval Criteria

The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.

Response: *The applicable ordinances and standards for this proposal are addressed in this document.*

2. The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.

Response: *The applicant is seeking an exception to this standard and is applying for a variance to the 20' rear setback, down to 15'.*

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).

Response: *No other subdivisions in the county are named Silas Heights. This standard is met.*

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

Response: *The proposed subdivision is an infill development and connects to the existing stub of SE 66th Ave. and connects to SE Maplehurst Road.*

5. A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

Response: *This document serves to address this standard.*

B. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

Response: *This standard is procedural.*

CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES

17.16.010 APPLICATION REQUIRED

Application submissions for lot consolidation, property line adjustment, partition, subdivision, and replat shall be made in accordance with provisions of this chapter.

Response: *An Application for Land Use Action for the Subdivision and Variance of this property is prepared and submitted with this document.*

17.16.020 DETERMINATION OF COMPLETENESS

A. Consistency with Submission Requirements

The Planning Director shall review applications for consistency with submission requirements of this chapter. Application submissions that do not meet the requirements of this chapter shall be deemed incomplete for the purpose of ORS 227.178 and Chapter 19.1000. The Planning Director shall provide to the applicant notice of whether an application is complete or incomplete in accordance with ORS 227.178 and Subsection 19.1003.3.

Response: *This standard is procedural.*

B. Time Allowed to Complete Submission

If the Planning Director finds that the application submission is not complete, the applicant has 15 calendar days from the date of the Director's notice to provide the missing information. If the missing information is not provided within 15 days, the application shall be rejected. Rejection of an incomplete application does not constitute a land use action.

Response: *This standard is advisory.*

C. Reactivation of rejected applications may only be made by new submission of a complete application and fee.

Response: *This standard is advisory.*

17.16.060 PRELIMINARY PLAT FOR PARTITION AND SUBDIVISION

The following shall accompany applications for partition:

A. Completed application form signed by all owners of property included in the proposal;

Response: *A signed application is submitted along with this document.*

B. Application fee as adopted by the City Council;

Response: *The application fee shall be paid along with the submittal of the application.*

C. Completed and signed “submission requirements” and “partition checklist” or “subdivision checklist” forms as appropriate;

Response: A signed “Submission Requirements” and a signed “Preliminary Plat Checklist” are included in the submittal.

D. All information specified on the “submission requirements” and “partition checklist” or “subdivision checklist” forms as appropriate;

Response: All information specified in the above forms has been provided as required.

E. Requirements and information specified in Chapter 17.20; and

Response: Chapter 17.20 is addressed below.

F. Any additional information as may be needed to demonstrate compliance with approval criteria.

Response: Additional approval criteria is addressed below.

CHAPTER 17.20 PRELIMINARY PLAT

17.20.010 SUBMISSION OF PLANS

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.

Response: A preliminary plat and improvement plan has been provided with this application.

17.20.020 SCALE

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.

Response: The provided plans are to scale at 1" = 30'.

17.20.030 GENERAL INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

A. Preliminary plats shall be prepared by an Oregon registered land surveyor.

Response: The preliminary plat was prepared by an Oregon registered land surveyor. This standard is met.

- B. The following general information shall be submitted with the preliminary plat:
1. Proposed name of the subdivision/partition. The name shall not duplicate nor resemble the name of another subdivision in the county. Subdivision names shall be approved by the County Surveyor in accordance with ORS Chapter 92;
 2. Date, north point, and scale of drawing;
 3. Appropriate identification clearly stating the map is a preliminary plat;
 4. Location by section, township, and range; and a legal description sufficient to define the location and boundaries of the area to be divided;
 5. Names and addresses of the owner, subdivider, and engineer or surveyor;
 6. Acreage;
 7. Structures and yard setbacks;
 8. The location, width, and purpose of easements;
 9. The location, approximate dimensions, and area of all lots;
 10. Lot and block numbers; and
 11. Other information as maybe specified on application forms and checklists prescribed by the Planning Director.

Response: *The above information is shown on the provided plans. This standard is met.*

- C. Vicinity map shall be drawn at an appropriate scale, showing all existing subdivisions, streets, and unsubdivided land between the proposed subdivision and the nearest existing arterial or collector streets, and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property.

Response: *Existing streets either run adjacent to the property or are stubbed to it directly and the plan shows connections to said streets. A vicinity map is provided that shows the location of the property in relation to arterial and collector streets within 400 ft.*

17.20.040 BUILDING LINES PROHIBITED

Platted building lines are prohibited. The effect of building lines may be executed through recordation of instruments, which shall be referenced on the recorded plat.

Response: *No building lines are proposed to be platted.*

17.20.050 EXISTING CONDITIONS

The following shall be shown on the preliminary plat:

- A. Location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features, such as section lines and corners, City boundary lines, and monuments.

Response: *Existing easements, streets, and city boundary lines are indicated on the provided plan.*

- B. Contour lines related to an established benchmark or other datum approved by the Engineering Director, with intervals at a minimum of 2 feet for slopes up to 10% and 5 feet for slopes over 10%.

Response: *One foot interval contours elevated to NAVD 88 based on NGS benchmark RD1488 are shown on the provided plan.*

- C. Location within the area to be divided, and in the adjoining streets and property, of existing sewers, water mains, culverts, storm drain system, and electric conduits or lines proposed to service the property to be subdivided, and invert elevations of sewer manholes, drain pipes, and culverts.

Response: *Existing utilities were marked based on One Call Locate Ticket 17123353. Invert elevations were measured and shown on the provided plan.*

- D. Zoning and existing uses within the tract and 200 feet on all sides, including the location and use of all existing structures indicating those that will remain and those to be removed.

Response: *Zoning and existing structures on the site are shown on the provided plan.*

- E. Approximate location of areas subject to inundation or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract including wetlands and watercourses as shown on City-adopted natural resource and Title 3 maps.

Response: *No watercourses exist on subject property. Stormwater overflow will flow to SE Maplehurst Road and SE 64th Avenue. Stormwater systems have been designed to meet the City of Milwaukie Public Works Standards and the Portland Stormwater Management Manual.*

- F. Natural features such as rock outcroppings, drainages whether seasonal or perennial, wooded areas, and isolated trees, including type and caliper.

Response: *Any existing natural features, including trees, are shown on the provided plan.*

- G. Floodway and floodplain boundary.

Response: *The subject property is not within a floodplain. This standard does not apply.*

H. Areas containing slopes of 25% or greater.

Response: *No slopes over 25% exist on the subject property. This standard does not apply.*

17.20.060 PROPOSED CONDITIONS

A. 12 copies of a preliminary plat shall be submitted to the Planning Director. The plat shall include the following information:

1. Date, north point, scale, address, assessor reference number, and legal description;
2. Name and address of the record owner or owners and of the person who prepared the site plan;
3. Approximate acreage and square feet under a single ownership, or if more than 1 ownership is involved, the total contiguous acreage of all landowners directly involved in the partition;
4. For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and rights-of-way; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities;
5. Location of existing structures, identifying those to remain in place and those to be removed;
6. Lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements;
7. Existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees, topography, and other structures;
8. Elevation and location of flood hazard boundaries;
9. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; whether roads will continue beyond the plat; and existing and proposed grade profiles. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

Response: *The proposed conditions stated above are addressed and shown on the provided plan.*

B. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.

Response: *No nearby properties are vacant and access has already been reserved for the subject property. This standard is not applicable.*

C. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title, Title 19, and City design standards, including the Public Works Standards.

Response: *This document serves to address this standard.*

D. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title, Title 19, and City design standards, including the Public Works Standards.

Response: *A preliminary plat and improvement plan has been provided with this application.*

E. A drainage summary report and plan prepared in accordance with the applicable Public Works Standards.

Response: *A drainage summary report and plan are included as part of this submittal.*

F. Proposed deed restrictions, if any, in outline form.

Response: *A title report is provided with the application and outlines any deed restrictions. This standard is met.*

G. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval.

Response: *Improvements to be made by the developer are shown in the provided plan. Approximate time such improvements are to be completed shall be submitted with the request for final plat approval.*

CHAPTER 19.300 BASE ZONES

19.301 LOW DENSITY RESIDENTIAL ZONES

The low density residential zones are Residential Zone R-10, Residential Zone R-7, and Residential Zone R-5. These zones implement the Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

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

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.301.2 Low Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Standards/Additional Provisions
Residential Uses				
Single-family detached dwelling	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes Subsection 19.910.2 Duplexes
Residential home	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	N	III	III	Subsection 19.910.3 Manufactured Dwelling Parks.
Senior and retirement housing	CU	CU	CU	Subsection 19.905.9.G Senior and Retirement Housing

P = Permitted.

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

II = Type II review required.

III = Type III review required.

Response: Per Table 19.301.2, single-family detached dwellings are a permitted use.

19.301.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
 - 1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
 - 2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
 - 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
- B. Marijuana production is not permitted in low density residential zones except as follows:
 - 1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
 - 2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

Response: No uses in the above section are proposed. This section does not apply.

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.301.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 19.301.4				
Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)				Subsection 19.501.1 Lot Size Exceptions
a. Single-family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100	80		

4. Minimum street frontage requirements (ft)		
a. Standard lot		35

Table 19.301.4 CONTINUED				
Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards CONTINUED				
b. Flag lot			25	
c. Double flag lot			35	
B. Development Standards				
1. Minimum yard requirements for primary structures (ft)				Subsection 19.301.5.A Side Yards
a. Front yard	20	20	20	
b. Side yard	10	5/10	5	Subsection 19.501.2 Yard Exceptions
c. Street side yard	20	20	15	
d. Rear yard	20	20	20	Subsection 19.504.8 Flag Lot Design and Development Standards

Table 19.301.4 CONTINUED				
Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
B. Development Standards CONTINUED				
2. Maximum building height for primary structures			2.5 stories or 35 ft, whichever is less	Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit				Subsection 19.501.3 Building Height and Side Yard
a. Height above ground at minimum required side yard depth (ft)			20	

b. Slope of plane (degrees)	45			Height Plane Exceptions
4. Maximum lot coverage (percent of total lot area)	30%	35%		Section 19.201 “Lot coverage” definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	35%	30%	25%	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.7 Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre)				Subsection 19.301.5.D Residential Densities
a. Minimum	3.5	5.0	7.0	Subsection 19.501.4 Density Exceptions
b. Maximum	4.4	6.2	8.7	

Response: A proposed variance for a 15' rear setback is proposed as part of this submittal. Lot size, remaining setbacks, and density are proposed to meet the standards listed in Table 19.301.4. Vegetation, lot coverage, and building height shall follow the standards of Table 19.301.4.

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

Response: All side yards in the proposed plans are 20 ft per this standard.

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

2. Increased Lot Coverage for Single-Family Detached Dwellings

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 ft and no taller than one story are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

Figure 19.301.5.B.2

Increased Lot Coverage for Single-Family Detached Dwellings

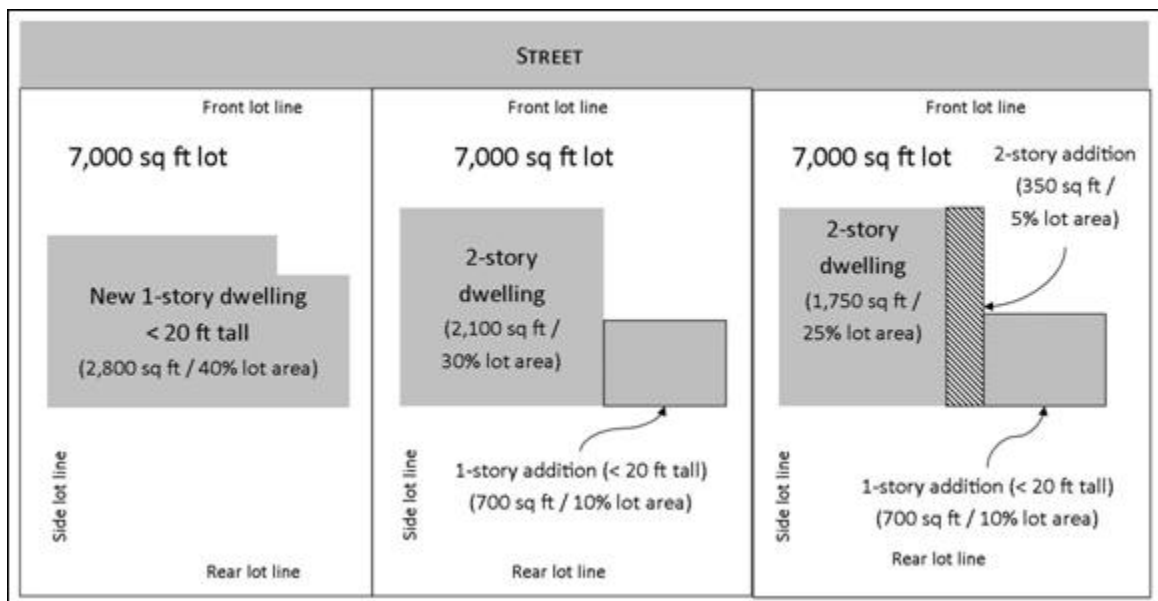


Figure 19.301.5.B.2 illustrates increased lot coverage for lots in Residential Zone R-7 based on 7,000-sq-ft lot area.

3. Increased Lot Coverage for Duplexes

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

4. Increased Lot Coverage for Detached Accessory Dwelling Units

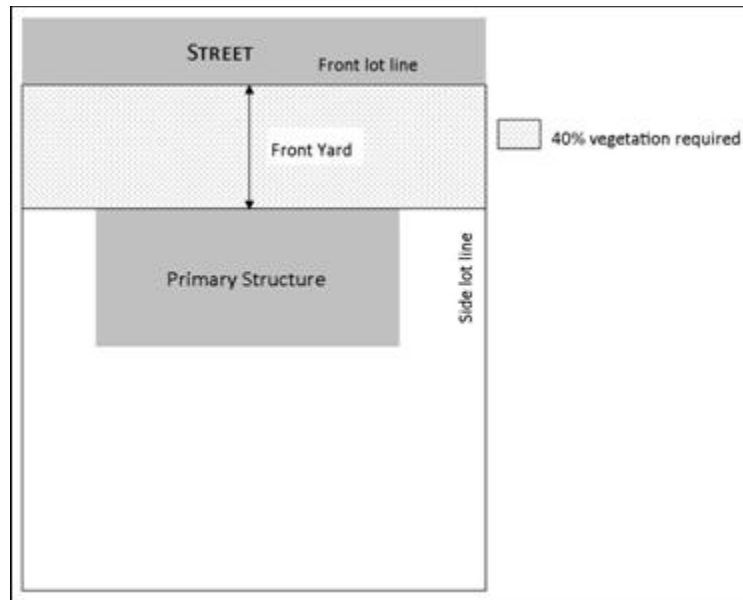
The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

Response: No proposed lot is more than 2.5 times the minimum lot size. No dwelling shall exceed maximum lot coverage.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Figure 19.301.5.C
Front Yard Minimum Vegetation



Response: 40% of each lot front yard shall be vegetated.

D. Residential Densities

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

Response: The proposed density is 5.9 units per acre and meets density requirements per Table 19.301.4.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: *No accessory structures are proposed as part of this application.*

F. Number of Dwelling Structures

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

Response: *Each lot shall only have one primary building designed for residential purposes.*

G. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

Response: *Off-Street Parking and Loaded is addressed below in 19.600.*

H. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

Response: *Public facility improvements are addressed below in Section 19.700.*

I. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.8 Flag Lot Design and Development Standards
3. Subsection 19.505.1 Single-Family Dwellings and Duplexes
4. Subsection 19.505.2 Garages and Carports
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

Response: *Additional standards are addressed below in Section 19.505.1.*

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

Response: *The subject property does not fall into any overlay zones or special areas. This section does not apply.*

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

The exceptions listed in Subsections 19.501.1–4 below are “by right” exceptions. “By right” exceptions require no special review or approval by the City to implement.

19.501.1 Lot Size Exceptions

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations:

- A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911.
- B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.

Response: *All lots are a minimum of 7,000 sf and meet the R-7 zoning requirements. No exception is needed.*

19.501.2 Yard Exceptions

A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.

Table 19.501.2.A Additional Yard Requirements	
Major Street	Distance from Centerline (plus yard requirements in zone)
Firwood Street (55th Ave. to Stanley Ave.)	25'
Harmony Road	40'
Harrison Street (Milwaukie Expressway to 44th Ave.)	40'
Harrison Street (Milwaukie Expressway to McLoughlin Blvd.)	30'
Harvey Street (32nd Ave. to 42nd Ave.)	25'
Howe Street (42nd Ave. to 43rd Ave.)	30'

**Table 19.501.2.A CONTINUED
Additional Yard Requirements**

Major Street	Distance from Centerline (plus yard requirements in zone)
Johnson Creek Boulevard	30'
King Road	40'
Linwood Avenue	40'
Lake Road	30'
Logus Road	25'
Monroe Street (52nd Ave. to Linwood Ave.)	30'
Oak Street	30'
Oatfield Road	30'
Ochoco Street	30'
Olsen Street	25'
Railroad Avenue	30'
River Road (south of Lark St.)	30'
Roswell Street (32nd Ave. to 42nd Ave.)	25'
Washington Street (west of Railroad Ave.)	30'
Willow Street (Windsor Dr. to Stanley Ave.)	25'
17th Avenue (Ochoco St. to McLoughlin Blvd.)	40'
32nd Avenue (north of Harrison St.)	30'
37th Avenue (Lake Rd. to Grogan Ave.)	25'
40th Avenue (Harvey St. to Railroad Ave.)	30'
42nd Avenue (Johnson Creek Blvd. to Howe St.)	30'
42nd Avenue (Harrison St. to King Rd.)	30'
43rd Avenue (Howe St. to King Rd.)	30'
55th Avenue (Firwood St. to Johnson Creek Blvd.)	25'

Response: *The subject property is not located along any of the listed streets. A yard exception does not apply.*

B. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features extending from an accessory structure shall not be closer than 3 ft from a property line.

Response: *No architectural features shall project more than 24 in into a side yard or 36 in into a front or rear yard. No accessory structures are proposed as part of this application.*

C. A covered porch on a single-family detached dwelling may extend 6 ft into a required front yard if the following standards are met.

1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.
2. The surface of the porch does not exceed 18 in high above the average grade.
3. The porch is at least 5 ft from the front lot line.

Response: *Any proposed porches shall not be enclosed, exceed 18 in above grade, and be no closer than 5 ft from the front lot line.*

19.501.3 Building Height and Side Yard Height Plane Exceptions

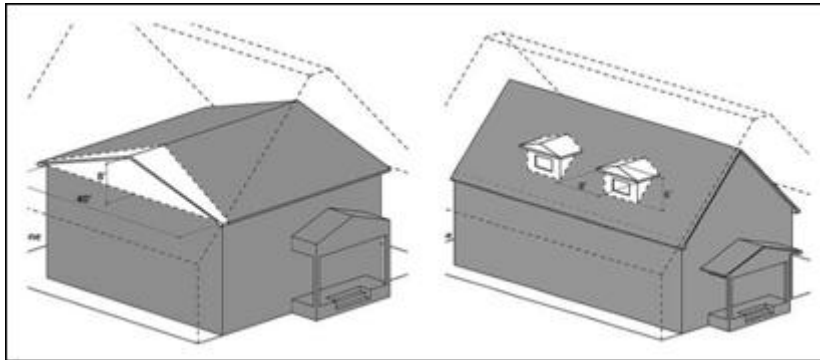
A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height and side yard height plane limitations of the Zoning Ordinance, except as provided in an L-F Zone.

Response: *This standard is advisory.*

B. The following encroachments into a side yard height plane are allowed:

1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
2. The gable end of a roof, provided that the encroachment is not more than 8 ft high above the side yard height plane or more than 40 ft wide.
3. Dormers, with the following limitations:
 - a. The highest point of any dormer is at or below the height of the primary roof ridge.
 - b. The encroachment is not more than 6 ft high above the side yard height plane or more than 8 ft wide.
 - c. The combined width of all dormers does not exceed 50% of the length of the roof on which they are located.

Figure 19.501.3.B
Allowed Height Plane Encroachments



Response: All allowed encroachments into a side yard height plane shall comply with this standard.

19.501.4 Density Exceptions

In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same.

Response: The proposed development meets R-7 density requirements. No exception applies.

19.502 ACCESSORY STRUCTURES

19.502.1 General Provisions

A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys, and public and private easements.

Response: This standard is advisory.

B. Multiple accessory structures are permitted subject to building separation, building coverage, and minimum vegetation requirements of the zoning district in which the lot is located.

Response: This standard is advisory.

C. An accessory structure shall comply with all of the requirements of the Uniform Building Code.

Response: No plans are proposed at this time for any accessory structures. This condition will be met upon the building permit application process.

D. Accessory structures excluding fences, flagpoles, pergolas, arbors, or trellises may not be located within the required front yard except as otherwise permitted in this chapter.

Response: *No plans are proposed at this time for any accessory structures. This condition will be met upon the building permit application process.*

E. Regardless of the base zone requirements in Chapter 19.300, the required side and rear yards for an accessory structure are reduced to 5 ft, except as described below.

1. Accessory structures are subject to the minimum street side yard requirements of the base zones in Chapter 19.300.
2. Regulations for overlay zones or special areas in Chapter 19.400 may require an accessory structure to be set back beyond the minimum side or rear yard requirements.
3. If the rear or side yard requirement in the base zone in Chapter 19.300 is less than 5 ft, then the yard requirements of the base zone shall apply.
4. The rear or side yard requirement for residential accessory structures per Subsection 19.502.2.A or 19.910.1.E.4 may specify a different yard requirement.

Response: *No plans are proposed at this time for any accessory structures. This condition will be met upon the building permit application process.*

F. Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development.

Response: *No plans are proposed at this time for any accessory structures. This condition will be met upon the building permit application process.*

G. Fences, flagpoles, pergolas, arbors, and trellises are permitted in yards in all residential zones.

Response: *This standard is advisory.*

19.502.2 Specific Provisions for Accessory Structures

A. The following standards apply for residential accessory structures on single-family detached, duplex, rowhouse, and cottage cluster properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a single-family residence, while protecting the character of single-family neighborhoods.

1. Development Standards

a. Height and Footprint

The maximum height and footprint allowed for an accessory structure is determined by the yard depths between the structure and the lot lines. Accessory structures with a larger height and footprint must meet the increased yard requirements. An accessory structure is allowed the maximum building height and footprint listed in Table 19.502.2.A.1.a only if the entire structure meets or exceeds all the yard requirements in the same column. See Figure 19.502.2.A.1.a.

b. Other Development Standards

- (1) Maximum accessory structure footprint allowance is subject to lot coverage and minimum vegetation standards of the base zone. Multiple accessory structures are allowed on a lot, subject to lot coverage and minimum vegetation standards of the base zone.
- (2) The yard exceptions in Subsection 19.501.2 are applicable for accessory structures.
- (3) A minimum of 5 ft is required between the exterior wall of an accessory structure and any other structure on a site, excluding a fence or similar structure.
- (4) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and is all of the following, which results in an addition and is not an accessory structure:
 - (a) Fully enclosed and meets the building code definition of a conditioned space; and
 - (b) Provides a shared wall with the primary structure with the common wall being the longer of either 20 ft in length or 40% of the overall length of the wall of the primary structure (see Figure 19.502.2.A.1.b); and
 - (c) Provides for interior passage between the primary structure and the new structure.

2. Design Standards

- a. Metal siding is prohibited on structures more than 10 ft high or with a footprint greater than 200 sq ft, unless the siding replicates the siding on the primary dwelling or has the appearance of siding that is commonly used for residential structures.
- b. Structures located in a front, side, or street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.

3. Roof Pitch

There are no roof pitch requirements for an accessory structure with a height equal to or less than 10 ft. A minimum 4/12 roof pitch is required for an accessory structure with a height over 10 ft.

4. Exceptions for Large Lots

Lots larger than 1 acre in size are allowed an exception to the Type C accessory structure height limitation and footprint size limitation of 75% of the primary structure.

- a. The allowed exceptions are:
 - (1) The structure is allowed the base zone height limit or 25 ft, whichever is greater.
 - (2) The structure is allowed a maximum footprint of 1,500 sq ft, regardless of the footprint of the primary structure.
- b. The exceptions are allowed with the following limitations:
 - (1) The sum of accessory structure footprints that exceed 75% of the footprint of the primary structure is limited to 2,500 sq ft.
 - (2) The side yard requirement shall be 20 ft, regardless of the base zone.
 - (3) The structure must conform to all other base zone and accessory structure regulations.

Response: *No plans are proposed at this time for any accessory structures. This condition will be met upon the building permit application process.*

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

- a. Residential Zones and Residential Uses in All Zones

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.D.2.h.

- b. Commercial Zones

Maximum height 6 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a 6-ft-high sight-obscuring fence.

- c. Industrial Zones

Maximum height 8 ft. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, except where such fencing is proposed adjacent to residential zones or residential uses, in which case such may be allowed following a Type II review per Section 19.1005 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a sight-obscuring fence with a minimum height of 6 ft.

2. In all cases, fence and wall height shall be measured from the top of the fence or wall to the highest ground level within a 1-ft horizontal distance from the fence.

Response: No plans are proposed at this time for fences or walls. This condition will be met upon the building permit application process.

C. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to 3 ft for an uncovered patio, deck, or swimming pool not exceeding 18 in high above the average grade of the adjoining ground (finished elevation). An uncovered ramp with handrails is allowed to exceed 18 in high if it provides access from grade to the elevation of the main entrance of a residential structure.

Response: This standard is advisory.

D. A stand-alone flagpole in a residential zone is limited to 25 ft high and must be at least 5 ft from any lot line. A stand-alone flagpole in commercial or industrial zones is subject to the height limits of the base zone in which it is located, and it must be at least 5 ft from any lot line.

Response: No plans are proposed at this time for stand-alone flag poles. This condition will be met upon the building permit application process.

19.502.3 Sustainability-Related Accessory Structures

A. Purpose

The purpose of these regulations is to allow apparatus for the generation of renewable energy and collection of stormwater, subject to standards to ensure that these structures are appropriate for their surroundings in both design and scale.

B. Maintenance Requirement

All of the sustainability-related structures in this subsection shall be maintained to be functional and safe. The Planning Director may require the repair or removal of a structure listed in this subsection if the structure is deteriorated, malfunctioning, or is otherwise unsafe.

Response: This standard is advisory.

C. Solar Energy Systems

1. Allowance

The installation of a solar energy system is an outright permitted use in zones where commercial, industrial, and residential structures are allowed outright. Installation of solar equipment that does not meet the definition of a solar energy system shall be reviewed as a Community Service Use, per Section 19.904, unless the use is allowed outright in a zone.

2. Review Process for Installation of Solar Energy Systems
 - a. A stand-alone solar energy system that is not wholly supported by another structure is subject to the reviews required by applicable base zones and overlay zones or special areas.
 - b. A solar energy system that is wholly supported by another structure shall be subject to review, or not, as described below.
 - (1) The installation of a solar energy system on an historic resource that is designated either “contributing” or “significant,” per Section 19.403, shall follow the review procedures of that section for alteration of the resource.
 - (2) The installation of a solar energy system in a downtown zone shall be exempt from downtown design review, per Section 19.907.
 - (3) The installation of a solar energy system on a structure within the Willamette Greenway Zone, or within a designated Natural Resource, is exempt from the review requirements of that zone or special area.
 - (4) The installation of a solar energy system on a structure that has been designated as a Conditional Use or a Community Service Use is exempt from the reviews of Subsections 19.904.3 and 19.905.3.
 - (5) The installation of a solar energy system under circumstances other than those described in Subsections 19.502.3.C.2.b(1)-(4) above is exempt from any land use review.
 - c. A Type I development review permit may be required for installation of a solar energy system depending upon the applicability criteria in Subsection 19.906.2.A. In no case shall a Type II development review application be required for installation of a solar energy system.
3. Standards
 - a. A stand-alone solar energy system is subject to the development standards that apply to the site. The design standards of Subsection 19.502.2.A.2 shall not be construed so as to prevent installation of a stand-alone solar energy system.
 - b. A solar energy system that is attached to a structure is subject to the following standards.
 - (1) The solar energy system will not increase the lot coverage or footprint of the structure on which the system is installed.
 - (2) The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof, except that the plane of the system is allowed a minimum slope of 35 degrees from horizontal regardless of the slope of the roof.

Response: *No plans are proposed at this time for solar energy systems. This condition will be met upon the building permit application process.*

D. Wind Energy Systems

1. Allowance

A wind energy system is allowed outright as an accessory use in all zones. Installation of wind turbines, and related equipment that does not meet the definition of a wind energy system, shall be reviewed as a Community Service Use per Section 19.904, unless the use is allowed outright in a zone.

2. Review Process for Installation of Wind Energy Systems

The review of a freestanding or roof-mounted wind energy system is subject to the reviews required by applicable base zones and overlay zones or special areas.

3. General Standards

- a. The minimum distance between the ground and any part of a rotor blade must be at least 20 ft.
- b. Wind energy systems may not be illuminated, nor may they bear any signs or advertising.
- c. Wind energy systems must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the support structure, rotor blades, and turbine components.
- d. All wiring serving small wind energy systems must be underground.
- e. Noise produced by wind energy systems may not exceed 45 dBA measured at the property line.
- f. Wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, any public safety agency or organization's radio transmissions, or any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference, should any occur, or must immediately shut down the system or parts of the system causing the interference.
- g. A finish (paint/surface) must be provided for the wind energy system that reduces the visibility of the facility, including the rotors. The Planning Director may specify that the support structure and rotors be brown, blue, light gray haze, or other suitable color to minimize the structure's visibility. If the support structure is unpainted, it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.
- h. The rotor sweep area, as defined by the American Wind Energy Association, is 50 sq ft in residential zones and 150 sq ft in all other zones.

4. Standards for Freestanding Systems

Wind energy systems may be mounted on a tower that is detached from other structures on the lot.

a. Setback

A freestanding wind energy system is not allowed in a required front yard or street side yard, and it must be at least 10 ft away from any side or rear lot line. All portions of the support pole, blades, guy wires, and associated structures or equipment must meet these standards.

b. Height

The pole and turbine are subject to the base zone height limit for primary structures, except that an increase of 1 additional ft high is allowed for every 1 ft that the wind energy system is set back beyond what is required in Subsection 19.502.3.D.4.a, up to a maximum of 50% above the base zone height limit.

c. Number

A maximum of 1 freestanding small wind generator system may be allowed on a lot of 15,000 sq ft or less. 1 additional freestanding system is allowed for each 7,500 sq ft of lot area above 15,000 sq ft.

5. Standards for Roof-Mounted Systems

Wind energy systems may be mounted on the roof of a structure.

a. Setback

The roof-mounted wind energy system is subject to the minimum yard requirements of the building on which it is mounted.

b. Height

Roof-mounted systems are subject to the height limit for freestanding systems in Subsection 19.502.3.D.4.b.

c. Number

There is no maximum number of roof-mounted systems permitted.

Response: No plans are proposed at this time for wind energy systems. This condition will be met upon the building permit application process.

E. Rainwater Cisterns

1. A rainwater cistern installed below ground, at grade, or above ground is a permitted accessory use for all properties.

2. A rainwater cistern that meets the standards listed below may encroach up to 3 ft into a required yard, but not be closer than 3 ft from any lot line. Rainwater cisterns that meet the standards below are not subject to any design or materials standards.

a. The rainwater cistern is not mounted more than 2 ft above grade.

b. The rainwater cistern's storage capacity is 80 gallons or less.

3. A rainwater cistern that exceeds the standards listed in Subsection 19.502.3.E.2 is allowed subject to all other applicable regulations for an accessory structure.

4. A below-ground rainwater cistern shall be located at least 3 ft away from any lot line.

Response: No plans are proposed at this time for rainwater cisterns. This condition will be met upon the building permit application process.

19.503 ACCESSORY USES

19.503.1 General Provisions

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this chapter and shall comply with the following limitations:

- A. A guesthouse without kitchen facilities may be maintained accessory to a dwelling and may be used as a short-term rental, provided that the guesthouse is not occupied for more than 4 months in a calendar year. A detached accessory dwelling unit approved per Subsection 19.910.1 is not considered a guesthouse.
- B. A greenhouse or hothouse may be maintained accessory to a dwelling.
- C. The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number. Subsections 19.301.3 and 19.302.3.A contain additional regulations on keeping chickens or other domesticated fowl in the residential zones.
- D. Keeping of bees shall be a permitted accessory use for residentially zoned properties.
- E. Amateur and CB radio equipment and operations shall be considered an accessory use. Radio and television structures or towers outside of dwellings shall be subject to building regulations. Such structures and towers are not permitted within any required front yard or street side yard, and shall be located at least 5 ft away from any side or rear property line. Amateur and CB radio structures and towers may exceed the height limits for the base zone, but shall not exceed a height of 70 ft. Any deviation from these standards will require a variance by the Planning Commission. Operational characteristics and limitations of such equipment shall be as established and administered by the FCC.

Response: *No plans are proposed at this time for any accessory structures. This condition will be met upon the building permit application process.*

19.504 SITE DESIGN STANDARDS

19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

Response: *Clear vision at intersections shall be maintained per Chapter 12.24.*

19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

Response: *No reduction to the minimum ordinance requirements are proposed.*

19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

Response: *No dual use are proposed as part of this application.*

19.504.4 Buildings on the Same Lot

A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

Response: *Each lot shall only have one primary building designed for residential purposes.*

19.504.5 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

Response: *This standard does not apply.*

19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.

B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen lower-density residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.

Response: *This standard does not apply.*

19.504.7 Minimum Vegetation

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

Response: Bark mulch shall not exceed 20% of the required vegetation areas.

19.504.8 Flag Lot Design and Development Standards

A. Applicability

Flag lots in all zones are subject to the development standards of this subsection.

Response: No flag lots are proposed. This standard does not apply.

19.504.9 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

Response: Single-family developments are excluded from this standard.

19.504.10 Setbacks Adjacent to Transit

The following requirement applies to all new commercial, office, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

When adjacent to a street served by transit, new commercial, office, or institutional development, including uses authorized under Section 19.904 Community Service Uses, shall be set back no more than 30 ft from the right-of-way that is providing transit service.

- A. An individual building may be set back more than 30 ft, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30-ft setback standard.
- B. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 ft.

- C. If the proposed building is part of an institutional campus, the Planning Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
- D. If the site abuts more than 1 street served by transit, then the maximum setback requirement need only apply to 1 street.

Response: *This standard does not apply.*

19.504.11 Preliminary Circulation Plan

A preliminary circulation plan is intended to guide site development by establishing a plan for multimodal access, connectivity, and circulation. A preliminary circulation plan is a conceptual plan, in that it does not establish a precise alignment for street, pedestrian, or bicycle facilities.

A. Applicability

A preliminary circulation plan is required for nonresidential development on sites 3 acres and larger that are subject to development review per Section 19.906 and where any of the following is true:

1. The site is vacant.
2. The proposed new development or redevelopment will result in reconfiguration of the transportation and development pattern for > 50% of the site.
3. The development is in the Flex Space Overlay Zone.

Response: *This section does not apply as the proposed development is residential.*

19.505 BUILDING DESIGN STANDARDS

19.505.1 Single-Family Dwellings and Duplexes

A. Purpose

The design standards for single-family dwellings and duplexes require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

B. Applicability

The design standards in this subsection apply to the types of development listed below when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line.

1. New single-family detached dwellings, residential homes, duplexes, and rowhouses on individual lots. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.
2. Expansions of structures in Subsection 19.505.1.B.1 that add area to any street-facing façade. The design standards for such expansions are applicable as follows:
 - a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.

- b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
 - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
 - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
 - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
 - d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
 - e. Expansions to street-facing façades of less than 200 sq ft are limited to no more than 1 expansion every 5 years, calculated from the date of issuance for the development permit. Multiple expansions are allowed within a 5-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
3. Remodels that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
- a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

Response: Section shall be addressed during the building permit application process.

19.505.3 Multifamily Housing

A. Purpose

The purpose of these design standards is to facilitate the development of attractive multifamily housing that encourages multimodal transportation. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the City encourages for multifamily development:

1. Livability

Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.

2. Compatibility

Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.

3. Safety and Functionality

Development should be safe and functional, by providing visibility into and within a multifamily development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

4. Sustainability

Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multifamily and congregate housing developments with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3. Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.

1. All new multifamily or congregate housing development is subject to the design elements in this subsection.
2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.
 - a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.
 - b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
 - c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.
 - d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
 - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
 - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
 - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.
 - h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.
 - i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
 - j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Table 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.

4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

Response: *This standard does not apply.*

19.505.4 Cottage Cluster Housing

A. Purpose

These standards are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

B. Applicability

These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300. The standards apply to development of new cottage clusters and modifications to existing cottage clusters.

Response: *This standard does not apply.*

19.505.5 Rowhouses

A. Purpose

Rowhouses provide a type of housing that includes the benefits of a single-family detached dwelling, such as fee simple ownership and private yard area, while also being an affordable housing type for new homeowners and households that do not require as much living space. The purpose of these standards is to allow rowhouses in medium to high density residential zones. Rowhouses are allowed at the same density as single-family detached and multifamily dwellings, and the general design requirements are very similar to the design requirements for single-family detached dwellings. Two important aspects of these standards are to include a private-to-public transition space between the dwelling and the street and to prevent garage and off-street parking areas from being prominent features on the front of rowhouses.

B. Applicability

1. The standards of Subsection 19.505.5 apply to single-family dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least 1 other dwelling, and where the lots meet the standards for a rowhouse lot in both Section 19.302 and Subsection 19.505.5.E. Rowhouse development may take place on existing lots that meet the lot standards for rowhouse lots or on land that has been divided to create new rowhouse lots.
2. Development standards for rowhouses are in Subsection 19.302.4.
3. Design standards for single-family detached dwellings in Subsections 19.505.1-2 are also applicable to rowhouses.

4. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for either duplexes or multifamily housing.

Response: *This standard does not apply.*

19.505.6 Live/Work Units

A. Purpose

This section establishes regulations and standards for creating and operating live/work units as a primary use. The purposes of these provisions are as follows:

1. Allow for the creation of cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to work in Milwaukee and contribute to the city's economy.
2. Foster and encourage the development of small businesses.
3. Enliven the vitality of commercial corridors by encouraging on-site residential uses.
4. Ensure that the use and design of live/work units is compatible with the use and design of surrounding structures and development.

B. Applicability

These standards apply to live/work units, as defined in Section 19.201, wherever this use is allowed by the base zones in Chapter 19.300 or the overlay zones in Chapter 19.400.

1. Live/work units may be established through the conversion of existing buildings or through new construction.
2. The construction or creation of live/work units in the Downtown Mixed Use Zone is subject to the design standards and applicability of Subsection 19.508.
3. Development standards for live/work units are those of the base zone and Subsection 19.505.6.D.

Response: *This standard does not apply.*

19.505.7 Nonresidential Development

A. Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards support development of an attractive, cohesive, and pedestrian-friendly commercial area. The design standards do not prescribe a particular building or architectural style.

B. Applicability

1. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings within the commercial mixed-use zones.
2. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Subsections 19.505.5 Rowhouses and 19.505.6 Live/Work Units.

3. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Subsection 19.505.3 Multifamily Housing.
4. The standards in this section do not apply to cottage cluster housing. Cottage cluster housing is subject to the design standards in Subsection 19.505.4 Cottage Cluster Housing.

Response: *This standard does not apply.*

19.505.8 Building Orientation to Transit

The following requirement applies to all new commercial, office, mixed-use, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

Response: *This standard does not apply.*

19.507 HOME OCCUPATION STANDARDS

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions. Home occupation businesses, which are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

19.507.1 Home Occupation Use Standards

Home occupation uses are allowed by right; however, they are subject to limitations to ensure compatibility with residential uses. A home occupation shall:

- A. Be incidental and accessory to the residential use of the property.
- B. Maintain the residential character of the building and premises.
- C. Not have the outward appearance of a business.
- D. Not detract from the residential character of the neighborhood.
- E. Be owned and operated by an occupant of the dwelling.

Response: *This condition will be met upon the building permit application process.*

19.507.2 Prohibitions and Use Restrictions

- A. Outside display or storage of merchandise, materials, or equipment on the premises or any adjacent right-of-way is prohibited.
- B. Noise, odor, smoke, gases, vibration, heat, or glare that is detectable beyond the limits of the property is prohibited.
- C. In the case of on-premises instruction, no more than 5 enrollees shall be present at the same time.
- D. Motor vehicle, boat, or trailer repair is prohibited as a home occupation.
- E. Only 1 home occupation is allowed per residence, except that 2 may be permitted provided no employees not residing in the home are engaged in the conduct of any business activity on the premises.
- F. Except as set forth in Section 19.509, all marijuana-related businesses (production, processing, testing, warehousing, and sales) are prohibited as home occupations. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards of Subsection 19.509.2.

Response: *None of the prohibitions or use restrictions listed above are proposed as part of this development.*

19.507.3 Permitted Signage

Only 1 sign is permitted on any property with an approved home occupation. The sign shall not exceed 4 sq ft in area, shall not be illuminated, shall not exceed 3 ft in height, and shall not be located within the public right-of-way. Signs located within the public right-of-way may be removed by the City without prior notice.

Response: *No signs are proposed as part of this submittal.*

19.507.4 Enforcement

Home occupations are allowed when consistent with provisions of this section. The following may be considered in any enforcement action against a home occupation for failure to comply with Subsection 19.507.1 of this section:

- A. Number of on-site employees who are not members of the family residing on the premises.
- B. Use of the home to distribute or receive goods.
- C. Use of the premises for parking of customer, client, or employee vehicles, and the location and number of parking spaces.
- D. The use of public streets for parking or storage.
- E. The time of day that home occupation activities may take place.
- F. Equipment or material storage, including vehicles and trailers.
- G. Noise, light, fumes, exhaust, and similar impacts.

Response: *This section is advisory.*

19.507.5 Special Provisions for Specific Uses

Short-Term Rentals. A short-term rental is an accessory use to a primary residence and allowed as a home occupation provided the following provisions are met:

- A. The residence must be occupied by the owner or a primary operator for not less than 270 days per year.
- B. Unhosted rentals (where the primary occupants vacate the unit or site during the rental period) are limited to no more than 95 days per year.
- C. If a dwelling on a property with an accessory dwelling unit is being used for short-term rental purposes, either the primary residence or the accessory dwelling unit must be occupied by the property owner for not less than 270 days per year.
- D. A property in a low-density residential zone or any property with a duplex is limited to having 1 short-term rental operating at any given time period.
- E. At any given time, no more than 2 rental parties (i.e., under 2 separate reservations) shall occupy a dwelling unit used for short-term rental purposes.
- F. Building code and fire code standards must be met.
- G. The operator of a short term rental shall register with the City and comply with all relevant requirements of Title 5 of the Milwaukie Municipal Code. The registration process will be used to verify that all code provisions have been satisfied. The right to operate the short-term rental business may be revoked if the owner or operator fails to comply with these provisions or any other home occupation standards.

Response: *This section applies to the future homeowner. The conditions will be adhered to by homeowner.*

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: provide adequate, but not excessive, space for off-street parking; avoid parking-related congestion on the streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official.

19.602 APPLICABILITY

19.602.1 General Applicability

The regulations of Chapter 19.600 apply to all off-street parking areas and off-street loading areas, whether required by the City as part of development or a change in use, per Subsection 19.602.3, or voluntarily installed for the convenience of users, per Subsection 19.602.4. Activity that is not described by Subsections 19.602.3 or 4 is exempt from compliance with the provisions of Chapter 19.600. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.600 and not through the provisions of Chapter 19.800

Response: *This section is advisory.*

19.602.2 Maintenance Applicability

Property owners shall comply with the regulations of Chapter 19.600 by ensuring conformance with the standards of Chapter 19.600 related to ongoing maintenance, operations, and use of off-street parking and loading areas. Changes to existing off-street parking or loading areas that bring the area out of conformance with Chapter 19.600, or further out of conformance if already nonconforming, are prohibited.

Response: *This section is advisory.*

19.602.3 Applicability for Development and Change in Use Activity

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.
- B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5, when the following types of development or change in use occur:
 1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.
 2. Changes of use, as defined in Section 19.201.

Response: *All off-street parking shall comply with this section.*

19.602.4 Applicability not Associated With Development or Change in Use

A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The total number of spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.605.

B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.

Response: *This standard does not apply.*

19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.606.3.A.
2. Minimum required vehicle parking spaces, per Section 19.605.
3. Minimum required bicycle parking spaces, per Section 19.609.
4. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.
5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E.
6. Other applicable standards within Chapter 19.600, as determined by the Planning Director.

Response: *No existing off-street parking exists. This section does not apply.*

19.603 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS

19.603.1 Review Process

The Planning Director shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

Response: *This standard is procedural.*

19.603.2 Submittal Requirements

Except for single-family dwellings, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Director.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
 - 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
 - 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

Response: *The proposed development is for single-family dwellings. This section does not apply.*

19.604 GENERAL PARKING STANDARDS

19.604.1 Parking Provided with Development Activity

All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

Response: *Off-street parking shall be provided with the construction of the homes.*

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where shared parking is approved in conformance with Subsection 19.605.4.

Response: *All off-street parking shall be on the same site as the primary use for which the parking is accessory.*

19.604.3 Use of Parking Areas

All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.

Response: *This standard is advisory.*

19.604.4 Storage Prohibited

No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking.

Response: *This standard is advisory.*

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.

19.605.1 Minimum and Maximum Requirements

- A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.
- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Director may elect to assign a use category from Table 19.605.1 to determine the minimum required and maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.
- C. If a proposed use is not listed in Table 19.605.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.605.2.
- D. Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number. Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.
- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Section 19.605 prior to June 17, 2010, the effective date of Ordinance #2015, shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.201.

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single-family dwellings, including rowhouses and manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling		

units (includes senior and retirement housing). a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone. b. Dwelling units with more than 800 sq ft of floor area.	1 space per dwelling unit. 1.25 spaces per dwelling unit.	2 spaces per dwelling unit. 2 spaces per dwelling unit.
3. Residential homes and similar facilities allowed outright in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
4. Accessory dwelling units (ADU)—Types I and II.	Property containing an ADU and primary dwelling must have 2 spaces.	No maximum.

Response: All lots are proposed to have single-family dwellings and shall have a minimum of one parking space per dwelling.

19.605.2 Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of minimum and maximum parking ratios from Table 19.605.1 as well as the determination of minimum and maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with large parking demands.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 and the quantity requirements for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the minimum required or maximum allowed quantities as calculated per Table 19.605.1.

Response: No modifications to the quantity of parking spaces are required. This section does not apply.

19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.605.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.605 and not to the other requirements of Chapter 19.600. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

1. Reductions for Neighborhood Commercial Areas

The minimum parking requirements of Table 19.605.1 shall be reduced by 50% for the properties described below:

- a. Properties zoned Commercial Limited (C-L).
- b. Properties zoned Commercial Neighborhood (C-N).
- c. Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

- a. Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for multifamily uses may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- c. Parking for all uses except single-family attached and detached dwellings may be reduced by 25% if the development is within 1,000-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.
- d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

3. Multitenant Commercial Sites

Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Director shall have the authority to determine when multiple uses exist on a site.

- a. Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.
- b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.

4. Carpool/Vanpool

Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10%. This reduction may be taken whether the carpool/vanpool space is required pursuant to Section 19.610 or voluntarily provided.

5. Bicycle Parking

The minimum amount of required parking for all non-single-family residential uses may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of 1 vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

6. Car Sharing

Required parking may be reduced by up to 5% if at least 1 off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Director, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.

7. Provision of Transit Facility Improvements

The number of existing required parking spaces may be reduced by up to 10% for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of 1 parking space is allowed for each 100 sq ft of transit facility provided on the site.

Response: *This section does not apply.*

19.605.4 Shared Parking

Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.605.4. The standards of Subsection 19.605.4 do not apply to voluntary shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.605.

A. Review

The Planning Director shall determine, in accordance with Section 19.1004 Type I Review, whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.602.5, before it may be used for shared parking.

B. Standards

1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.
2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.605.4.B.2.
3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.605 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit.

Response: No shared parking is proposed. This section does not apply.

19.606 PARKING AREA DESIGN AND LANDSCAPING

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for cottage clusters, rowhouses, duplexes, single-family detached dwellings, and residential homes.

Response: The proposed development is for single-family dwellings. This section does not apply.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

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

A. Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

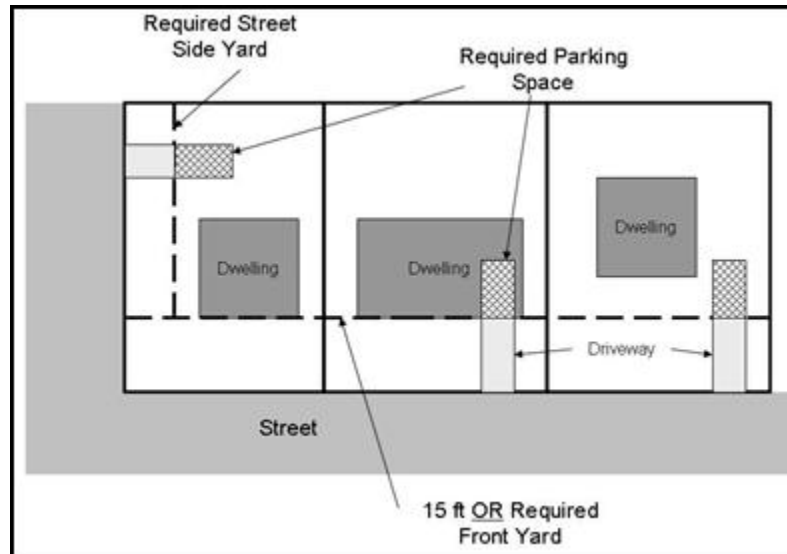
Response: Off-street parking spaces shall be designed to the required 9' x 18' dimensions.

B. Location

1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.
2. No portion of the required parking space is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
 - a. Within the required front yard or within 15 ft of the front lot line, whichever is greater.
 - b. Within a required street side yard.

Figure 19.607.1.B.2

Required Parking Space Location



Response: All off-street parking shall be provided on the same lot as the associated dwellings and be located beyond the required front yard setback per this standard.

C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
 - a. Required parking space(s).

- b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.
 - c. All off-street parking and maneuvering areas for a residential home.
2. Maneuvering areas and unrequired parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

Response: *Off-street parking surface materials shall meet the criteria detailed in this standard.*

D. Parking Area Limitations

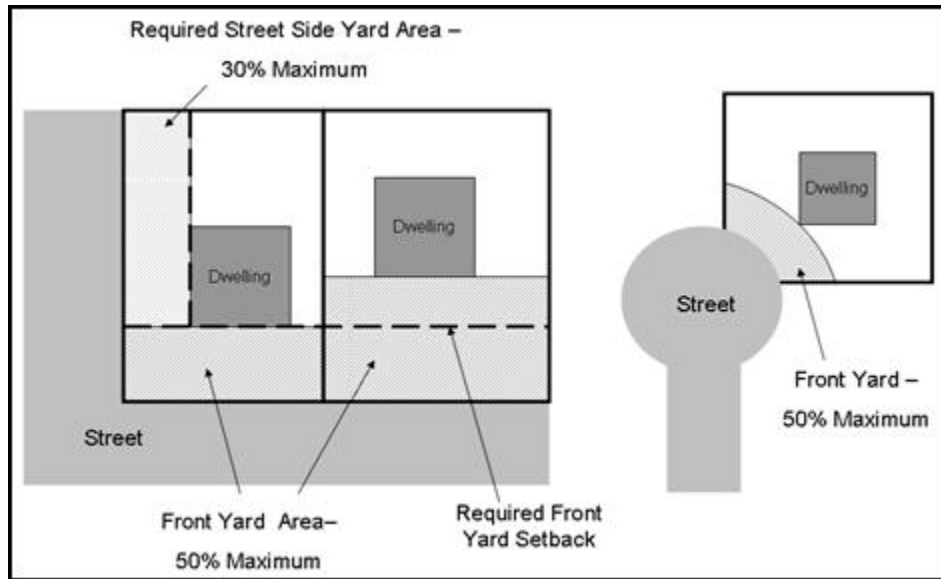
Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to rowhouses, which are subject to the standards in Subsection 19.505.5.

- a. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area.
- b. Uncovered parking spaces and maneuvering areas cannot exceed 30% of the required street side yard area.
- c. No more than 3 residential parking spaces are allowed within the required front yard. A residential parking space in the required front yard is any 9- x 18-ft rectangle that is entirely within the required front yard that does not overlap with another 9- x 18-ft rectangle within the required front yard.

Figure 19.607.1.D

Front and Street Side Yard Parking Area Limits



Response: All proposed parking areas shall be limited to these standards.

E. Additional Driveway Standards

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 5 ft of the right-of-way boundary (Option 1—see Figure 19.607.1.E.1). Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width:distance onto property), starting 2 ft behind the front property line (Option 2—see Figure 19.607.1.E.2).

Figure 19.607.1.E.1

Driveway Widening Limitation—Option 1

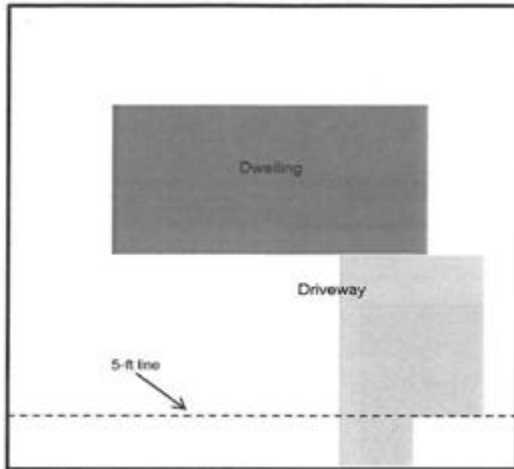
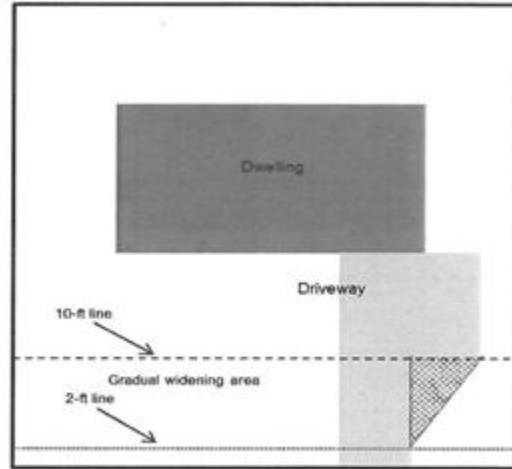


Figure 19.607.1.E.2

Driveway Widening Limitation—Option 2



Response: No proposed driveway shall exceed the approved driveway approach width.

2. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right-of-way in a forward motion.

Response: All properties take access from local streets. This standard does not apply.

19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes, single-family detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex, single-family detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on cottage cluster, rowhouse, duplex, single-family detached, or residential home properties must comply with the following regulations:
 1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
 2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for a cottage cluster, rowhouse, duplex, single-family detached dwelling, or residential home.

3. A recreational vehicle or pleasure craft may be parked anywhere on a residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
4. A recreational vehicle or pleasure craft is encouraged to be parked or stored in the side or rear yard area of a residential lot.
5. Recreational vehicles and pleasure craft must be stored on a surface that meets the requirements of Subsections 19.607.1.C.1 or 2. Parking areas for recreational vehicle and pleasure craft are considered excess parking, and may be graveled as allowed by Subsection 19.607.1.C.2. The prohibitions in Subsection 19.607.1.C.2 on graveled areas in front yard or side yard setbacks are not applicable for areas where recreational vehicles and pleasure crafts are parked.

Response: *This standard is advisory.*

19.608 LOADING

19.608.1 General Provisions

- A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right-of-way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.

- B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the Downtown Mixed Use Zone.

Response: *This standard does not apply.*

19.610 CARPOOL AND VANPOOL PARKING

19.610.1 Applicability

New industrial, institutional, and commercial development with 20 or more required parking spaces shall provide carpool/vanpool parking.

Response: *This standard does not apply.*

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking that is required for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.

B. Applications for parking structures with fewer than 20 spaces are subject to Type II review, per the procedures of Section 19.1005. Applications for parking structures with 20 spaces or more shall be reviewed by the Planning Commission at a public hearing per Section 19.1006 Type III Review. The Planning Commission may impose conditions on the proposed structure to make it compatible with surrounding properties.

Response: *Parking structures are not permitted. This standard does not apply.*

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.701 PURPOSE

The purpose of Chapter 19.700 is to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts. The purposes of this chapter include the following:

19.701.1 For Transportation Facilities

- A. Provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation system plans.
- B. Protect the functional classification, capacity, and level of service of transportation facilities.
- C. Ensure that transportation facility improvements are provided in rough proportion to development impacts.
- D. Provide an equitable and consistent method of requiring transportation facility improvements.
- E. Ensure that transportation facility improvements accommodate multiple modes of travel, including pedestrian, bicycle, transit, and auto.

19.701.2 For Public Facilities

- A. Ensure that public facility improvements are safe, convenient, and adequate.
- B. Ensure that public facility improvements are designed and constructed to City standards in a timely manner.
- C. Ensure that the expenditure of public monies for public facility improvements is minimized when improvements are needed for private development.
- D. Ensure that public facility improvements meet the City of Milwaukie Comprehensive Plan goals and policies.

19.702 APPLICABILITY

19.702.1 General

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

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

Response: *The proposed plan is for subdivision of the subject property. This section applies.*

19.703 REVIEW PROCESS

19.703.1 Preapplication Conference

For all proposed development that requires a land use application and is subject to Chapter 19.700 per Section 19.702, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.

Response: *A preapplication conference was held, this standard is met.*

19.703.2 Application Submittal

For all proposed development that is subject to Chapter 19.700 per Section 19.702, one of the following types of applications is required.

- A. Development Permit Application

If the proposed development does not require a land use application, compliance with Chapter 19.700 will be reviewed as part of the development permit application submittal.

Response: *This section is advisory. The proposed development does require a land use application.*

B. Transportation Facilities Review (TFR) Land Use Application

If the proposed development triggers a transportation impact study (TIS) per Section 19.704, a TFR land use application shall be required. Compliance with Chapter 19.700 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Section 19.1005. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications.

If the proposed development does not trigger a TIS per Section 19.704, but does require the submittal of other land use applications, compliance with Chapter 19.700 will be reviewed during the review of the other land use applications.

Response: *Per the Preapplication Report, the City of Milwaukie Engineering Director has determined that this development will not require a traffic impact study.*

19.703.3 Approval Criteria

For all proposed development that is subject to Chapter 19.700 per Section 19.702, the required development permit and/or land use application shall demonstrate compliance with the following approval criteria at the time of submittal.

A. Procedures, Requirements, and Standards

Development and related public facility improvements shall comply with procedures, requirements, and standards of Chapter 19.700 and the Public Works Standards.

Response: *This standard is advisory.*

B. Transportation Facility Improvements

Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction.

Development in downtown zones that is exempt per Subsection 19.702.3.B shall only be required to provide transportation improvements that are identified by a Transportation Impact Study as necessary to mitigate the development's transportation impacts. Such development is not required to provide on-site frontage improvements.

Response: *Transportation improvements through the subject property are proposed as part of the development.*

C. Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the City's basic safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submittal of a development permit application, an applicant shall demonstrate that the development property has or will have all of the following:

1. Adequate street drainage, as determined by the Engineering Director.
2. Safe access and clear vision at intersections, as determined by the Engineering Director.

3. Adequate public utilities, as determined by the Engineering Director.
4. Access onto a public street with the minimum paved widths as stated in Subsection 19.703.3.C.5 below.
5. Adequate frontage improvements as follows:
 - a. For local streets, a minimum paved width of 16 ft along the site's frontage.
 - b. For nonlocal streets, a minimum paved width of 20 ft along the site's frontage.
 - c. For all streets, a minimum horizontal right-of-way clearance of 20 ft along the site's frontage.
6. Compliance with Level of Service D for all intersections impacted by the development, except those on Oregon Highway 99E that shall be subject to the following:
 - a. Level of Service F for the first hour of the morning or evening 2-hour peak period.
 - b. Level of Service E for the second hour of the morning or evening 2-hour peak period.

Response: *The surrounding public facilities were deemed adequate as part of the preapplication conference. Frontage improvements have been laid out in the Preapplication Report and addressed in the provided plan.*

19.703.4 Determinations

There are four key determinations related to transportation facility improvements that occur during the processing of a development permit or land use application. These determinations are described below in the order in which they occur in the review process. They are also shown in Figure 19.703.4. In making these determinations, the Engineering Director will take the goals and policies of the TSP into consideration and use the criteria and guidelines in this chapter.

A. Impact Evaluation

For development that is subject to Chapter 19.700 per Subsection 19.702.1, the Engineering Director will determine whether the proposed development has impacts to the transportation system pursuant to Section 19.704. Pursuant to Subsection 19.704.1, the Engineering Director will also determine whether a transportation impact study (TIS) is required. If a TIS is required, a transportation facilities review land use application shall be submitted pursuant to Subsection 19.703.2.B.

For development that is subject to Chapter 19.700 per Subsection 19.702.2, the City has determined that there are impacts to the transportation system if the proposed single-family residential expansion/conversion is greater than 200 sq ft.

Response: *Per the Preapplication Report, the City of Milwaukie Engineering Director has determined that this development will not require a traffic impact study.*

B. Street Design

Given the City's existing development pattern, it is expected that most transportation facility improvements will involve existing streets and/or will serve infill development. To ensure that required improvements are safe and relate to existing street and development conditions, the Engineering Director will determine the most appropriate street design cross section using the standards and guidelines contained in Section 19.708. On-site frontage improvements are not required for downtown development that is exempt per Subsection 19.702.3.B.

Response: *Frontage improvements have been laid out in the Preapplication Report and addressed in the provided plan.*

C. Proportional Improvements

When transportation facility improvements are required pursuant to this chapter, the Engineering Director will conduct a proportionality analysis pursuant to Section 19.705 to determine the level of improvements that are roughly proportional to the level of potential impacts from the proposed development. Guidelines for conducting a proportionality analysis are contained in Subsection 19.705.2.

Response: *Transportation improvements have been laid out in the Preapplication Report and addressed in the provided plan.*

D. Fee in Lieu of Construction (FILOC)

If transportation facility improvements are required and determined to be proportional, the City will require construction of the improvements at the time of development. However, the applicant may request to pay a fee in lieu of constructing the required transportation facility improvements. The Engineering Director will approve or deny such requests using the criteria for making FILOC determinations found in Subsection 19.706.1.

Response: *A FILOC is not proposed with in this application.*

19.705 ROUGH PROPORTIONALITY

The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and off-site, or nonfrontage, improvements. A rough proportionality determination may be appealed pursuant to Subsection 19.703.5.

The Engineering Director will conduct a proportionality analysis for any proposed development that triggers transportation facility improvements per this chapter, with the exception of development subject to Subsection 19.702.2. The Engineering Director may conduct a proportionality analysis for development that triggers transportation facility improvements per Subsection 19.702.2.

When conducting a proportionality analysis for frontage improvements, the Engineering Director will not consider prior use for the portion of the proposed development that involves new construction. The Engineering Director will, however, consider any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements.

The following general provisions apply whenever a proportionality analysis is conducted.

Response: *Transportation improvements have been laid out in the Preapplication Report and addressed in the provided plan.*

19.705.1 Impact Mitigation

Mitigation of impacts, due to increased demand for transportation facilities associated with the proposed development, shall be provided in rough proportion to the transportation impacts of the proposed development. When a TIS is required, potential impacts will be determined in accordance with Section 19.704. When no TIS is required, potential impacts will be determined by the Engineering Director.

Response: *Per the Preapplication Report, the City of Milwaukie Engineering Director has determined that this development will not require a traffic impact study.*

19.705.2 Rough Proportionality Guidelines

The following shall be considered when determining proportional improvements:

- A. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a 1/2-mile radius of the proposed development. If a TIS is required pursuant to Section 19.704, the impact area is the TIS study area.
- B. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.
- C. The effect of increased demand associated with the proposed development on transportation facilities and on other approved, but not yet constructed, development projects within the impact area.
- D. The most recent use when a change in use is proposed that does not involve new construction.
- E. Applicable TSP goals, policies, and plans.
- F. Whether any route affected by increased transportation demand within the impact area is listed in any City program including, but not limited to, school trip safety, neighborhood traffic management, capital improvement, and system development improvement.
- G. Accident history within the impact area.

- H. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
- I. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
- J. Other considerations as may be identified in the review process.

Response: *This section is advisory.*

19.707 AGENCY NOTIFICATION AND COORDINATED REVIEW

19.707.1 Agency Notification

In addition to the general notice provisions set forth in Chapter 19.1000 for land use applications, the City shall provide notice of applications that are subject to Chapter 19.700 to the following agencies:

- A. Oregon Department of Transportation (ODOT): If the proposed development generates more than 100 vehicle trips per day, is within 200 ft of a State highway, or is within 1,320 ft of a State highway interchange ramp.
- B. ODOT Rail Division: If the proposed development is within 300 ft of a public railroad crossing or if a modification is proposed to an existing public railroad crossing. Private crossing improvements are subject to review and licensing by the private rail service provider.
- C. Metro and Clackamas County: If the proposed development is within 200 ft of a designated arterial or collector roadway, as identified in Figure 8-1 of the TSP.
- D. Metro: If the proposed development is within 200 ft of a designated regional multiuse trail, as identified in the Regional Transportation Plan.
- E. TriMet: If the proposed development (excluding single-family development on an existing lot) is within 200 ft of an existing or proposed transit route as identified on the current TriMet service map and Figure 7-3 of the TSP.

Response: *No agencies fall within the distances listed above from the subject property. This standard does not apply.*

19.707.2 Coordinated Review

The City shall coordinate application review and land use findings and conditions, if any, with the agencies listed above. The City shall include the deadline for review comments in its notice. Agencies shall indicate in their comments if additional public facility permits or approvals are required through their agency separate from City permits and approvals.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

This section contains the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. For ease of reading, the more common term "street" is used more frequently than the more technical terms "public right-of-way" or "right-of-way." As used in this section, however, all three terms have the same meaning.

The City recognizes the importance of balancing the need for improved transportation facilities with the need to ensure that required improvements are fair and proportional. The City also acknowledges the

value in providing street design standards that are both objective and flexible. Objective standards allow for consistency of design and provide some measure of certainty for developers and property owners. Flexibility, on the other hand, gives the City the ability to design streets that are safe and that respond to existing street and development conditions in a way that preserves neighborhood character.

The City’s street design standards are based on the street classification system described in the TSP. Figure 8-1 of the TSP identifies the functional street classification for every street in the City and Figure 10-1 identifies the type and size of street elements that may be appropriate for any given street based on its classification.

19.708.1 General Street Requirements and Standards

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

Response: *Access is provided via an existing street stub and a 47’ wide “flag pole” where an existing driveway access SE Maplehurst Road.*

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

Response: *No obstructions are proposed within clear vision areas.*

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection 19.304.6.

Response: *The proposal is not in a downtown zone; this standard does not apply.*

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the PAR is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the PAR for that street frontage. The following general provisions apply only to street frontages that are not shown in the PAR and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

1. Streets shall be designed and improved in accordance with the standards of this chapter and the Public Works Standards. ODOT facilities shall be designed consistent with State and federal standards. County facilities shall be designed consistent with County standards.

Response: *Street designs have been provided in the Preapplication Report and addressed in the provided plan.*

2. Streets shall be designed according to their functional classification per Figure 8-3b of the TSP.

Response: *Street designs have been provided in the Preapplication Report and addressed in the provided plan.*

3. Street right-of-way shall be dedicated to the public for street purposes in accordance with Subsection 19.708.2. Right-of-way shall be dedicated at the corners of street intersections to accommodate the required turning radii and transportation facilities in accordance with Section 19.708 and the Public Works Standards. Additional dedication may be required at intersections for improvements identified by the TSP or a required transportation impact study.

Response: *Right-of-way dedication is shown in the provided plan.*

4. The City shall not approve any development permits for a proposed development unless it has frontage or approved access to a public street.

Response: *All proposed lots access a public street.*

5. Off-site street improvements shall only be required to ensure adequate access to the proposed development and to mitigate for off-site impacts of the proposed development.

Response: *Off-site improvements are only proposed to connect to the stub of SE 66th Ave.*

6. The following provisions apply to all new public streets and extensions to existing public streets.
 - a. All new streets shall be dedicated and improved in accordance with this chapter.
 - b. Dedication and construction of a half-street is generally not acceptable. However, a half-street may be approved where it is essential to allow reasonable development of a property and when the review authority finds that it will be possible for the property adjoining the half-street to dedicate and improve the remainder of the street when it develops. The minimum paved roadway width for a half-street shall be the minimum width necessary to accommodate 2 travel lanes pursuant to Subsection 19.708.2.

Response: *A new street is proposed to be dedicated and has full travel widths.*

7. Traffic calming may be required for existing or new streets. Traffic calming devices shall be designed in accordance with the Public Works Standards or with the approval of the Engineering Director.

Response: *This standard does not apply.*

8. Railroad Crossings

Where anticipated development impacts trigger a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval.

Response: *This standard does not apply.*

9. Street Signs

The City shall install all street signs, relative to traffic control and street names, as specified by the Engineering Director. The applicant shall reimburse the City for the cost of all such signs installed by the City.

Response: *This standard is advisory.*

10. Streetlights

The location of streetlights shall be noted on approved development plans. Streetlights shall be installed in accordance with the Public Works Standards or with the approval of the Engineering Director.

Response: *Street lights shall be noted on the final engineering plans.*

E. Street Layout and Connectivity

1. The length, width, and shape of blocks shall take lot size standards, access and circulation needs, traffic safety, and topographic limitations into consideration.

Response: *The proposed development has taken into consideration the lot size standards, access needs, traffic safety, and topology.*

2. The street network shall be generally rectilinear but may vary due to topography or other natural conditions.

Response: *The proposed development is generally rectilinear except for where the lot shape requires a reverse curve to connect to SE Maplehurst Rd.*

3. Streets shall be extended to the boundary lines of the developing property where necessary to give access to or allow for future development of adjoining properties.
 - a. Temporary turnarounds shall be constructed for street stubs in excess of 150 ft in length. Drainage facilities shall be constructed to properly manage stormwater runoff from temporary turnarounds.
 - b. Street stubs to adjoining properties shall not be considered turnarounds, unless required and designed as turnarounds, since they are intended to continue as through streets when adjoining properties develop.
 - c. Reserve strips may be required in order to ensure the eventual continuation or completion of a street.

Response: *The proposed development is infill. All surrounding properties are already developed. This standard does not apply.*

4. Permanent turnarounds shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over abutting property shall not be grounds for construction of a turnaround. For proposed land division sites that are 3 acres or larger, a street ending in a turnaround shall have a maximum length of 200 ft, as measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. For proposed land division sites that are less than 3 acres, a street ending in a turnaround shall have a maximum length of 400 ft, measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. Turnarounds shall be designed in accordance with the requirements of the Public Works Standards. The requirements of this subsection may be adjusted by the Engineering Director to avoid alignments that encourage nonlocal through traffic.

Response: *Per the Preapplication Report, the west end of the new road must end in a turnaround. This turnaround can fit in a standard 50-foot right-of-way.*

5. Closed-end street systems may serve no more than 20 dwellings.

Response: *The proposed development results in eleven lots. This standard is met.*

F. Intersection Design and Spacing

1. Connecting street intersections shall be located to provide for traffic flow, safety, and turning movements, as conditions warrant.

Response: *Connecting street intersections are provided at the only locations available due to the infill nature of this development.*

2. Street and intersection alignments for local streets shall facilitate local circulation but avoid alignments that encourage nonlocal through traffic.

Response: *No through street is proposed. This standard does not apply.*

3. Streets should generally be aligned to intersect at right angles (90 degrees). Angles of less than 75 degrees will not be permitted unless the Engineering Director has approved a special intersection design.

Response: *New streets are proposed to intersect at right angles.*

4. New streets shall intersect at existing street intersections so that centerlines are not offset. Where existing streets adjacent to a proposed development do not align properly, conditions shall be imposed on the development to provide for proper alignment.

Response: *No street intersections exist adjacent to the subject property. This standard does not apply.*

5. Minimum and maximum block perimeter standards are provided in Table 19.708.1.

Response: *The largest proposed block perimeter is 1,790' which includes proposed lots around a turnaround. Due to the infill nature of this proposal, a smaller block size cannot be achieved as there the subject property is limited by its available access.*

6. Minimum and maximum intersection spacing standards are provided in Table 19.708.1.

Table 19.708.1 Street/Intersection Spacing			
Street Classification	Minimum Distance Between Street Intersections	Maximum Distance Between Street Intersections	Maximum Block Perimeter
Arterial	530'	1,000'	2600'
Collector	300'	600'	1800'
Neighborhood Route	150'	530'	1650'
Local	100'	530'	1650'

Response: *The proposed streets do not intersect any city street within the minimum 100'. There is a county street within this minimum but the eastern configuration of the subject property limits the proposed intersection to its current exact location.*

19.708.2 Street Design Standards

Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on existing conditions and the surrounding development pattern. The additional street design standards in Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street

segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.

Table 19.708.2 Street Design Standards (Dimensions are Shown in Feet)							
Street Classification	Full-Width Right of Way Dimension	Individual Street Elements					
		Travel Lane (Center Lane)	Bike Lane	On-Street Parking	Landscape Strips	Sidewalk Curb Tight	Sidewalk Setback
Arterial	54'–89'	11'–12' (12'–13')	5'–6'	6'–8'	3'–5'	8'–10'	6'
Collector	40'–74'	10'–11'	5'–6'	6'–8'	3'–5'	8'	6'
Neighborhood	20'–68'	10'	5'	6'–8'	3'–5'	6'	5'
Local	20'–68'	8' or 10'	5'	6'–8'	3'–5'	6'	5'
Truck Route	34'–89'	11'–12' (12'–13')	5'–6'	6'–8'	3'–5'	8'–10'	Per street classification
Transit Route	30'–89'	10'–12' (12'–13')	5'–6'	6'–8'	3'–5'	Per street classification	Per street classification

A. Additional Street Design Standards

These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.

Response: 10-ft travel lanes are proposed in the provided plan.

2. Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.

Response: No travel lanes are proposed adjacent to curb.

3. Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.

Response: *No shared or bicycle lanes are proposed.*

4. Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the Engineering Director, and where such a reduction would not result in a safety hazard.

Response: *This standard does not apply.*

5. Where a curb is required by the Engineering Director, it shall be designed in accordance with the Public Works Standards.

Response: *Curbs shall be designed to the Public Works Standards.*

6. Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.

Response: *This standard does not apply.*

7. On-street parking in industrial zones shall have a minimum width of 8 ft.

Response: *This standard does not apply.*

8. On-street parking in commercial zones shall have a minimum width of 7 ft.

Response: *This standard does not apply.*

9. On-street parking in residential zones shall have a minimum width of 6 ft.

Response: *On-street parking is proposed with a width of 6 ft. This standard is met.*

10. Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.

Response: *No reduced width sidewalk is proposed.*

11. Landscape strip widths shall be measured from back of curb to front of sidewalk.

Response: *Landscape strips are shown measured from back of curb to front of sidewalk in the provided plans.*

12. Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Standards and the Milwaukie Street Tree List and Street Tree Planting Guidelines.

Response: *Street trees are proposed and spaced 40' in the provided plan.*

13. Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.

Response: *Sedimentation manholes are proposed for water quality treatment and are not located in the landscape strip. This standard does not apply.*

14. A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.

Response: *6" is provided between property lines and street elements.*

B. Street Design Determination Guidelines

The Engineering Director shall make the final determination regarding right-of-way and street element widths using the ranges provided in Table 19.708.2 and the additional street design standards in Subsection 19.708.2.A. The Engineering Director shall also determine whether any individual street element may be eliminated on one or both sides of the street in accordance with Figure 10-1 of the TSP. When making a street design determination that varies from the full-width cross section, the Engineering Director shall consider the following:

1. Options and/or needs for environmentally beneficial and/or green street designs.
2. Multimodal street improvements identified in the TSP.
3. Street design alternative preferences identified in Chapter 10 of the TSP, specifically regarding sidewalk and landscape strip improvements.
4. Existing development pattern and proximity of existing structures to the right-of-way.
5. Existing right-of-way dimensions and topography.

Response: *This section is advisory.*

19.708.3 Sidewalk Requirements and Standards

A. General Provisions

1. Goals, objectives, and policies relating to walking are included in Chapter 5 of the TSP and provide the context for needed pedestrian improvements. Figure 5-1 of the TSP illustrates the Pedestrian Master Plan and Table 5-3 contains the Pedestrian Action Plan.
2. Americans with Disabilities Act (ADA) requirements for public sidewalks shall apply where there is a conflict with City standards.

Response: *This section is advisory.*

B. Sidewalk Requirements

1. Requirements

Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.

2. Design Standards

Sidewalks shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards.

3. Maintenance

Abutting property owners shall be responsible for maintaining sidewalks and landscape strips in accordance with Chapter 12.04.

Response: *Sidewalks are proposed within a public easement due to the limiting size of the property and with the approval of the Engineering Director.*

19.708.4 Bicycle Facility Requirements and Standards

A. General Provisions

1. Bicycle facilities include bicycle parking and on-street and off-street bike lanes, shared lanes, bike boulevards, and bike paths.
2. Goals, objectives, and policies relating to bicycling are included in Chapter 6 of the TSP and provide the context for needed bicycle improvements. Figure 6-2 of the TSP illustrates the Bicycle Master Plan, and Table 6-3 contains the Bicycle Action Plan.

Response: *This section is advisory.*

B. Bicycle Facility Requirements

1. Requirements

Bicycle facilities shall be provided in accordance with this chapter, Chapter 19.600, the TSP, and the Milwaukie Downtown and Riverfront Plan: Public Area Requirements. Requirements include, but are not limited to, parking, signage, pavement markings, intersection treatments, traffic calming, and traffic diversion.

2. Timing of Construction

To assure continuity and safety, required bicycle facilities shall generally be constructed at the time of development. If not practical to sign, stripe, or construct bicycle facilities at the time of development due to the absence of adjacent facilities, the development shall provide the paved street width necessary to accommodate the required bicycle facilities.

3. Design Standards

Bicycle facilities shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards. Bicycle parking shall be designed and improved in accordance with Chapter 19.600 and the Milwaukie Downtown and Riverfront Plan: Public Area Requirements.

Response: *No bicycle facilities are proposed in this application.*

19.708.5 Pedestrian/Bicycle Path Requirements and Standards

A. General Provisions

Pedestrian/bicycle paths are intended to provide safe and convenient connections within and from new residential subdivisions, multifamily developments, planned developments, shopping centers, and commercial districts to adjacent and nearby residential areas, transit stops, and neighborhood activity centers.

Pedestrian/bicycle paths may be in addition to, or in lieu of, a public street. Paths that are in addition to a public street shall generally run parallel to that street. These types of paths are not subject to the provisions of this subsection and shall be designed in accordance with the Public Works Standards or as specified by the Engineering Director. Paths that are in lieu of a public street shall be considered in areas only where no other public street connection options are feasible. These types of paths are subject to the provisions of this subsection.

Response: *This section is advisory.*

B. Pedestrian/Bicycle Path Requirements

In addition to sidewalks on public streets, other available pedestrian routes, as used in this subsection, include walkways within shopping centers, planned developments, community service use developments, and commercial and industrial districts. Routes may cross parking lots on adjoining properties if the route is paved, unobstructed, and open to the public for pedestrian use.

Pedestrian/bicycle paths shall be required in the following situations.

1. In residential and mixed-use districts, a pedestrian/bicycle path shall be required at least every 300 ft when a street connection is not feasible.
2. In residential and industrial districts where addition of a path would reduce walking distance, via a sidewalk or other available pedestrian route, by at least 400 ft and by at least 50% to an existing transit stop, planned transit route, school, shopping center, or park.
3. In commercial districts and community service use developments where addition of a path would reduce walking distance, via a sidewalk or other available pedestrian route, by at least 200 ft and by at least 50% to an existing transit stop, planned transit route, school, shopping center, or park.

4. In all districts where addition of a path would provide a midblock connection between blocks that exceed 800 ft or would link the end of a turnaround with a nearby street or activity center.

Response: *Pedestrian/bicycle paths are not required for this development. This section does not apply.*

C. Design Standards

Pedestrian/bicycle paths shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards. Paths shall be located to provide a reasonably direct connection between likely pedestrian and bicyclist destinations. A path shall have a minimum right-of-way width of 15 ft and a minimum improved surface of 10 ft. If a path also provides secondary fire access or a public utility corridor, it shall have a minimum right-of-way width of 20 ft and a minimum improved surface of 15 ft. Additional standards relating to entry points, maximum length, visibility, and path lighting are provided in the Public Works Standards.

Response: *This standard does not apply.*

D. Ownership and Maintenance

To ensure ongoing access to and maintenance of pedestrian/bicycle paths, the Engineering Director will require one or more of the following:

1. Dedication of the path to the public and acceptance of the path by the City as public right-of-way prior to final development approval.
2. Creation of a public access easement over the path prior to final development approval.
3. Incorporation of the path into recorded easements or tract(s) of common ownership that specifically requires existing property owners and future property owners who are subject to such easements or own such tracts to provide for the ownership, liability, and maintenance of the path into perpetuity. This shall occur prior to final development approval.

Response: *This standard does not apply.*

19.709 PUBLIC UTILITY REQUIREMENTS

19.709.1 Review Process

The Engineering Director shall review all proposed development subject to Chapter 19.700 per Section 19.702 in order to: (1) evaluate the adequacy of existing public utilities to serve the proposed development, and (2) determine whether new public utilities or an expansion of existing public utilities is warranted to ensure compliance with the City's public utility requirements and standards.

A. Permit Review

The Engineering Director shall make every effort to review all development permit applications for compliance with the City's public utility requirements and standards within 10 working days of application submittal. Upon completion of this review, the Engineering Director shall either approve the application, request additional information, or impose conditions on the application to ensure compliance with this chapter.

Response: *This standard is procedural.*

B. Review Standards

Review standards for public utilities shall be those standards currently in effect, or as modified, and identified in such public documents as Milwaukie's Comprehensive Plan, Wastewater Master Plan, Water Master Plan, Stormwater Master Plan, Transportation System Plan, and Public Works Standards.

Response: *This standard is advisory.*

19.709.2 Public Utility Improvements

Public utility improvements shall be required for proposed development that would have a detrimental effect on existing public utilities, cause capacity problems for existing public utilities, or fail to meet standards in the Public Works Standards. Development shall be required to complete or otherwise provide for the completion of the required improvements.

A. The Engineering Director shall determine which, if any, utility improvements are required. The Engineering Director's determination requiring utility improvements shall be based upon an analysis that shows the proposed development will result in one or more of the following situations:

1. Exceeds the design capacity of the utility.
2. Exceeds Public Works Standards or other generally accepted standards.
3. Creates a potential safety hazard.
4. Creates an ongoing maintenance problem.

B. The Engineering Director may approve one of the following to ensure completion of required utility improvements.

1. Formation of a reimbursement district in accordance with Chapter 13.30 for off-site public facility improvements fronting other properties.
2. Formation of a local improvement district in accordance with Chapter 3.08 for off-site public facility improvements fronting other properties.

Response: *This section is procedural.*

19.709.3 Design Standards

Public utility improvements shall be designed and improved in accordance with the requirements of this chapter, the Public Works Standards, and improvement standards and specifications identified by the City during the development review process. The applicant shall provide engineered utility plans to the Engineering Director for review and approval prior to construction to demonstrate compliance with all City standards and requirements.

***Response:** Engineered utility plans shall be provided prior to construction.*

19.709.4 Oversizing

The Engineering Director may require utility oversizing in anticipation of additional system demand. If oversizing is required, the Engineering Director may authorize a reimbursement district or a system development charge (SDC) credit in accordance with Chapter 13.28.

***Response:** This standard is advisory.*

19.709.5 Monitoring

The Engineering Director shall monitor the progress of all public utility improvements by the applicant to ensure project completion and compliance with all City permitting requirements and standards. Utility improvements are subject to the requirements of Chapter 12.08. Follow-up action, such as facility inspection, bond release, and enforcement, shall be considered a part of the monitoring process.

***Response:** This standard is procedural.*

19.911 VARIANCES

19.911.1 Purpose

Variations provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variations are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variations may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variations shall not be granted that would be detrimental to public health, safety, or welfare.

19.911.2 Applicability

A. Eligible Variations

Except for situations described in Subsection 19.911.2.B, a variation may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

B. Ineligible Variations

A variation may not be requested for the following purposes:

1. To eliminate restrictions on uses or development that contain the word "prohibited."
2. To change a required review type.

3. To change or omit the steps of a procedure.
4. To change a definition.
5. To increase, or have the same effect as increasing, the maximum permitted density for a residential zone.
6. To justify or allow a Building Code violation.
7. To allow a use that is not allowed outright by the base zone. Requests of this nature may be allowed through the use exception provisions in Subsection 19.911.5, nonconforming use replacement provisions in Subsection 19.804.1.B.2, conditional use provisions in Section 19.905, or community service use provisions in Section 19.904.

C. Exceptions

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either “by right” or as part of a specific land use application review process.

Response: *This section is advisory.*

19.911.3 Review Process

A. General Provisions

1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.
2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.
3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

Response: *This standard is procedural.*

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.

6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.

Response: *The proposed rear yard setback is 15ft is due to the limited width of the subject property.*

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Response: *This standard does not apply.*

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

Response: *Due to the configuration of the subject property and need for a reasonable width public street, a variance to the rear setback is required to create buildable lots. The rear setback still provides a reasonable distance from the neighboring properties. Additionally, the development removes existing buildings adjacent to the property line creating even more space from the neighboring properties.*

2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

Response: *The proposed variance to the rear setback will not impact any public transportation facilities or utilities.*

3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

Response: *No existing site improvements are being retained as part of the proposed development.*

4. Impacts from the proposed variance will be mitigated to the extent practicable.

Response: *The proposed variance has no foreseeable negative impacts and causes no need for mitigation.*

CHAPTER 19.1200 SOLAR ACCESS PROTECTION

19.1201 PURPOSE

19.1201.1 The purpose of this chapter is:

- A. To orient new lots and parcels to allow utilization of solar energy;
- B. To promote energy conservation and the effective use of the sun as a renewable resource;
- C. To implement provisions of the Milwaukie Comprehensive Plan encouraging use of solar energy;
- D. To provide a means of encouraging investment in solar design and solar equipment.

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.1 Purpose

The purposes of solar access provisions for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

19.1203.2 Applicability

The solar design standards in Subsection 19.1203.3 shall apply to applications for a development to create lots in single-family zones, except to the extent the Director finds that the applicant has shown one or more of the conditions listed in Subsections 19.1203.4 and 5 exist, and exemptions or adjustments provided for therein are warranted.

Response: *As the proposed development is creating lots in a single-family zone, this section applies.*

19.1203.3 Design Standard

At least 80% of the lots in a development subject to these provisions shall comply with one or more of the options in this subsection; provided a development may, but is not required to, use the options in Subsections 19.1203.3.B or C below to comply with Section 19.1203.

A. Basic Requirement

A lot complies with Subsection 19.1203.3 if it:

1. Has a north-south dimension of 90 ft or more; and

Response: *Due to the restrictive width of the property, the north-south dimension of the lots can only reach 80 ft and still support a road. The development complies with this section through the Performance Option in this section.*

2. Has a front lot line that is oriented within 30 degrees of a true east-west axis (see Figure 19.1203.3).

Response: *The front lot line of 80% of the lots is oriented within 30 degrees of east/west.*

B. Protected Solar Building Line Option

In the alternative, a lot complies with Subsection 19.1203.3 if a solar building line is used to protect solar access as follows:

1. A protected solar building line is designated on the plat or in documents recorded with the plat; and
2. The protected solar building line is oriented within 30 degrees of a true east-west axis; and
3. There are at least 70 ft between the protected solar building line and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
4. There are at least 45 ft between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80% of their south-facing wall will not be shaded by structures or nonexempt vegetation (see Figure 19.1202.1-4).

Response: *This alternative is not used.*

C. Performance Option

In the alternative, a lot complies with Subsection 19.1203.3 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis, and at least 80% of their ground floor south wall will be protected from shade by structures and nonexempt trees using appropriate deed restrictions; or
2. Habitable structures built on that lot will orient at least 32% of their glazing, and at least 500 sq ft of their roof area, to face within 30 degrees east or west of true south, and that glazing and roof area are protected from shade by structures and nonexempt trees using appropriate deed restrictions.

Response: *The long axes of 80% of the lots are oriented within 30 degrees of a true east-west axis. New structures shall orient the required roof area and glazing to within 30 degrees of true east-west and be protected from shade.*

19.1203.4 Exemptions from Design Standard

A development is exempt from Subsection 19.1203.3 if the Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.

A. Slopes

The site, or a portion of the site for which the exemption is sought, is sloped 20% or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.

Response: *This exemption does not apply.*

B. Off-Site Shade

The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.

1. Shade from an existing or approved off-site dwelling in a single-family residential zone, and from topographic features, is assumed to remain after development of the site.
2. Shade from an off-site structure in a zone other than a single-family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; they are part of a developed area, public park, or legally reserved open space; they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
4. Shade from other offsite sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

Response: *This exemption does not apply.*

C. On-Site Shade

The site, or a portion of the site for which the exemption is requested:

1. Is within the shadow pattern of on-site features such as, but not limited to, structures and topography which will remain after the development occurs; or

2. Contains nonexempt trees at least 30 ft tall and more than 6 in. in diameter measured 4 ft above the ground, which have a crown cover over at least 80% of the site or the relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50% of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The City shall be made a party to any covenant or restriction created to enforce any provision of this section. The covenant or restriction shall not be amended without written City approval.

Response: *This exemption does not apply.*

D. Completion of Phased Subdivision

The site is part of a phased subdivision, none of which was subject to Section 19.1203, and the site and the remainder of the unplatted portion of the phased subdivision contains no more than 20% of the lots in all phases of the subdivision.

Response: *This exemption does not apply.*

19.1203.5 Adjustment to Design Standard

The Director shall reduce the percentage of lots that must comply with Subsection 19.1203.3, to the minimum extent necessary, if he or she finds the applicant has shown it would cause or is subject to one or more of the following conditions.

A. Adverse Impacts on Density, Cost, or Amenities

1. If the design standard in Subsection 19.1203.3.A is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g., grading, water, storm drainage, sanitary systems, and road) and solar-related off-site site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Subsection 19.1203.3.A would reduce density or increase costs per lot in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development:

- a. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10% or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor, USGS, or other officially recognized topographic information;
- b. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or Development Ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed;
- c. Existing road patterns must be continued through the site or must terminate on the site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access;
- d. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

2. If the design standard in Subsection 19.1203.3.A applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Subsection 19.1203.3.A is relevant to whether a significant development amenity is lost or impaired.

Response: *No adjustments to the design standard are requested.*

B. Impacts of Existing Shade

The shadow pattern from nonexempt trees covers over at least 80% of the lot and at least 50% of the shadow pattern will remain after development of the lot. The applicant can show the shadow pattern using a scaled survey of nonexempt trees on the site or using an aerial photograph.

1. Shade from nonexempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.
2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files, in the office of the County Recorder, a covenant binding the applicant to retain the trees causing the shade on the affected lot(s).

Response: *No adjustments to the design standard are requested.*

19.1203.6 Protection from Future Shade

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 19.1203.6. The City shall be made a party of any covenant or restriction created to enforce any provision of this subsection. The covenant or restriction shall not be amended without written City approval.

Response: *This standard is procedural.*

19.1203.7 Application

An application for approval of a development subject to this section shall include the following:

- A. Maps and text sufficient to show the development complies with the solar design standard of Subsection 19.1203.3, except for lots for which an exemption or adjustment from Subsection 19.1203.3 is requested, including at least:
 1. The north-south lot dimension and front lot line orientation of each proposed lot;
 2. Protected solar building lines and relevant building site restrictions, if applicable;
 3. For the purpose of identifying trees exempt from Subsection 19.1203.6, a map showing existing trees at least 30 ft tall and over 6 in diameter at a point 4 ft above grade, indicating their height, diameter, and species, and stating that they are to be retained and are exempt; and

4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Subsection 19.1203.3 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Subsections 19.1203.4 or 5, respectively.

Response: *Direction and trees are shown on the provided plan.*

19.1203.8 Process for Approval

Requirements for meeting this section shall be processed simultaneously with other application requirements as provided by this title.

Response: *This standard is advisory.*

Kelver, Brett

From: Livingston, Robert
Sent: Wednesday, September 20, 2017 3:13 PM
To: Kelver, Brett
Subject: RE: plans for Maplehurst subdivision (file #S-2017-003)

Brett,

I have made a cursory review of these plans last week on the project page as I was reviewing them for other reasons. The only issue I saw during my review was that the applicant was indicating in the stormwater management plan exhibit "G", that the drywell geometry assumptions for the UICs proposed to collect & treat stormwater runoff would be 7 feet deep (or only needed to be 7 feet deep to accept all runoff during the calculated storm). This may just be a theoretical number to match the calculations made in the stormwater plan, but our Public Works Standards drawing for UICs in the ROW (#612) has minimum depths for UICs (drywells).

I'm sure our Engineering Dept. is well aware of this and will insist on infrastructure built to our PW standards. Also as this project is larger than 1 acre, it will be issued a 1200CN erosion control permit. The applicant should be prepared to apply for that.

Rob Livingston
City of Milwaukie
503-786-7691
503-572-4659

From: Kelver, Brett
Sent: Wednesday, September 20, 2017 2:17 PM
To: Livingston, Robert <LivingstonR@milwaukieoregon.gov>
Subject: plans for Maplehurst subdivision (file #S-2017-003)

Rob,

For the proposed 11-lot subdivision at 11159 SE Maplehurst Rd, we referred the application out last week for review and comment. I simply sent you the cover sheet and made a note to e-mail you the relevant submittal materials in case you wanted to see them. I knew you were out until yesterday but I forgot to send you the attached materials before the end of the day yesterday—the applicant's narrative, stormwater report, and plan set. These materials are also online at the project page for this application: <https://www.milwaukieoregon.gov/planning/s-2017-003>.

We're looking for any comments on relevant criteria by next Wednesday, Sept 27. Let me know if you have any questions or concerns about the project in the meantime.

Thanks,

BRETT KELVER

Associate Planner
City of Milwaukie
o: 503.786.7657 f: 503.774.8236
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

Kelver, Brett

From: Jesse Tremblay <jtrem56@gmail.com>
Sent: Friday, October 13, 2017 7:38 PM
To: Kelver, Brett
Subject: Re: call for comments on Maplehurst subdivision (S-2017-003)

Official as LUC.

On Fri, Oct 13, 2017 at 10:57 AM, Kelver, Brett <KelverB@milwaukieoregon.gov> wrote:

Jesse,

Thanks for following up from last night's meeting. Does your note below about being in favor of the variance reflect your individual view or your official view from your position in the NDA's LUC?

BRETT KELVER

Associate Planner

From: Jesse Tremblay [mailto:jtrem56@gmail.com]

Sent: Friday, October 13, 2017 10:44 AM

To: Kelver, Brett <KelverB@milwaukieoregon.gov>

Subject: Re: call for comments on Maplehurst subdivision (S-2017-003)

Hi Brett,

Nobody really had any pressing comments or questions. We announced the date of the public hearing. It seems pretty straightforward.

Officially, I am for approving the variance from 20 to 15 feet, and support the addition of 11 more lots for development.

Best Regards,

Jesse

Kelver, Brett

From: Amos, Matt <Matt.Amos@clackamasfire.com>
Sent: Friday, October 13, 2017 3:54 PM
To: Kelver, Brett
Subject: RE: [Spam score:8%] comments on Maplehurst subdivisiion? (Milwaukie file #S-2017-003)

Good afternoon Brett,

At this point I do not believe there are any issues with access or water supply.

Matt Amos

Fire Inspector | Fire Prevention

direct: 503.742.2661

main: 503.742.2600



*To Safely Protect & Preserve
Life & Property*

CLACKAMAS FIRE DISTRICT #1

www.clackamasfire.com

From: Kelver, Brett [mailto:KelverB@milwaukieoregon.gov]
Sent: Friday, October 13, 2017 2:20 PM
To: Amos, Matt <Matt.Amos@clackamasfire.com>
Cc: Boumann, Mike <mike.boumann@ClackamasFire.com>
Subject: [Spam score:8%] comments on Maplehurst subdivisiion? (Milwaukie file #S-2017-003)

Matt,

Wanted to see if you had any comments from CFD on the 11-lot subdivision proposed at 11159 SE Maplehurst Rd. I sent out a referral on Sept 13 but wasn't very good about following up with folks to call in any comments. Forgive me if you sent something already that I missed.

The project page for this one is online here: [S-2017-003 | City of Milwaukie Oregon Official Website](#).

I'm out of the office today starting at 2:30pm but will be back in on Monday morning to wrap up the materials we'll send out on Tuesday in advance of the Oct 24 hearing for this one. Thanks!

BRETT KELVER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

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MEMORANDUM

TO: Community Development Department
THROUGH: Charles Eaton, Director of Engineering
FROM: Alex Roller, Engineering Technician II
RE: 11-Lot Subdivision – 11159 SE Maplehurst Road
 S-2017-003
DATE: October 16, 2017

Subdivide 1 existing parcel into 11 lots.

1. MMC Chapter 12.08 – Street & Sidewalk Excavations, Construction, and Repair
 - A. This will apply to all construction that is completed in the right-of-way that is eventually dedicated to the City. The public improvement process will follow MMC 12.08.020.

2. MMC Chapter 12.16 – Access Management

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

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

12.16.040.A: requires that all properties be provided street access with the use of an accessway.

The proposed development is consistent with MMC 12.16.040A.

12.16.040.C: Accessway Locations

1: Double Frontage

The proposed development is consistent with MMC 12.16.040.C.1 as each lot only has one proposed driveway.

2: Limiting driveway access from arterials and collectors.

All adjacent streets are local streets.

Proposed development is consistent with MMC 12.16.040.C.2

3: Distance from property line

Proposed driveways will conform to 12.16.040.C.3 through Condition of Approval J.

4: Distance from Intersection

a: Proposed lot layout allows for the siting of houses that will facilitate the required 45-foot accessway spacing from intersections. Current plan shows accessways for lots 9 & 10 within the 45-foot spacing, however lot configuration will

allow the movement of the accessways in plan review phase.

Proposed development is consistent with MMC 12.16.040.C.4.a.

12.16.040D: Number of Accessway Locations

1: Safe access

Applicant has proposed the minimum number of accessway locations.

The proposed development is consistent with MMC 12.16.040.D.1.

2-3: Does not apply to this development, as no accessways are on arterials or collectors are proposed. Also only 1 accessway per property is proposed.

12.16.040E & 12.16.040F: Accessway Design - ADA standards & Width

Proposed driveways will conform to 12.16.040.E & 12.16.040.F through Condition of Approval J.

3. MMC Chapter 12.24 – Clear Vision at Intersections

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

A. 12.24.030: clear vision requirements

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

4. MMC Chapter 19.700 – Public Facility Improvements

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

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

The applicant proposes to subdivide the existing 1 parcels into 11 new lots. The subdivision triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

B. MMC Section 19.703 Approval Criteria

19.703.1 Preapplication Conference

Requirement for a preapplication conference was satisfied on May 18th 2017.

19.703.2 Application Submittal

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

19.703.3 Approval Criteria

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

The proposed development is consistent with MMC 19.703.3.

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

Trips generated from this proposed development affect neighboring local streets. This development improves street connectivity therefore does not require a transportation impact study.

MMC 19.704 does not apply to the proposed development.

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

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service previous to the proposed development.

The proposed development is consistent with MMC 19.705.

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

19.708.1.A – Access Management

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

19.708.1.B – Clear Vision

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

19.708.1.D – Development in Non-Downtown Zones

Applicant has demonstrated that adequate right-of-way, pedestrian improvements, and public utilities can be constructed within the provided preliminary plat. Final design will be approved through the plan review process.

The proposed development is consistent with MMC 19.708.1.D.

19.708.1.E – Street Layout & Connectivity

The proposed development is consistent with MMC 19.708.3.E.

19.708.1.F – Intersection Design and Spacing

Spacing between proposed SE Silas Street and SE Catalina Lane is smaller than the required 100-foot spacing between intersections on a local street. Approval of a variance to this spacing requirement will be

required. SE Catalina Lane is a dead-end road that serves 14 houses, and is not stubbed out to extend east for future development. The engineering department is recommending approval of this intersection spacing variance as SE Catalina lane does not generate enough traffic to affect the new Silas/Maplehurst intersection being created by this development.

The proposed development shall conform to MMC 19.708.1.F through Condition of Approval A

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

The proposed cross sections for SE Silas Street does not include the required minimum landscape strip width of 3-feet. Proposed travel lane is 15-feet, which can be reduced to the minimum 14-feet, to create a larger landscape strip.

The required half street construction for proposed Silas Street and 66th Avenue are as follows: 5-foot setback sidewalk, 3-foot landscape strip, curb & gutter, 12.5-foot asphalt. The total right-of-way width is 36 feet. This will provide for two 8-foot travel lanes and two 6-foot parking lanes, and sidewalks in a public access easement.

Right-of-way improvements for internal streets in the development will conform to 19.708.2 through Condition of Approval I.

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

The construction of sidewalks along the proposed development property abutting all public rights-of-way is included in the street frontage requirements. As proposed, all sidewalks except for the west side of SE 66th Avenue will be constructed in 5.5-foot public access easements. Easement will have to be 6', to allow for maintenance of sidewalk. Sidewalk will have 6-inch spacing on each side of the easement. Plans to not currently show the location and width of the public utility easement.

19.708.3.A.2 requires that public sidewalks shall conform to ADA standards. Current proposal does not include ADA ramps on any of the internal corners.

The proposed development will conform to MMC 19.708.3.A.2 through Conditions of Approval I & K.

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

The Milwaukie TSP does not identify adjacent roadways as bike routes. MMC 19.708.4 does not apply to the proposed development.

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

The proposed development property is surrounded by single family residences. The proposed development does not present an opportunity

to provide a pedestrian or bicycle path within the development and is not required to provide one.

MMC 19.708.5 does not apply to the proposed development.

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

Transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

- K. MMC Section 19.709 establishes standards for review of new development with respect to adequacy of existing public utilities.

Applicant will be responsible for conducting a fire flow test on the hydrant at SE 66th Ave/SE Eunice St. Applicant will be responsible for constructing water line to the east property line of the development property.

City Storm system is available to connect to through a storm easement to the west of the development. Drywells have been proposed as part of the stormwater system. Applicant may only construct drywells if it is demonstrated that either Milwaukie or WES storm cannot be connected to.

Recommended Conditions of Approval

1. Prior to approval of the final plat, the following shall be resolved:
 - A. Obtain a variance to MMC 19.708.1.F for intersection spacing.
 - B. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - C. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - D. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - E. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - F. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
 - G. Provide an erosion control plan and obtain an erosion control permit.
 - H. Install all underground utilities, including stubs for utility service prior to surfacing any streets. Water flow test will be required to assure adequate

water flow for development. Water line will be constructed to the east property line of development.

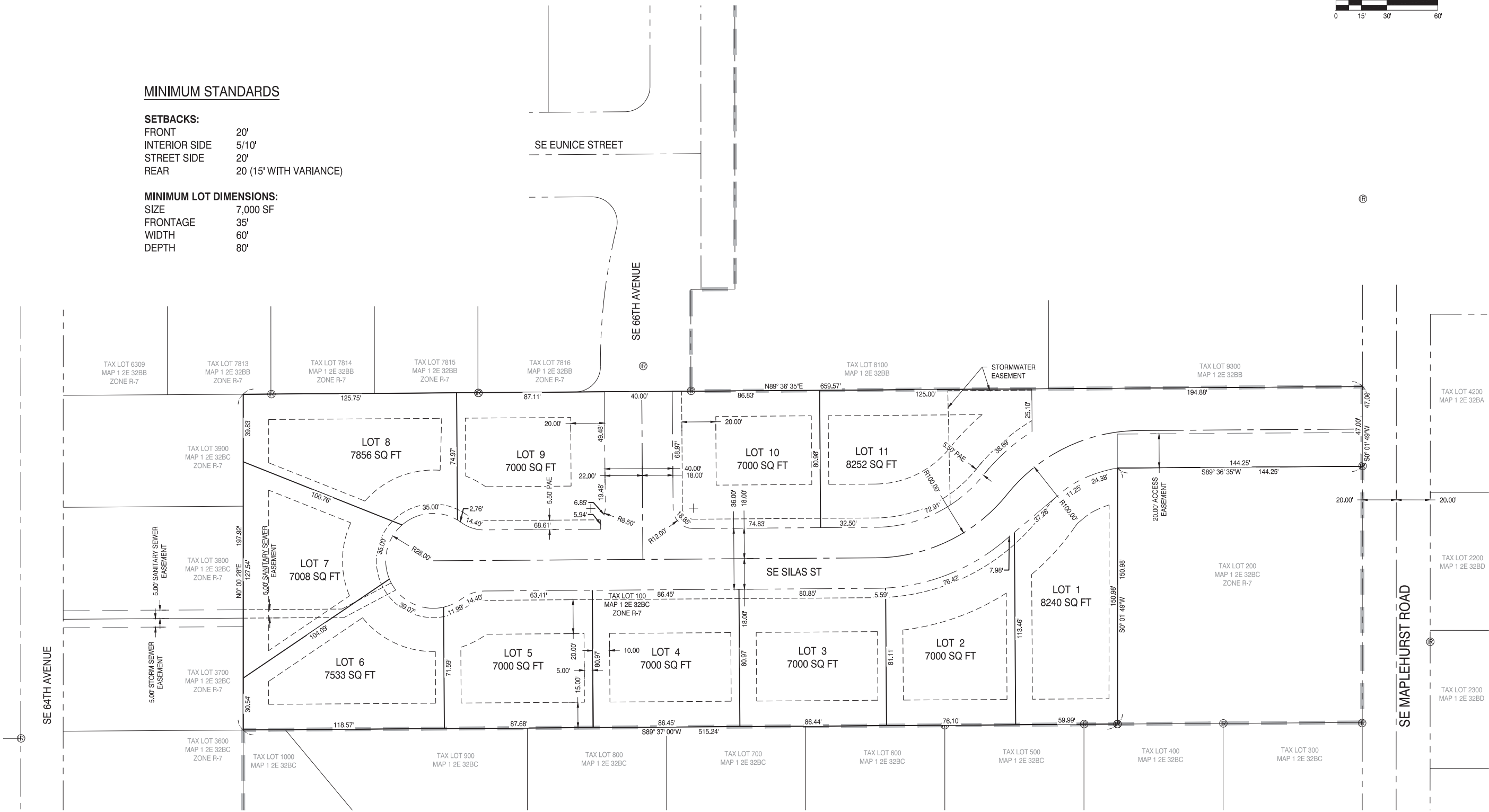
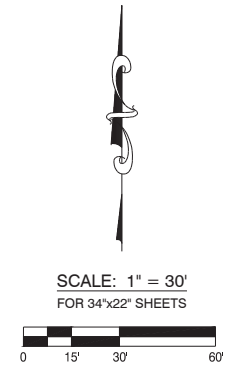
- I. Construct 5-foot setback sidewalks, 3-foot landscape strips, curb and gutter, 25-foot asphalt surface and driveways on all internal streets.
 - J. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 feet and 20 feet in width and least 7.5 feet from the side property line.
 - K. Construct ADA ramps on all corners of SE 66th/Silas Street intersection. Construct a curb return design that is approved by City of Milwaukie and Clackamas County at the Silas/Maplehurst intersection.
 - L. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
 - M. Provide a final approved set of Mylar and electronic PDF "As Constructed" drawings to the City of Milwaukie prior to final inspection.
 - N. Remove all signs, structures, or vegetation in excess of three feet in height located in "vision clearance areas" at intersections of streets, driveways, and alleys fronting the proposed development.
2. Prior to final inspection for any building on the proposed development, the following shall be resolved:
 - A. Connect all residential roof drains to private drywell or other approved structure.

FILE: \\FREEMAS\oas\ham Eng\17-031 Higgins Subdivision Milwaukee\Planning\170724-17031-P\PLAN.dwg 7/27/2017 4:31 PM - Owner

MINIMUM STANDARDS

SETBACKS:
 FRONT 20'
 INTERIOR SIDE 5/10'
 STREET SIDE 20'
 REAR 20 (15' WITH VARIANCE)

MINIMUM LOT DIMENSIONS:
 SIZE 7,000 SF
 FRONTAGE 35'
 WIDTH 60'
 DEPTH 80'



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
PRELIMINARY
 HAYES A. MCCOY
 JULY 11, 2008
 68666LS
 EXPIRES 12/31/18

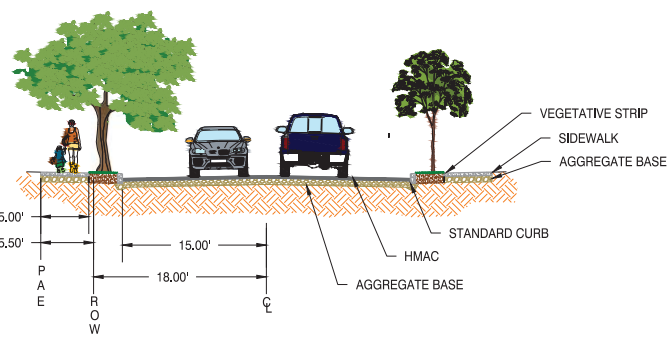
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H.A. MCCOY
 ENGINEERING & SURVEYING, LLC
 11403 NW 42nd Street, Portland, OR 97228
 HAYES A. MCCOY
 P.L.L.C. LICENSE
 54-4227554
 hayes@ham-esr.com

PROJECT: SILAS HEIGHTS
 PROJECT LOCATION: MILWAUKIE, OREGON
 CLIENT: CURTIS GIBSON

SHEET TITLE:
PRELIMINARY PLAT

JOB NO. 17-031
 DRAWN BY: CPF
 DRAWING:
P1.1



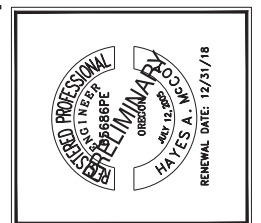
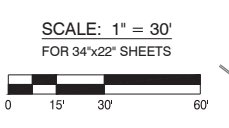
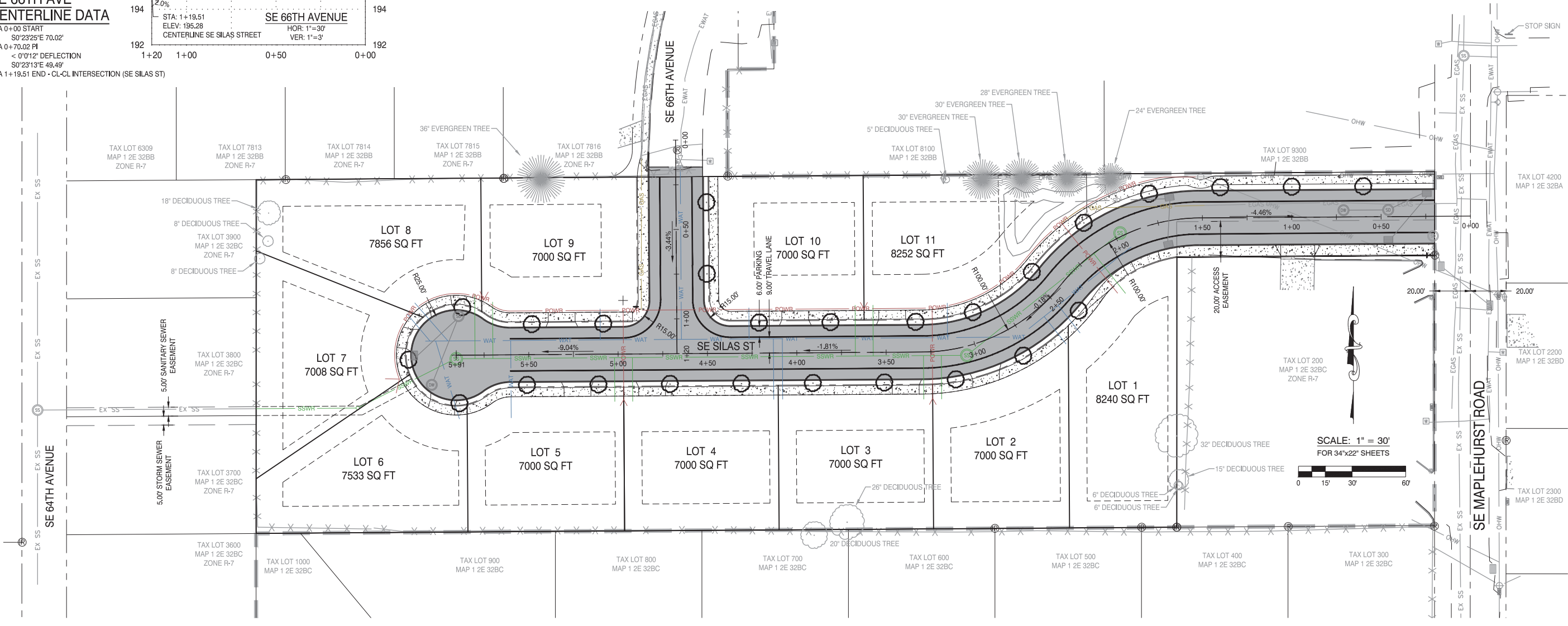
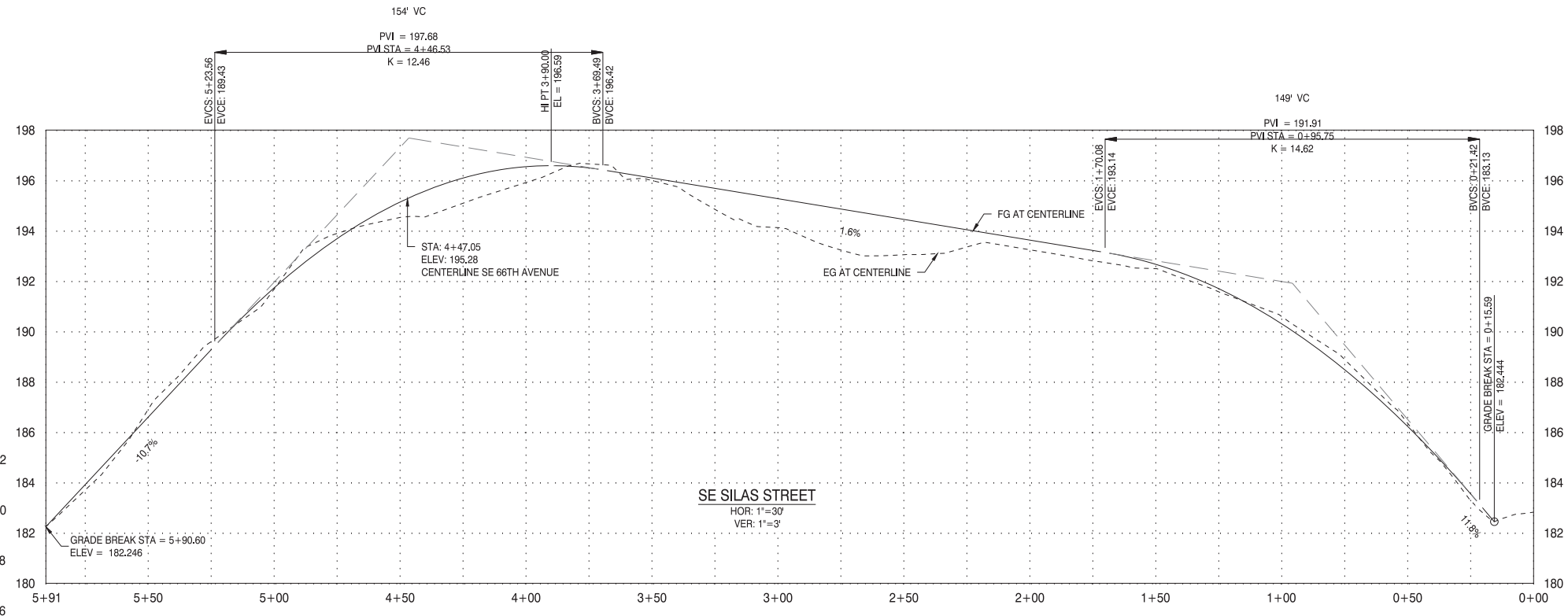
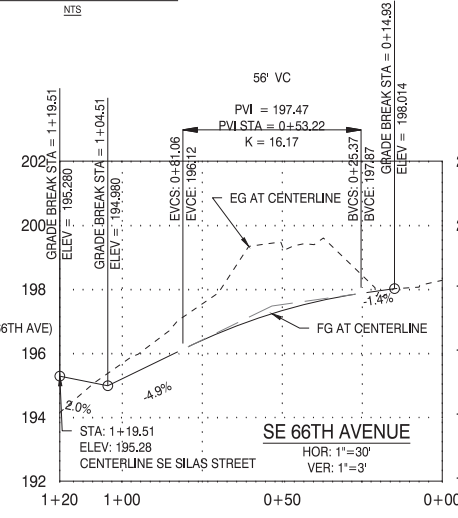
LOCAL STREET SECTION
NTS

**SE SILAS ST
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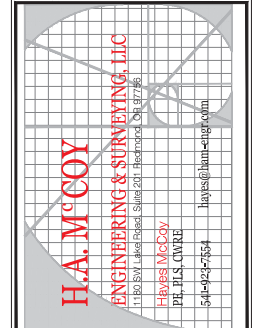
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DELTA=50°56'31"
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L=88.92'
DELTA=50°56'44"
STA 3+29.72 PT
S89°46'37"W 137.33'
STA 4+67.05 CL-CL INTERSECTION (SE 66TH AVE)
S89°46'37"W 123.55'
STA 5+90.60 END

**SE 66TH AVE
CENTERLINE DATA**

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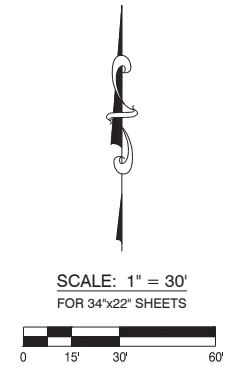
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EX. CONDITIONS	06/29/17		
SITE PLAN	07/25/17		



PROJECT: SILAS HEIGHTS
PROJECT LOCATION: MILWAUKIE, OREGON
CLIENT: CURTIS GIBSON

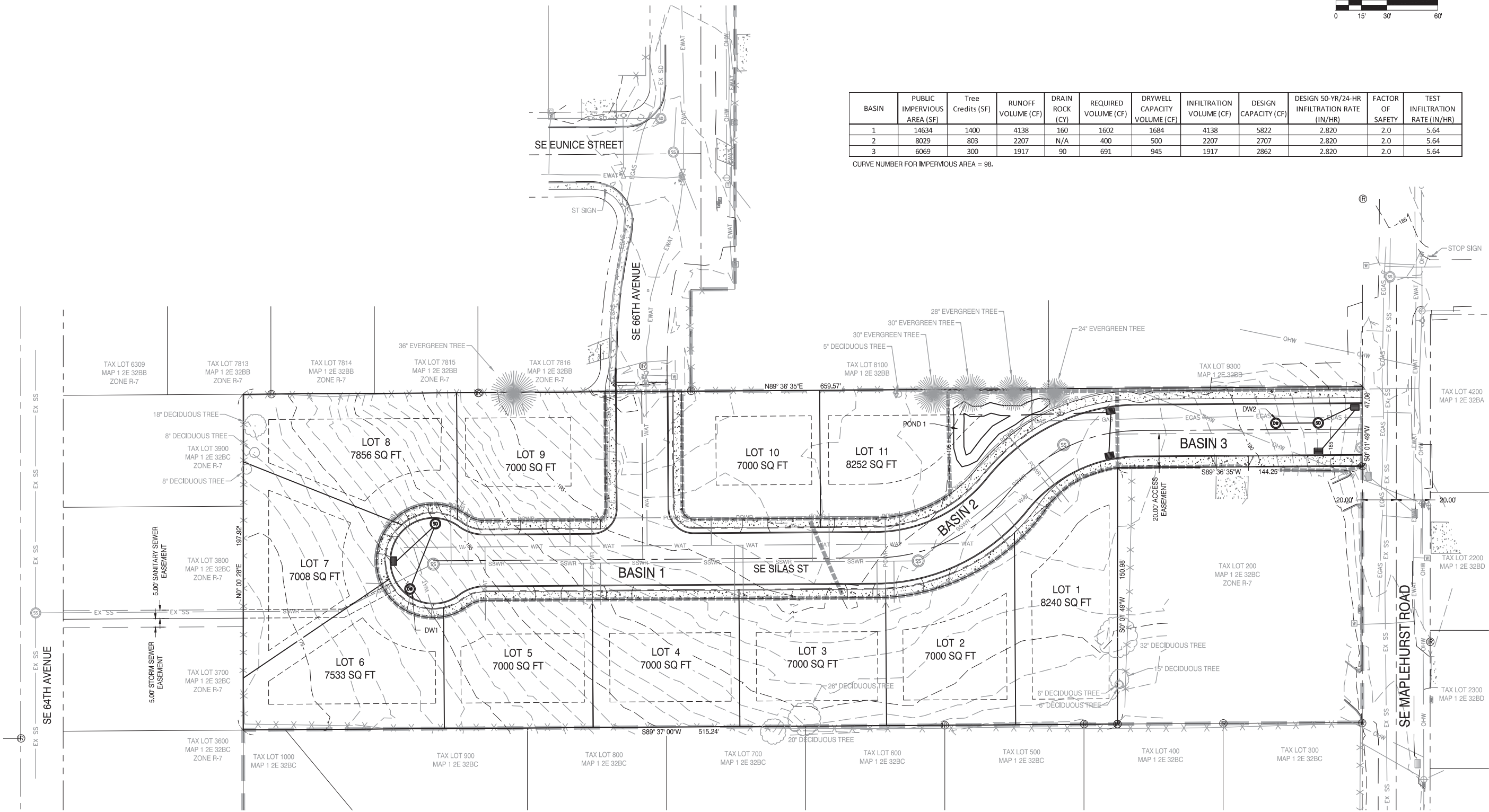
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DRAWING: P1.2

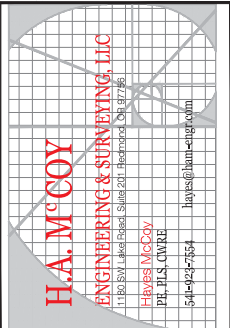


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2	8029	803	2207	N/A	400	500	2207	2707	2.820	2.0	5.64
3	6069	300	1917	90	691	945	1917	2862	2.820	2.0	5.64

CURVE NUMBER FOR IMPERVIOUS AREA = 98.



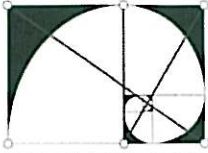
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PROJECT: SILAS HEIGHTS
 PROJECT LOCATION: MILWAUKIE, OREGON
 CLIENT: CURTIS GIBSON

SHEET TITLE:
PRELIMINARY DRAINAGE PLAN

JOB NO. 17-031
 DRAWN BY: CPF
 DRAWING:
P1.3



H.A. McCOY
ENGINEERING & SURVEYING, LLC

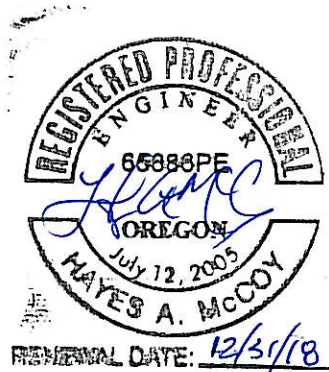
PO Box 533 Redmond, OR 97756 · 541-923-7554 · www.ham-engr.com

Silas Heights Storm Water Report

11159 SE Maplehurst Road

Milwaukie, OR 97222-2852

7/26/17



Prepared By,
H.A. McCoy Engineering & Surveying
1180 SW Lake Road Suite 201
Redmond, Oregon 97756
Ph:541-923-7554
Hayes@Ham-ENGR.com

Designer's Certification and Statement

I hereby certify that this Stormwater Management Report for the Silas Heights Subdivision has been prepared by me or under my supervision and meets minimum standards of the City of Milwaukie and normal standards of engineering practice. I hereby acknowledge and agree that the jurisdiction does not and will not assume liability for the sufficiency, suitability, or performance of drainage facilities designed by me.



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Project Summary

H.A. McCoy Engineering and Surveying has designed a stormwater drainage plan for the proposed 11 lot subdivision in accordance with the City of Milwaukie Public Works Standards and the current City of Portland Stormwater Management Manual (SWMM). The current manual is dated August 2016.

The subject property is located on the edge of the Milwaukie city limits and has rolling topography with a high point near the center of the site. There are two existing accesses to the property, one being the street stub of SE 66th Ave. and the other an access to SE Maplehurst Road.

As part of this project the applicant will construct street improvements which will include, asphalt roadway, curb, and sidewalk. The addition of this impervious area creates the need for a stormwater disposal system as no existing storm drainage infrastructure exists onsite. The streets will also have trees installed along the frontage which are used to reduce the total amount of impervious area managed. Broad leaf trees were used for calculations, but the exact tree species will be determined at the time of construction plan approval. See the attached Tree Credit Worksheets.

The applicant proposes to use two drywells, with sedimentation manholes for pollution control, and a basin for stormwater detention and infiltration. See the attached basin map for details. Drywells have been designed using the SWMM hierarchy 2 standards and contain the full 25-year storm event. The detention basin has also been designed to the SWMM hierarchy 2 standards and fully contains the 10-year event as required for surface drainage infrastructure.

The proposed drainage infrastructure was sized using HydroCAD software and the Portland Stormwater Presumptive Approach Calculator (PAC). The attached calculations analyze the peak flow from the drainage basin and size the facilities in accordance with the Portland Stormwater Management Manual. Future homes on the new lots will manage their stormwater with drywells or soakage trenches onsite.

Methodology and Analysis

Infiltration Rates were tested onsite using an Open Pit Falling Head procedure, see the attached infiltration test results. A correction factor of 2 was applied to the test infiltration rates leading to a design infiltration rate of 2.82 in/hr. This rate is conservative as drywells are likely to have significantly higher infiltration rates when constructed.

A time of concentration of 5 minutes was assumed for post-developed conditions for each basin. A post-development curve number of 98 was used for runoff calculations as specified in the SWMM.

Drywells are required to dispose of runoff from the 25-year storm and surface detention basins are required to dispose of the runoff from the 10-year storm event. The 24-hour storm event rainfall depth was determined from the Isopluvials map detailed in figure 28 of the NOAA Atlas 2, see attached map. A design rainfall depth of 4" for a 25-year storm event was determined for the site.

Runoff volumes for basins 1 and 3 were calculated using the Santa Barbara Urban Hydrograph method, Type I storm for a 25-year event. Runoff coefficients were used from the SWMM. HydroCAD software was used to calculate the runoff volumes and infiltration rates - these calculations are attached.

The PAC was used for the sizing of the detention pond in Basin 2. The impervious curve number, rain intensity, and infiltration rates remained constant.

The enclosed HydroCAD and PAC calculations demonstrate that in all cases stormwater was fully contained and infiltrated by the proposed storm drainage infrastructure.

Exhibit A

Tree Credit Worksheets



TREE CREDIT WORKSHEET

Trees may be able to reduce the size of required stormwater facilities. Small projects, such as residential additions or new detached structures (garages, sheds, accessory dwelling units), may be able to eliminate stormwater requirements through use of tree credit. Trees used for tree credit must be clearly labeled on the site plan and included on the Stormwater Operations & Maintenance Plan.

Tree Credit Applicability:

- For sites with more than 1,000 square feet of new or redeveloped impervious surface to manage, no more than 10% of the impervious area can be mitigated with through tree credit.
- Nuisance trees cannot receive stormwater tree credit.
- BES may require a certified arborists' report to verify suitable tree selection and preservation.
- Trees planted in stormwater facilities or used towards environmental zone mitigation cannot also receive tree credit.
- Trees (new or existing) must be located within 10 feet of impervious surfaces to qualify for tree credit.

CALCULATE TREE CREDIT

New trees must be at least 1.5 caliper inches at the time of planting; new coniferous trees must be at least 5 feet tall.

NEW TREES

TYPE OF TREE	NUMBER OF TREES	CREDIT PER TREE	TREE CREDIT (SF)
New coniferous trees	0	Multiply by 200 square feet	0
New broadleaf trees	14	Multiply by 100 square feet	1400

SMALL TREES *(Existing trees with caliper of 1.5 to 6 inches)*

	NUMBER OF TREES	CREDIT PER TREE	TREE CREDIT (SF)
Existing trees with caliper of 1.5 to 6 inches	0	Multiply by 200 square feet	0

LARGE TREES *(Larger than 6 caliper inches)*

EXISTING TREES

TYPE OF TREE	CALIPER SIZE <i>(in inches)</i>	DETERMINE CREDIT UNITS	CREDIT UNITS PER TREE <i>(Do not round up)</i>	CREDIT PER 6 CALIPER INCHES	TREE CREDIT (SF)
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	

TOTAL TREE CREDIT

Continue on back

TREE CREDIT WORKSHEET

ALLOWABLE TREE CREDIT

For sites with less than 1,000 square feet of new or redeveloped impervious area, the Total Tree Credit is allowed. Stormwater runoff may go to the existing disposal location.

Allowable Tree Credit = Total Tree Credit

For sites with over 1,000 square feet of new or redeveloped impervious area, a maximum of 10% of the new or redeveloped impervious area can be mitigated through tree credit.

TOTAL NEW OR REDEVELOPMENT IMPERVIOUS AREA (SF)	MAXIMUM TREE CREDIT	TOTAL ALLOWABLE TREE CREDIT (SF)
14634	Multiply by 0.10	1463

Allowable Tree Credit is the lesser of the Total Tree Credit or the Total Allowable Tree Credit

Allowable Tree Credit =



TREE CREDIT WORKSHEET

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NEW TREES

TYPE OF TREE	NUMBER OF TREES	CREDIT PER TREE	TREE CREDIT (SF)
New coniferous trees	0	Multiply by 200 square feet	0
New broadleaf trees	9	Multiply by 100 square feet	900

SMALL TREES *(Existing trees with caliper of 1.5 to 6 inches)*

	NUMBER OF TREES	CREDIT PER TREE	TREE CREDIT (SF)
Existing trees with caliper of 1.5 to 6 inches	0	Multiply by 200 square feet	0

LARGE TREES *(Larger than 6 caliper inches)*

EXISTING TREES

TYPE OF TREE	CALIPER SIZE <i>(in inches)</i>	DETERMINE CREDIT UNITS	CREDIT UNITS PER TREE <i>(Do not round up)</i>	CREDIT PER 6 CALIPER INCHES	TREE CREDIT (SF)
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	

TOTAL TREE CREDIT

Continue on back

TREE CREDIT WORKSHEET

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TOTAL NEW OR REDEVELOPMENT IMPERVIOUS AREA (SF)	MAXIMUM TREE CREDIT	TOTAL ALLOWABLE TREE CREDIT (SF)
8029	Multiply by 0.10	803

Allowable Tree Credit is the lesser of the Total Tree Credit or the Total Allowable Tree Credit

Allowable Tree Credit =



TREE CREDIT WORKSHEET

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CALCULATE TREE CREDIT

New trees must be at least 1.5 caliper inches at the time of planting; new coniferous trees must be at least 5 feet tall.

NEW TREES

TYPE OF TREE	NUMBER OF TREES	CREDIT PER TREE	TREE CREDIT (SF)
New coniferous trees	0	Multiply by 200 square feet	0
New broadleaf trees	3	Multiply by 100 square feet	300

SMALL TREES *(Existing trees with caliper of 1.5 to 6 inches)*

	NUMBER OF TREES	CREDIT PER TREE	TREE CREDIT (SF)
Existing trees with caliper of 1.5 to 6 inches	0	Multiply by 200 square feet	0

LARGE TREES *(Larger than 6 caliper inches)*

EXISTING TREES

TYPE OF TREE	CALIPER SIZE <i>(in inches)</i>	DETERMINE CREDIT UNITS	CREDIT UNITS PER TREE <i>(Do not round up)</i>	CREDIT PER 6 CALIPER INCHES	TREE CREDIT (SF)
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	
		Divide by 6		Multiply by 400 square feet	

TOTAL TREE CREDIT

Continue on back

TREE CREDIT WORKSHEET

ALLOWABLE TREE CREDIT

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Allowable Tree Credit = Total Tree Credit

For sites with over 1,000 square feet of new or redeveloped impervious area, a maximum of 10% of the new or redeveloped impervious area can be mitigated through tree credit.

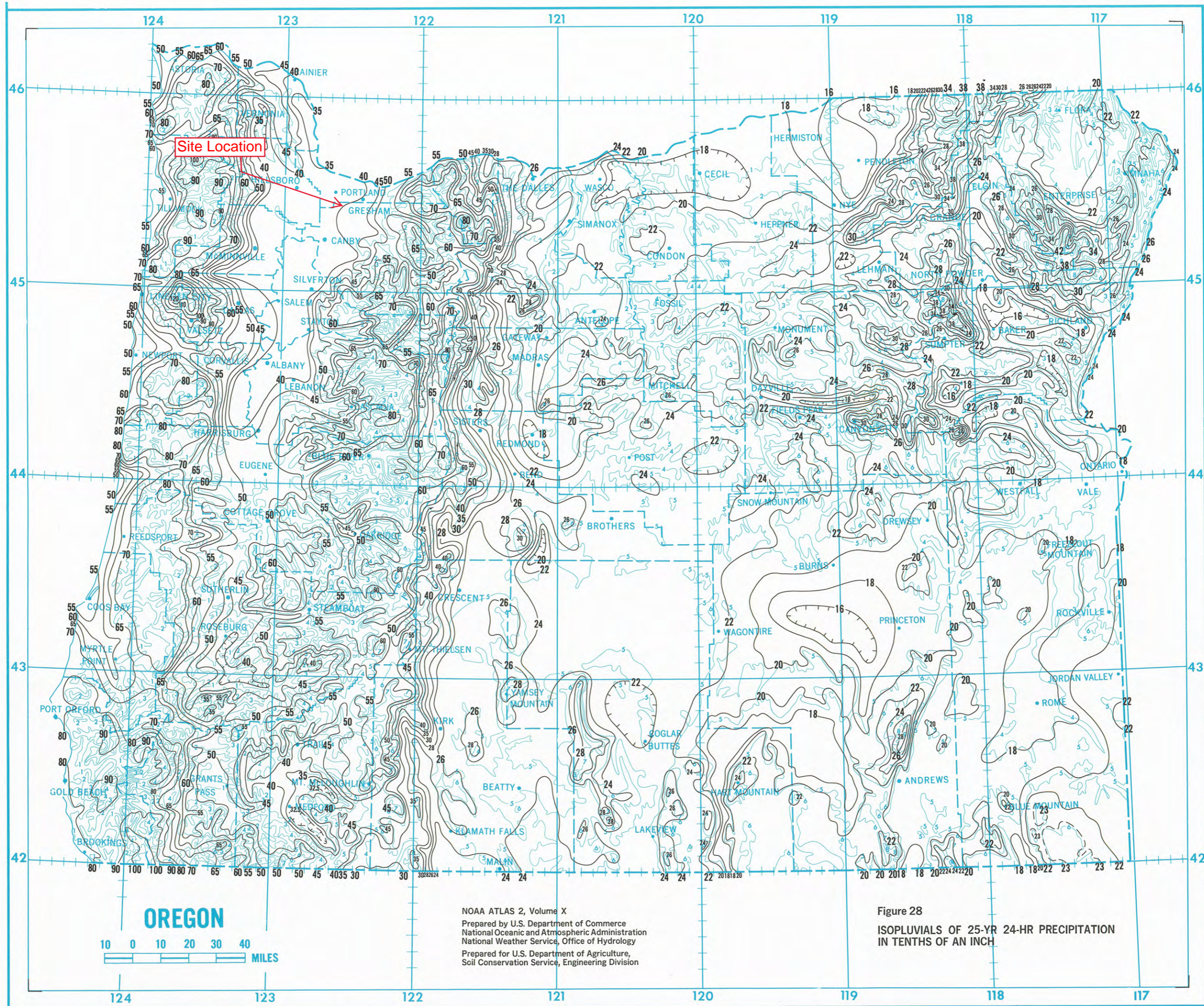
TOTAL NEW OR REDEVELOPMENT IMPERVIOUS AREA (SF)	MAXIMUM TREE CREDIT	TOTAL ALLOWABLE TREE CREDIT (SF)
6069	Multiply by 0.10	607

Allowable Tree Credit is the lesser of the Total Tree Credit or the Total Allowable Tree Credit

Allowable Tree Credit =

Exhibit B

Annotated Isopluvial Map for 25-Year 24-Hr Storm Event



OREGON

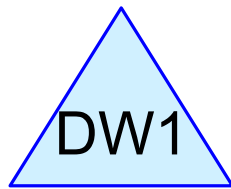


NOAA ATLAS 2, Volume X
 Prepared by U.S. Department of Commerce
 National Oceanic and Atmospheric Administration
 National Weather Service, Office of Hydrology
 Prepared for U.S. Department of Agriculture,
 Soil Conservation Service, Engineering Division

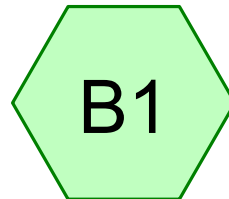
Figure 28
 ISOPLUVIALS OF 25-YR 24-HR PRECIPITATION
 IN TENTHS OF AN INCH

Exhibit C

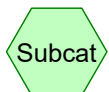
Basin 1 Stormwater Report



DRY WELL 1



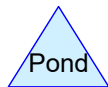
BASIN 1 (Post
Development)



Subcat



Reach



Pond



Link

Summary for Subcatchment B1: BASIN 1 (Post Development)

Runoff = 0.76 cfs @ 9.94 hrs, Volume= 0.095 af, Depth= 3.77"

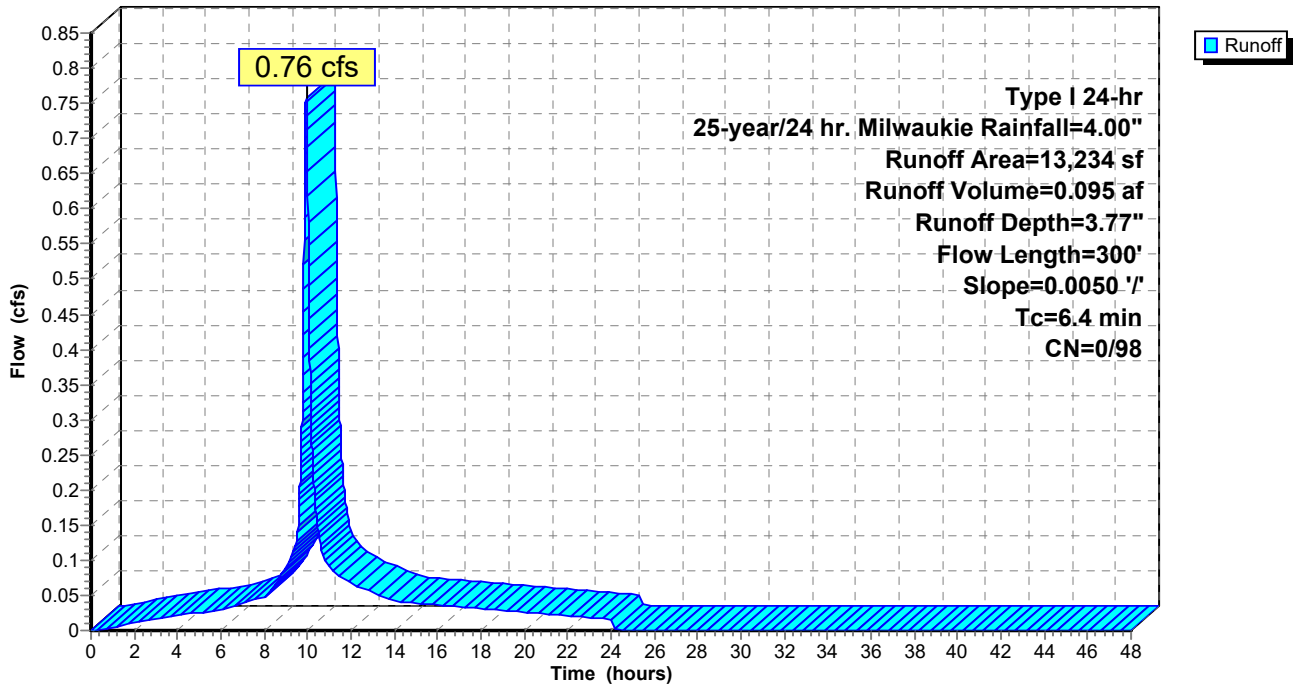
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type I 24-hr 25-year/24 hr. Milwaukie Rainfall=4.00"

Area (sf)	CN	Description
* 13,234	98	PUBLIC IMPERVIOUS
13,234		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.4	300	0.0050	0.78		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.00"

Subcatchment B1: BASIN 1 (Post Development)

Hydrograph



Summary for Pond DW1: DRY WELL 1

Inflow Area = 0.304 ac, 100.00% Impervious, Inflow Depth = 3.77" for 25-year/24 hr. Milwaukie event
 Inflow = 0.76 cfs @ 9.94 hrs, Volume= 0.095 af
 Outflow = 0.05 cfs @ 13.15 hrs, Volume= 0.095 af, Atten= 93%, Lag= 192.5 min
 Discarded = 0.05 cfs @ 13.15 hrs, Volume= 0.095 af

Routing by Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Peak Elev= 6.94' @ 13.15 hrs Surf.Area= 797 sf Storage= 1,602 cf

Plug-Flow detention time= 320.1 min calculated for 0.095 af (100% of inflow)
 Center-of-Mass det. time= 320.1 min (1,019.6 - 699.5)

Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	1,684 cf	160 YD DW (Conic) Listed below (Recalc) 4,638 cf Overall x 36.3% Voids

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)
0.00	488	0	0	488
7.00	800	4,463	4,463	1,187
7.07	33	23	4,486	1,954
11.67	33	152	4,638	2,047

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	2.820 in/hr Exfiltration over Horizontal area

Discarded OutFlow Max=0.05 cfs @ 13.15 hrs HW=6.94' (Free Discharge)
 ↑1=Exfiltration (Exfiltration Controls 0.05 cfs)

Pond DW1: DRY WELL 1

Hydrograph

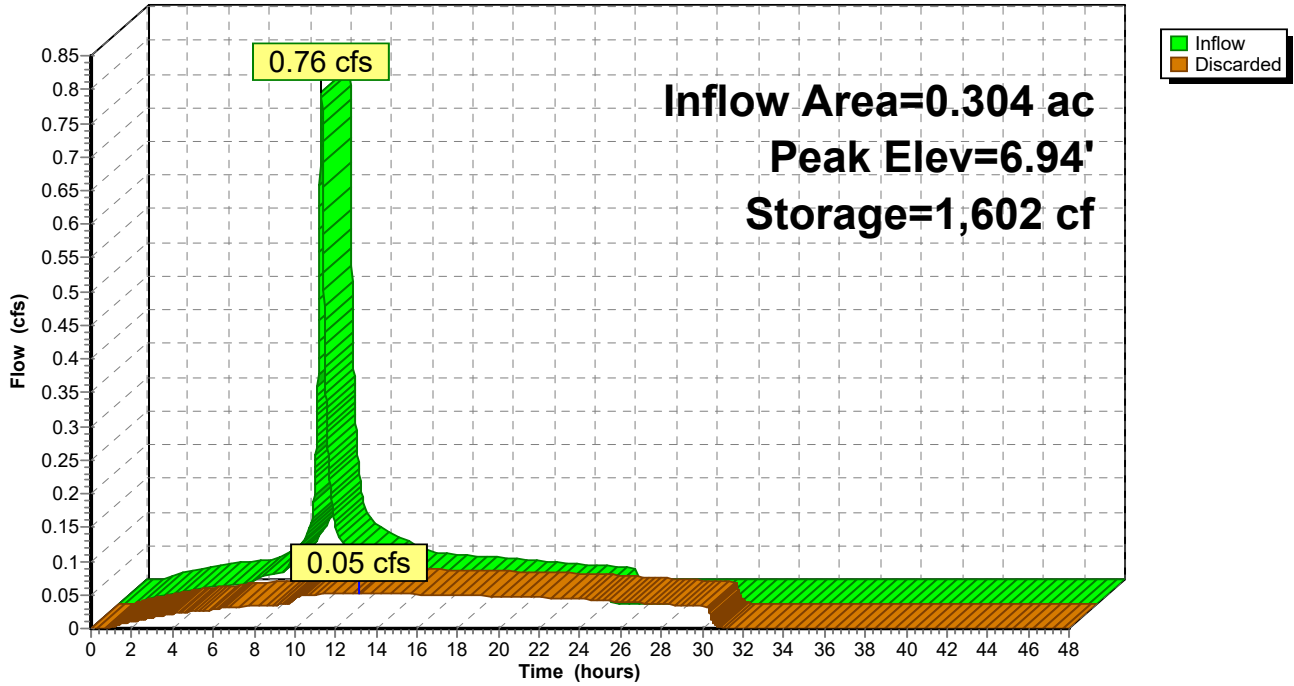


Exhibit D

Basin 2 PAC Report

PAC Report

Project Name Riggins Subdivision	Permit No. TBD	Created 7/25/17 2:34 PM
Project Address Milwaukie Milwaukie, OR 97222	Designer AMS	Last Modified 7/26/17 11:53 AM
	Company H.A. McCoy Engineering and Surveying	Report Generated 7/26/17 11:53 AM

Project Summary

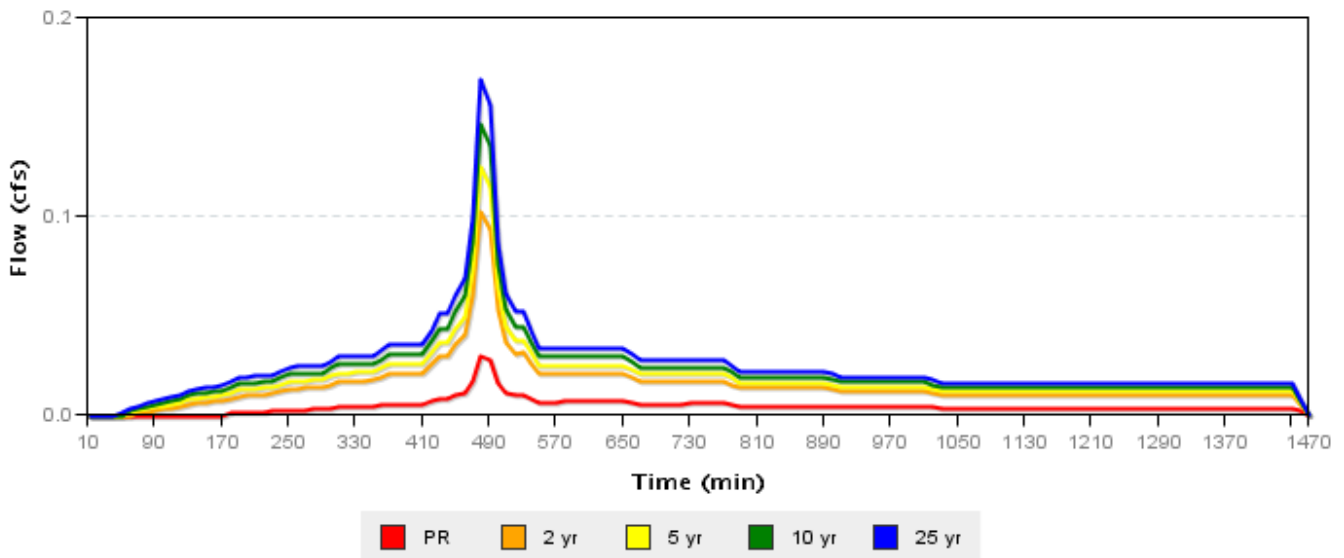
Proposed Subdivision

Catchment Name	Impervious Area (sq ft)	Native Soil Design Infiltration Rate	Hierarchy Category	Facility Type	Facility Config	Facility Size (sq ft)	Facility Sizing Ratio	PR Results	Flow Control Results
Basin 2	7226	5.64	2	Basin	A	250	9.3%	Pass	Not Used

Catchment Basin 2

Site Soils & Infiltration Testing Data	Infiltration Testing Procedure	Open Pit Falling Head
	Native Soil Infiltration Rate (I_{test})	5.64
Correction Factor	CF_{test}	2
Design Infiltration Rates	Native Soil (I_{dsgn})	2.82 in/hr
	Imported Growing Medium	2.00 in/hr
Catchment Information	Hierarchy Category	2
	Hierarchy Description	On-site infiltration through use of approved UIC facility
	Pollution Reduction Requirement	Pass
	10-year Storm Requirement	Pass or if Fail, disposal through separate approved UIC
	Flow Control Requirement	Pass or if Fail, disposal through separate approved UIC
	Impervious Area	7226 sq ft 0.166 acre
	Time of Concentration (T_c)	5
	Post-Development Curve Number (CN_{post})	98

SBUH Results



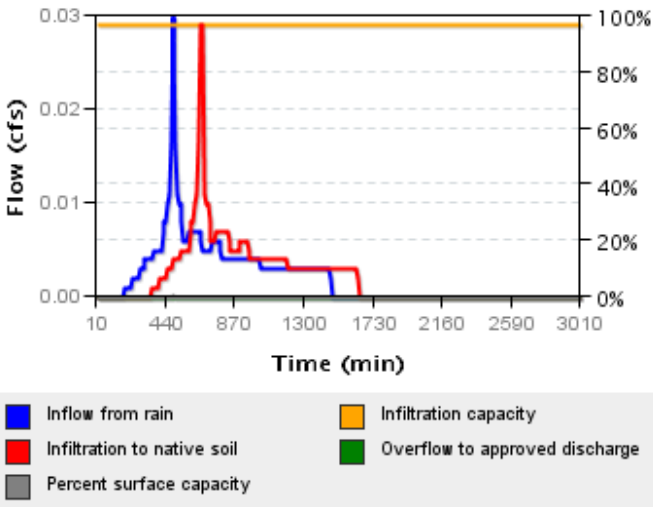
	Peak Rate (cfs)	Volume (cf)
PR	0.03	377.579
2 yr	0.102	1307.515

5 yr	0.125	1607.001
10 yr	0.147	1906.936
25 yr	0.169	2207.153

Facility Basin 2

Facility Details	Facility Type	Basin
	Facility Configuration	A: Infiltration (Infl.)
	Facility Shape	User Defined
Above Grade Storage Data		
	Bottom Area	250 sq ft
	Surface Area at Storage Depth 1	750 ft
	Storage Depth 1	12.0 in
	Growing Medium Depth	18 in
	Surface Capacity at Depth 1	500.0 cu ft
	Design Infiltration Rate for Native Soil	0.041 in/hr
	Infiltration Capacity	0.029 cfs
Facility Facts	Total Facility Area Including Freeboard	750.00 sq ft
	Sizing Ratio	9.3%
Pollution Reduction Results	Pollution Reduction Score	Pass
	Overflow Volume	0.000 cf
	Surface Capacity Used	1%
10 Year Results	10 Year Score	Pass
	Overflow Volume	0.000 cf
	Surface Capacity Used	79%

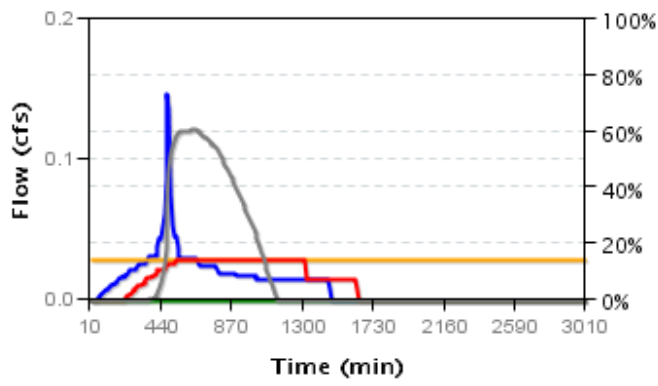
Pollution Reduction Event Surface Facility Modeling



Pollution Reduction Event Below Grade Modeling



10 Year Event Surface Facility Modeling

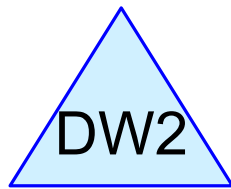


10 Year Event Below Grade Modeling

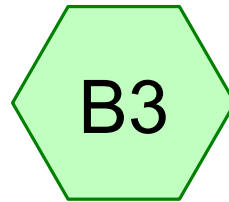


Exhibit E

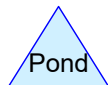
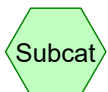
Basin 3 Drainage Report



DRY WELL 2



BASIN 3 (Post
Development)



Summary for Subcatchment B3: BASIN 3 (Post Development)

Runoff = 0.35 cfs @ 9.94 hrs, Volume= 0.044 af, Depth= 3.77"

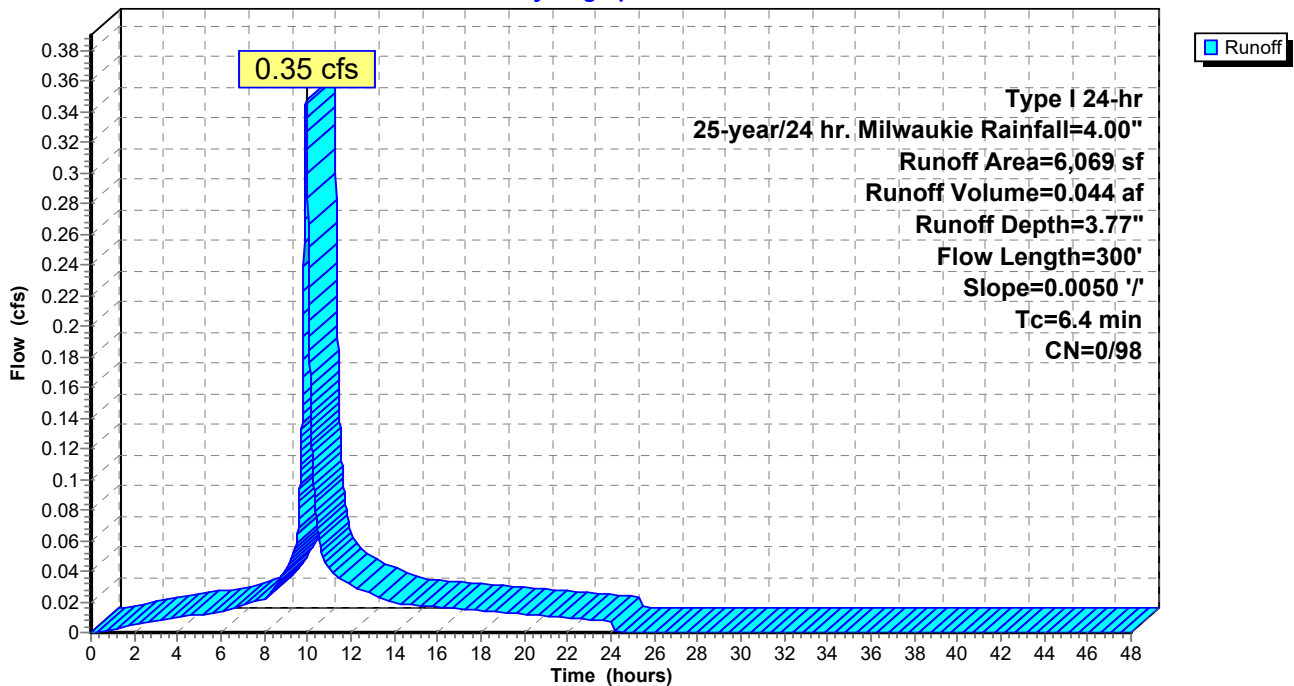
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Type I 24-hr 25-year/24 hr. Milwaukie Rainfall=4.00"

Area (sf)	CN	Description
* 6,069	98	PUBLIC IMPERVIOUS
6,069		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.4	300	0.0050	0.78		Sheet Flow, Smooth surfaces n= 0.011 P2= 2.00"

Subcatchment B3: BASIN 3 (Post Development)

Hydrograph



Summary for Pond DW2: DRY WELL 2

Inflow Area = 0.139 ac, 100.00% Impervious, Inflow Depth = 3.77" for 25-year/24 hr. Milwaukie event
 Inflow = 0.35 cfs @ 9.94 hrs, Volume= 0.044 af
 Outflow = 0.03 cfs @ 12.81 hrs, Volume= 0.044 af, Atten= 93%, Lag= 172.0 min
 Discarded = 0.03 cfs @ 12.81 hrs, Volume= 0.044 af

Routing by Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
 Peak Elev= 5.75' @ 12.81 hrs Surf.Area= 395 sf Storage= 691 cf

Plug-Flow detention time= 271.4 min calculated for 0.044 af (100% of inflow)
 Center-of-Mass det. time= 271.4 min (970.9 - 699.5)

Volume	Invert	Avail.Storage	Storage Description
#1	0.00'	945 cf	90 YD DW (Conic) Listed below (Recalc) 2,533 cf Overall x 37.3% Voids

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)
0.00	255	0	0	255
7.00	429	2,368	2,368	742
7.07	33	14	2,381	1,138
11.67	33	152	2,533	1,232

Device	Routing	Invert	Outlet Devices
#1	Discarded	0.00'	2.820 in/hr Exfiltration over Horizontal area

Discarded OutFlow Max=0.03 cfs @ 12.81 hrs HW=5.75' (Free Discharge)
 ↑1=Exfiltration (Exfiltration Controls 0.03 cfs)

Pond DW2: DRY WELL 2

Hydrograph

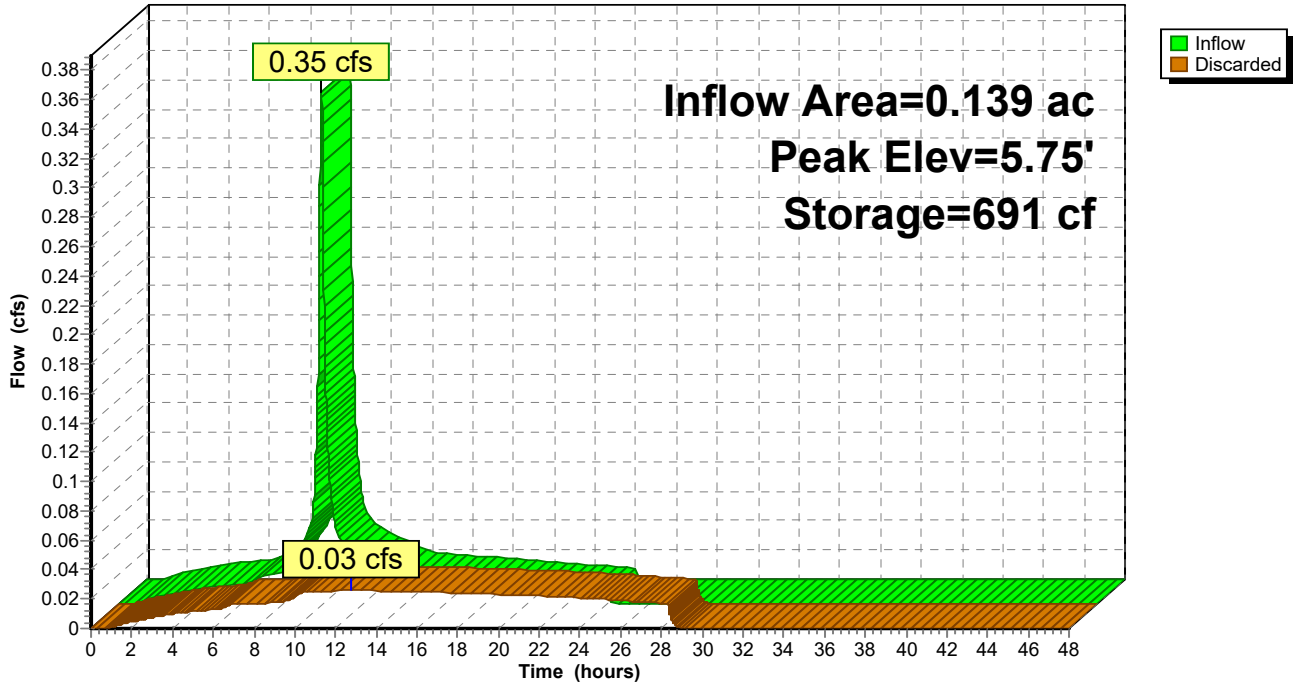
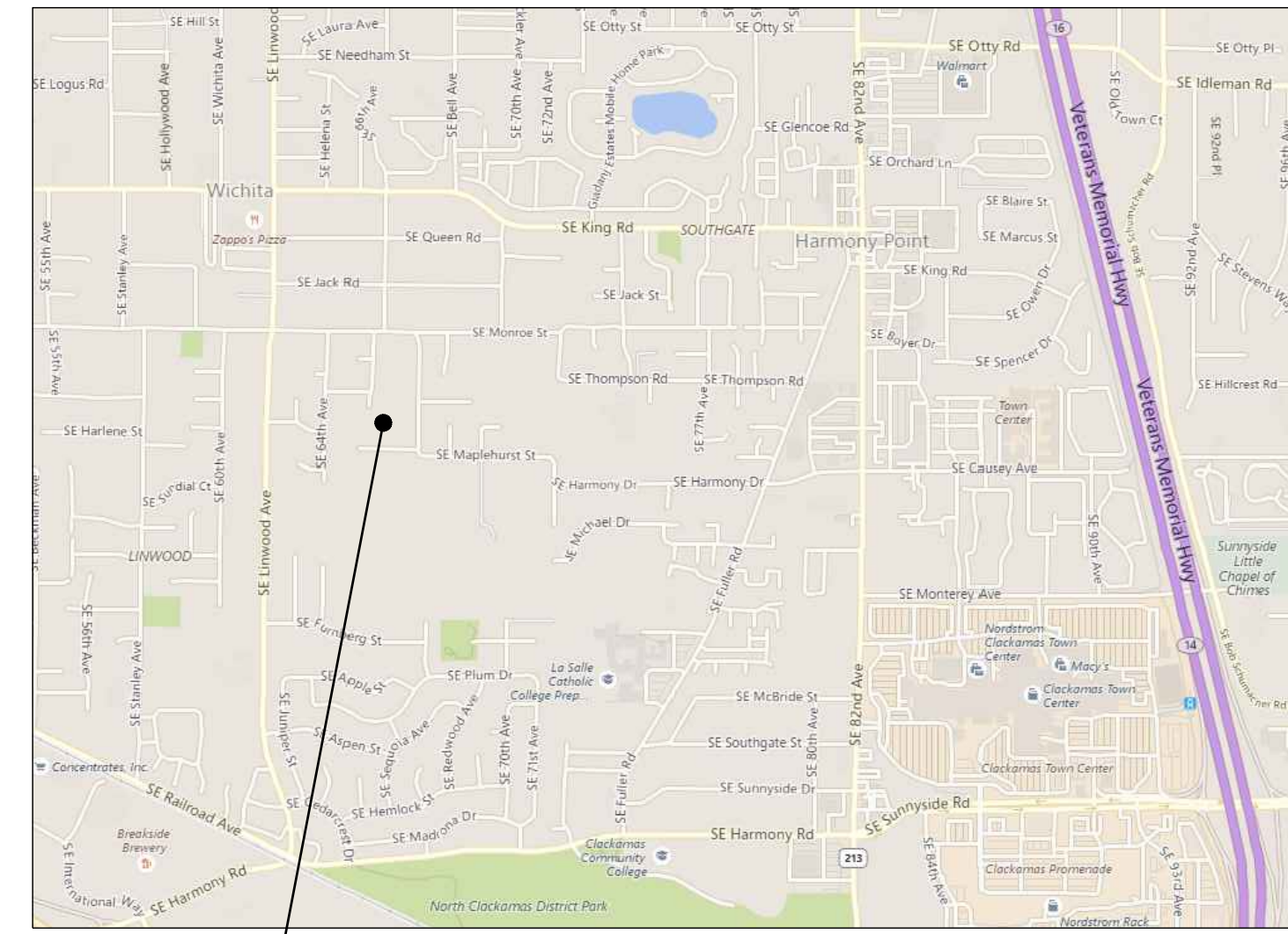


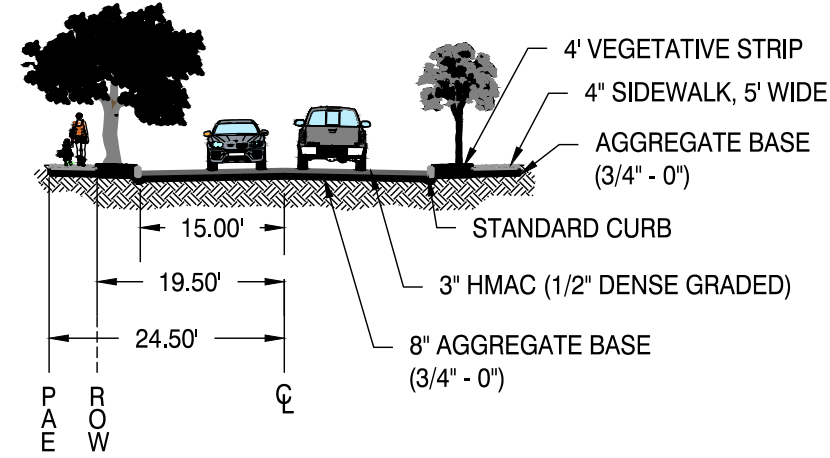
Exhibit F

Infiltration Testing Results



VICINITY MAP

NTS



LOCAL STREET SECTION

SITE INFORMATION

ADDRESS: 11159 SE MAPLEHURST ROAD, MILWAUKIE, OR 97222-2852

TAX ASSESSORS MAP: TAX LOT 100, MAP 12E32BC

PROPERTY SIZE: 2.50 ACRES

ZONING: R-7

PROPOSED USE

11 LOT SUBDIVISION

SHEET INDEX

P1.0 COVER SHEET AND PRELIMINARY SUBDIVISION

RIGGINS SUBDIVISION PRE-DEVELOPMENT SITE PLAN

11159 SE MAPLEHURST ROAD, MILWAUKIE, OR 97222-2852

TAX LOT 100, MAP 12E32BC

JUNE, 2017

OWNER

DAVID RIGGINS
13605 SE HIGHWAY 212
MILWAUKIE, OR 97015

CIVIL ENGINEER

H.A. M^cCOY ENGINEERING & SURVEYING
CONTACT: HAYES M^cCOY
1180 SW LAKE ROAD
SUITE 201
REDMOND, OR 97756
PH: 541-923-7554

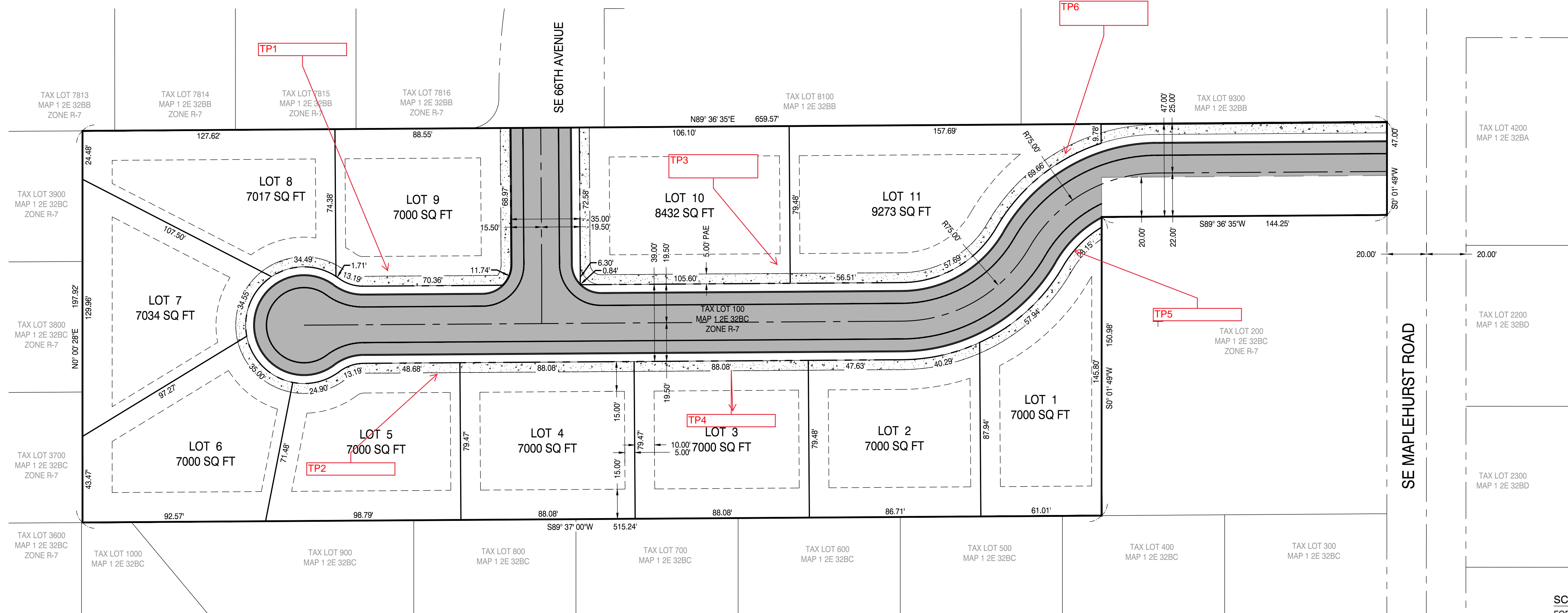
LEGEND

ECABL	EXISTING CABLE	EXISTING	PROPOSED	SANITARY SEWER MANHOLE
EGAS	EXISTING GAS	EXISTING	PROPOSED	STORM DRAIN MANHOLE, DRYWELL
EIRRIG	EXISTING IRRIGATION	EXISTING	PROPOSED	WATER VALVE, GAS VALVE
EOHW	EXISTING OVERHEAD LINES	EXISTING	PROPOSED	AIR RELEASE VALVE
EPOWER	EXISTING POWER	EXISTING	PROPOSED	BACKFLOW PREVENTER
EX SS	EXISTING SANITARY SEWER	EXISTING	PROPOSED	WATER METER, GAS METER
EX SD	EXISTING STORM DRAIN	EXISTING	PROPOSED	FIRE HYDRANT
ECOMM	EXISTING TELECOMMUNICATIONS	EXISTING	PROPOSED	CATCH BASIN/CURB INLET
EWAT	EXISTING WATER	EXISTING	PROPOSED	CLEAN OUT
CABL	NEW CABLE	PROPOSED	PROPOSED	RAIN DRAIN
GAS	NEW GAS	PROPOSED	PROPOSED	STREET LIGHT, PARKING LOT LIGHT
IRRIG	NEW IRRIGATION	PROPOSED	PROPOSED	UTILITY POLE, GUY ANCHOR
POWR	NEW POWER	PROPOSED	PROPOSED	UTILITY VAULT
SSWR	NEW SANITARY SEWER	PROPOSED	PROPOSED	ELECTRICAL PEDESTAL
SD	NEW STORM DRAIN	PROPOSED	PROPOSED	CABLE PEDESTAL
COMM	NEW TELECOMMUNICATIONS	PROPOSED	PROPOSED	TELECOMMUNICATIONS PEDESTAL
WAT	NEW WATER	PROPOSED	PROPOSED	IRON ROD, IRON PIPE
X X X X X	FENCE	PROPOSED	PROPOSED	SIGN
---	EXISTING RIGHT-OF-WAY	PROPOSED	PROPOSED	MAILBOX
---	EXISTING EDGE OF GRAVEL	PROPOSED	PROPOSED	
---	EXISTING EDGE OF PAVEMENT	PROPOSED	PROPOSED	
---	EXISTING CURB	PROPOSED	PROPOSED	
---	NEW RIGHT-OF-WAY	PROPOSED	PROPOSED	
---	NEW EDGE OF GRAVEL	PROPOSED	PROPOSED	
---	NEW EDGE OF PAVEMENT	PROPOSED	PROPOSED	
---	NEW CURB	PROPOSED	PROPOSED	
---	TREES	PROPOSED	PROPOSED	

R-7 STANDARDS

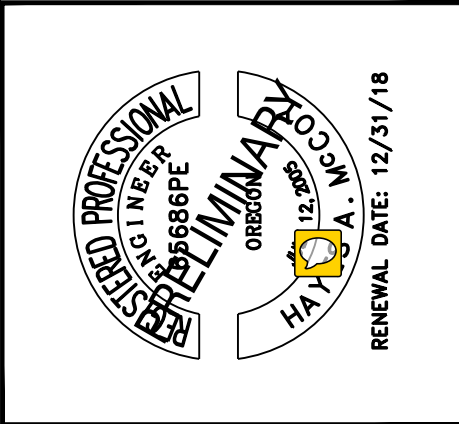
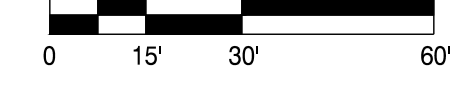
MIN. LOT SIZE: 7,000 SF
MIN. STREET FRONTAGE: 35 FEET (STANDARD LOT)
MIN. WIDTH: 60 FEET
MIN. DEPTH: 80 FEET (FLAG LOT)

SETBACKS:
20 FEET (FRONT)
5/10 FEET (SIDE)
20 FEET (STREET SIDE)
20 FEET (REAR)

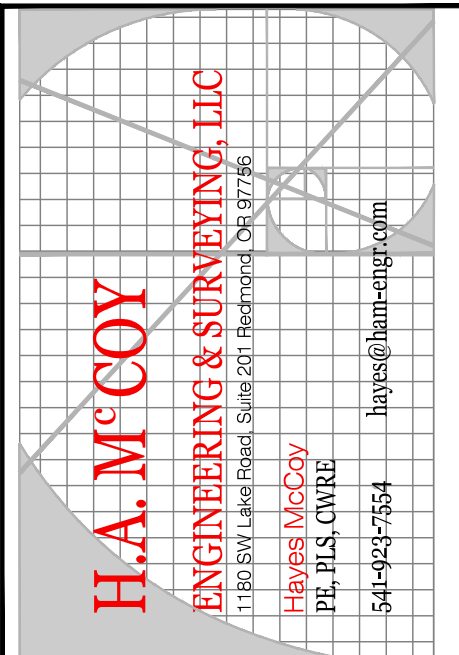


PRELIMINARY SITE PLAN

SCALE: 1" = 30'
FOR 34"x22" SHEETS



DRAWING STATUS:	DATE:	REVISION:	DATE:
<input type="checkbox"/> PRELIM. PLAN	04/17/17	No.	
<input type="checkbox"/> PLAN REV.	06/06/17	1	
<input type="checkbox"/>		2	
<input type="checkbox"/>		3	
<input type="checkbox"/>		4	
<input type="checkbox"/>		5	



PROJECT: RIGGINS SUBDIVISION
PROJECT LOCATION: MILWAUKIE, OREGON
CLIENT: DAVID RIGGINS

SHEET TITLE:
COVER SHEET AND
PRELIMINARY SITE PLAN

JOB NO. 17-031
DRAWN BY: CPF
DRAWING:
P1.0

Infiltration Testing

Name: N WILLIAMS

Date: 06/07/2017

Project: RIGGINS SUBDIVISION

Use post-hole diggers to dig a hole in a test pit to fit "test cylinder" (pipe) in ground so that top of the pipe is at the bottom of the test pit. Put some gravel in the test pit.

Fill the test cylinder with water and then open the spigot as needed to maintain the water level in the test cylinder at the top and note the time.

After draining 5 gallons of water or 2 hours (whichever comes first), fill the cylinder with water. This is the end of the "Pre-Soak" period.

Note the time when the water level has drained 1" total and 2" total. Note the time when the test pit has emptied (or estimate if its really slow).

You may want an extra bucket of water just in case some spills or to fill the cylinders after the "pre-soak".

If you hit hard rock, you may want to backfill in the test pit a little to make sure the cylinder is at ground level.

Its not necessary to start every test cylinder at the same time. I usually start one, then start the other while checking on the first one, etc.

	Test Pit #1	Test Pit #2	Test Pit #3
	WEST AREA OF PROP	WEST AREA OF PROP	CENTRAL AREA PROP
Start Pre Soak	9:53	10:10	10:37
End Pre-Soak	12:00	12:22	12:40
Cylinder Full	12:00	12:22	12:40
1" in Cylinder	12:05	12:23	1:01:00 PM
2" in Cylinder	12:10	12:25	1:20
	5.2" 12:35	4.2" 12:36	3.3" 2:00
	7.7" 1:09	6.3" 1:09	4.5" 2:48

Start Pre Soak	Test Pit #4	Test Pit #5	Test Pit #6
End Pre-Soak	CENTRAL AREA PROP	EAST AREA OF PROP	EAST AREA OF PROP
Cylinder Full	1:25	2:00	2:07
1" in Cylinder	3:30	4:02	4:10
2" in Cylinder	3:30	4:02	4:10
	3:45	4:15	5:23:00 AM
	4:01	4:33	6:11
	2.2" 5:20	3.2" 4:52	2.6" 7:00
	3.0" 6:45	4.5" 5:15	3.1" 8:00

Test Pit #	Measured Infiltration Rate (in/hr)	Factor of Safety	Design Infiltration Rate (in/hr)
1	6.76	2	3.4
2	8.04	2	4.0
3	2.11	2	1.1
4	0.80	2	0.4
5	3.70	2	1.8
6	0.64	2	0.3
Average	5.64	2	2.8

Exhibit G

Drywell Geometry Assumptions

Drywell 1 Geometry Assumptions

Drywell Rock Volume	160	cy
Drywell Depth	7	ft
Drywell Diameter	4	ft
Drywell Vol. (Internal)	87.96	cf
Drywell Vol. (Total)	1599.96	cf
Void Ratio	35%	
Vol. of Drain Rock	4320.00	cf
Ave. X-Sectional Area	617.14	sf
Ave. Radius	14.21	ft
Assumed Slope	0.50	
Base Radius	12.46	ft
Base Area	487.60	sf
Top Radius	15.96	ft
Top Area	800.05	sf
	36.3%	
Cone 1	2589.03	sf
Cone 2	1577.90	sf
Base Area	487.60	sf
Infiltration Surface Area	1498.72	sf

Drywell 2 Geometry Assumptions

Drywell Rock Volume	90	cy
Drywell Depth	7	ft
Drywell Diameter	4	ft
Drywell Vol. (Internal)	87.96	cf
Drywell Vol. (Total)	938.46	cf
Void Ratio	35%	
Vol. of Drain Rock	2430.00	cf
Ave. X-Sectional Area	347.14	sf
Ave. Radius	10.77	ft
Assumed Slope	0.50	
Base Radius	9.02	ft
Base Area	255.43	sf
Top Radius	12.52	ft
Top Area	492.21	sf
	37.3%	
Cone 1	1592.83	sf
Cone 2	826.60	sf
Base Area	255.43	sf
Infiltration Surface Area	1021.67	sf






Exhibit H

Depth to Groundwater

Secure | https://or.water.usgs.gov/projs_dir/puz/

Estimated Depth to Groundwater in the Portland, Oregon Area

Prepared in cooperation with the City of Portland, the City of Gresham, Clackamas County's Water Environment Services, Multnomah County, and the Oregon Department of Human Services under the Drinking Water Program

Enter address, intersection, or latitude/longitude here and press Go [Go](#) [See General Information](#) [See Examples](#) [See Disclaimer](#)

Instructions

Enter a location in the box above map or click anywhere on the map within the Portland, Oregon metropolitan area (visible area within white box) to obtain estimates of the average depth to groundwater, elevation of groundwater, land-surface elevation, and the uncertainty of the values for the selected location.

The point representing the site will appear inside a square box shaded according to depth with dark purples representing greater depths. The box is 250 feet on each side and represents the maximum level of detail for the groundwater depth mapping.

JSGS Links

- [JSGS Home](#)
- [Water Resources](#)
- [DRWSC Home](#)
- [DRWSC Projects](#)

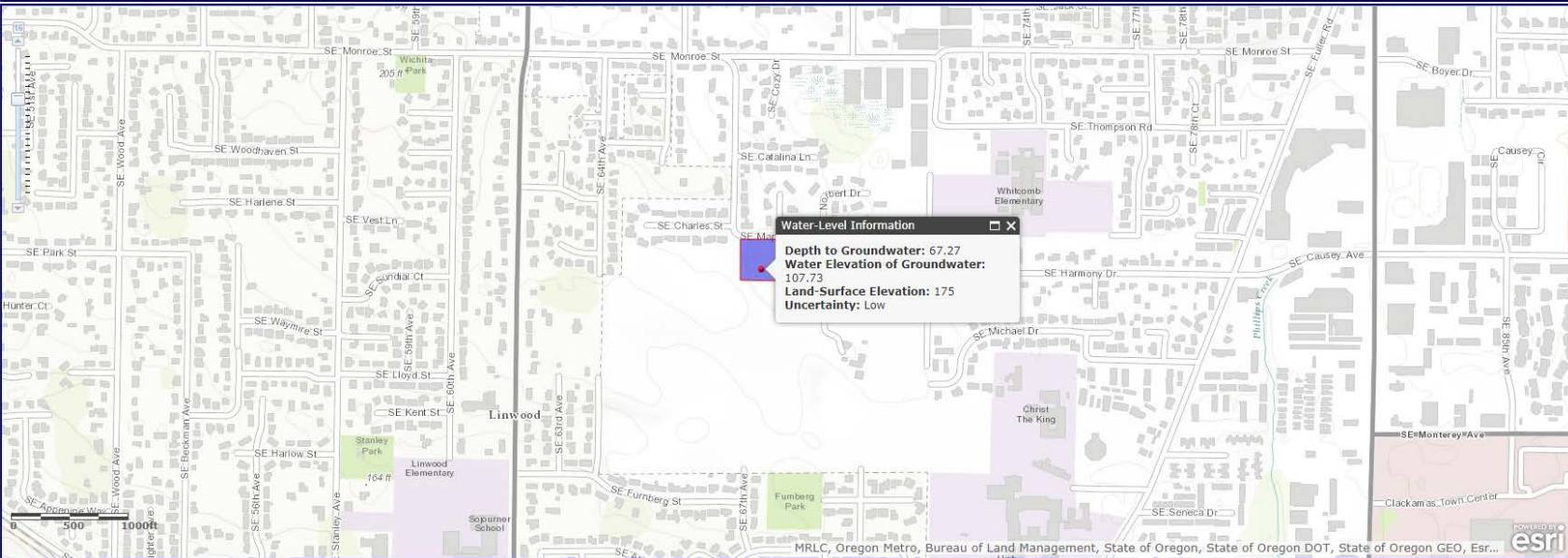
Other Links

- [Click for general information, examples, and disclaimer information](#)

Water-Level Information

- Depth to Groundwater: 67.27
- Water Elevation of Groundwater: 107.73
- Land-Surface Elevation: 175
- Uncertainty: Low

MRLC, Oregon Metro, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri



USGS Portland Area Depth to Groundwater for Subject Site



June 1, 2017

Hayes McCoy
H.A. McCoy Engineering & Surveying
1180 SE Lake Rd, Ste. 201 Redmond
OR 97756

Re: Preapplication Report

Dear Hayes:

Enclosed is the Preapplication Report Summary from your meeting with the City on May 18, 2017, concerning your proposal for action on property located at 11159 SE Maplehurst Rd.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Curtis Gibson, Sati Development LLC
file

CITY OF MILWAUKIE

PreApp Project ID #: 17-008PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 5/18/2017 at 10:00am

Applicant Name: Curtis Gibson
Company: H.A. McCoy Engineering & Surveying
Applicant 'Role': Other
Address Line 1: 1180 SW Lake Rd, Ste. 201
Address Line 2:
City, State Zip: Redmond OR 97756
Project Name: **Maplehurst Subdivision**
Description: 11 lot subdivision with associated improvements
ProjectAddress: 11159 SE Maplehurst Rd
Zone: Residential R-7
Occupancy Group:
ConstructionType:
Use: Low Density (LD)
Occupant Load:
AppsPresent: Curtis Gibson, Hayes McCoy
Staff Attendance: Brett Kelper, Alex Roller, Tim Salyers, Matt Amos, Richard Nasiombe

BUILDING ISSUES

ADA:
Structural:
Mechanical:
Plumbing:
Plumb Site Utilities:
Electrical:
Notes:

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

- Fire Sprinklers:** Fire Sprinklers may be required in houses where fire access is limited or hydrant location is not within the required range.
- Fire Alarms:**
- Fire Hydrants:**
- Turn Arounds:**
- Addressing:**
- Fire Protection:**
- Fire Access:**
- Hazardous Mat.:**
- Fire Marshal Notes:** See attached.

PUBLIC WORKS ISSUES

- Water:** A City of Milwaukie 6-inch water main on SE 66th Avenue will need to be extended to provide service to all newly created lots. Standard 2-inch blowoff will also be required at the end of the water main. The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued.
- Sewer:** A City of Milwaukie 8-inch wastewater main on Taxlot 3800 to the west will need to be extended to the east to provide service to all newly created lots. If there are grade issues connecting to this line, then the development can connect to a Clackamas county line at the south end of 66th Avenue available to connect to. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1,075 and the second component is the County's SDC for treatment of \$6,130 that the City collects and forwards to the County. Both SDC charges are per connection unit. The wastewater SDC will be assessed and collected at the time the building permits are issued.
- Storm:** Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works Standards.
The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland 2008 Stormwater Management Manual for design of water quality facilities.
All new impervious surfaces, including replacement of impervious surface with new impervious

surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$845 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street: The proposed development fronts the west side of SE Maplehurst Road, a neighborhood route. The portion of SE Maplehurst Road fronting the proposed development has a right-of-way width of 40 feet and a paved width of approximately 22 feet with no improvements on both sides of the road.

The proposed development fronts the south end of SE 66th Avenue, a local road. The portion of SE 66th Avenue fronting the proposed development has a right-of-way width of approximately 55 feet and has sidewalk on the west side.

Frontage: Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

New Internal Road

According to Code Table 19.708.2 and the Transportation Design Manual, the neighborhood route cross section includes the following:

- 9-foot travel lanes
- 6-foot parking lane
- 4-foot landscape strips
- 5-foot setback sidewalks

This is a 50-foot full right-of-way width.

The application submitted (revised plan with connection to 66th Avenue) proposes a 40-foot right-of-way for the new east/west road. This removes required components per MMC 19.708.2. A narrative describing the reasons for wanting to remove these components must be provided. Final determination of right-of-way width will be determined by the Engineering Director.

66th Avenue Extension

Right-of-way width of 66th Avenue is approximately 55 feet. This is wider than city requirement. The west sidewalk alignment will be maintained, which will set the west boundary of the right-of-way. The total right-of-way width will be 50 with the east boundary not aligning with the southwest corner of taxlot 8100.

The west end of the new road must end in a turnaround. Note that this is NOT a fire turnaround, so the width requirement is significantly lower. This turnaround can fit in a standard 50-foot right-of-way.

Right of Way: New streets will be dedicated to the public through the platting process. See notes above about required widths.

Driveways: Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with

Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards.

Erosion Control: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukie Engineering Director has determined that this development will not require a traffic impact study.

PW Notes: TRANSPORTATION SDC
The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,921 per trip generated. Credits will be given for any demolished structures, which shall be based upon the existing use of the structures.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is \$3,985.00. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

REQUIREMENTS AT FINAL PLAT

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.

- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.

- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.

- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.

- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks: Yard requirements for the Residential R-7 zone are established in Milwaukie Municipal Code (MMC) Subsection 19.301.4. Minimum front and rear yards are 20 ft, side yards must be at least 5 ft on one

side and 10 ft on the other (for interior lots) and street-side yards must be at least 20 ft (for corner lots).

For side yards in the R-7 zone, there is a height plane limit of 20 ft at the minimum setback, with a slope of 45 degrees. See the definition of "side yard height plane" in MMC Section 19.201 for an illustration of this principle. MMC Subsection 19.501.3.B establishes some allowable exceptions to the side yard height plane, including limited minor encroachments for roof overhangs or eaves, gable ends of roofs, and dormers.

Yard setbacks for accessory structures are established in MMC Subsection 19.502.2 and depend on the size and height of the proposed structure, varying from 3 ft to 5 ft to the same standards as the base R-7 zone. Accessory structures must be located beyond the front yard of the primary structure, unless they are at least 40 ft from the front lot line. Utility apparatus, such as air conditioners, must be at least 3 ft away from side and rear property lines and are not permitted in any required front yard setback or street-side yard setback.

Landscape:

In the R-7 zone, a minimum of 30% of the site must be landscaped. In addition, at least 40% of the front yard area must be vegetated (measured from the front property line to the front face of the house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). A maximum of 30% of the site may be covered by structures, including decks or patios over 18 in above grade.

Parking:

As per the off-street parking standards of MMC Chapter 19.600, properties developed with single-family dwellings must provide at least 1 off-street parking space per dwelling unit. The standards for residential parking areas are established in MMC Section 19.607 and require that residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. The required spaces cannot be located in a required front or street-side yard and must have a durable and dust-free hard surface.

Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 5 ft of the right-of-way boundary. Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width : distance onto property), starting 2 ft behind the front property line. See the figures provided in MMC 19.607 for more information.

Transportation Review:

The proposed subdivision triggers the requirements of MMC Chapter 19.700 Public Facility Improvements. The subject property has frontage on 66th Avenue and Maplehurst Road, and a new public street connection that provides frontage for all new lots will be required. Please see the Public Works notes or contact the City's Engineering Department for more information about the requirements of MMC 19.700.

Application Procedures:

The land division process is established in MMC Title 17, and applications for subdivision preliminary plat are subject to Type III review (as per MMC Subsection 17.12.020.E). MMC Section 17.16.060 and Chapter 17.20 provide submittal requirements for the preliminary plat, and the City has a Preliminary Plat Checklist guide as well. Following approval of the preliminary plat, a final plat is required to complete the land division, subject to Type I review and the requirements of MMC Chapter 17.24.

If additional right-of-way width is needed for the proposed development, variances may be necessary for development standards such as lot depth and yard setbacks. MMC Subsection 19.911.3.B provides a list of variances that can be processed through the Type II process, including up to a 10% reduction in lot width; up to a 25% reduction in front, rear, or street-side setback; and up to a 40% reduction in side yard setback. Variances that exceed those allowed by Type II review will require Type III review.

Up to three variance requests are allowed per variance application, and a uniform variance to one standard for multiple lots (e.g., lot depth or front-yard setback) can be counted as a single variance request.

Current application fees are \$2,000 for Type III review, \$1,000 for Type II review, and \$200 for Type I review. For multiple applications processed concurrently, there is a 25% discount for all application fees after the most expensive one. If a Type II variance were to be requested in conjunction with the subdivision preliminary plat, the variance application would be charged the Type II fee but processed using Type III review, as per MMC Subsection 19.1001.6.B.

For the City's initial review, the applicant should submit 5 complete copies of the application materials, including all required forms, checklists, narrative, and plans. (Note: Disregard the call for 12 copies noted in the code and on several checklists.) A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the Linwood Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed. Prior to submitting the application, the applicant is encouraged to present the project at a regular meeting of the Linwood NDA, at 7:00 p.m. on the second Thursday of most months at Linwood Elementary (11909 SE Linwood Ave).

Once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. The final plat must be completed before permits for development on any of the new lots will be issued.

Natural Resource Review: The site does not include any designated natural resource areas.

Lot Geography: The subject property is rectilinear and is approximately 515 ft long by 198 ft wide, with a "flag pole" connection to Maplehurst Drive approximately 47 ft wide by 144 ft long. The subject property takes its primary access from the flag lot driveway on Maplehurst Drive but also has approximately 65 ft of frontage at the terminus of 66th Avenue near the midpoint of the property's northern boundary.

Planning Notes: In the R-7 zone, minimum lot size is 7,000 sq ft for single-family detached dwellings, with a minimum lot width of 60 ft and minimum lot depth of 80 ft. Lot depth is measured as the average distance between the front and rear lot lines.

The allowable density ranges for the R-7 zone are a minimum of 5.0 dwelling units per acre and maximum of 6.2 units per acre. Using a rough estimate of the applicant's proposed right-of-way dedication (approximately 32,000 sq ft), staff calculates an approximate net developable area of 1.75 acres, which results in a minimum required density of 9 units and maximum allowable density of 11 units. (A more precise calculation of density will depend on the applicant's final development plan.)

The application narrative should include an address of MMC Chapter 19.1200 Solar Access Protection, which requires new lots to be configured in such a way that allows them to utilize solar energy. MMC Subsection 19.1203.3.A establishes the basic design standard that at least 80% of the lots in a development must have a north-south dimension of at least 90 ft and have a front lot line that is oriented within 30 degrees of a true east-west axis. Other options for meeting the standard include

establishing a protected solar building line or deed restrictions to ensure solar access protection. Alternately, MMC Sections 19.1204 and 19.1205 provide options for exemptions and adjustments, respectively.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Richard Nasiombe - Associate Engineer - 503-786-7694

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

Alicia Martin - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kolver - Associate Planner - 503-786-7657

Vera Kolia - Associate Planner - 503-786-7653

Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 6/1/2017
Re: 11159 SE Maplehurst Rd. 17-008PA

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:

A Fire Access and Water Supply plan is required for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291, and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.

Access:

- 1) Provide address numbering that is clearly visible from the street.
- 2) Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants) and an unobstructed vertical clearance of not less than 13 feet 6 inches.
- 3) Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.

Water Supply

- 1) For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:
 - <3,600 square feet (including attached garage)
 - a) 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)
 - >3,600 square feet (including attached garage)
 - a) Shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1)
 - b) Shall meet hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)

Kelver, Brett

From: Livingston, Robert
Sent: Wednesday, September 20, 2017 3:13 PM
To: Kelver, Brett
Subject: RE: plans for Maplehurst subdivision (file #S-2017-003)

Brett,

I have made a cursory review of these plans last week on the project page as I was reviewing them for other reasons. The only issue I saw during my review was that the applicant was indicating in the stormwater management plan exhibit "G", that the drywell geometry assumptions for the UICs proposed to collect & treat stormwater runoff would be 7 feet deep (or only needed to be 7 feet deep to accept all runoff during the calculated storm). This may just be a theoretical number to match the calculations made in the stormwater plan, but our Public Works Standards drawing for UICs in the ROW (#612) has minimum depths for UICs (drywells).

I'm sure our Engineering Dept. is well aware of this and will insist on infrastructure built to our PW standards. Also as this project is larger than 1 acre, it will be issued a 1200CN erosion control permit. The applicant should be prepared to apply for that.

Rob Livingston
City of Milwaukie
503-786-7691
503-572-4659

From: Kelver, Brett
Sent: Wednesday, September 20, 2017 2:17 PM
To: Livingston, Robert <LivingstonR@milwaukieoregon.gov>
Subject: plans for Maplehurst subdivision (file #S-2017-003)

Rob,

For the proposed 11-lot subdivision at 11159 SE Maplehurst Rd, we referred the application out last week for review and comment. I simply sent you the cover sheet and made a note to e-mail you the relevant submittal materials in case you wanted to see them. I knew you were out until yesterday but I forgot to send you the attached materials before the end of the day yesterday—the applicant's narrative, stormwater report, and plan set. These materials are also online at the project page for this application: <https://www.milwaukieoregon.gov/planning/s-2017-003>.

We're looking for any comments on relevant criteria by next Wednesday, Sept 27. Let me know if you have any questions or concerns about the project in the meantime.

Thanks,

BRETT KELVER

Associate Planner
City of Milwaukie
o: 503.786.7657 f: 503.774.8236
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

Kelver, Brett

From: Jesse Tremblay <jtrem56@gmail.com>
Sent: Friday, October 13, 2017 7:38 PM
To: Kelver, Brett
Subject: Re: call for comments on Maplehurst subdivision (S-2017-003)

Official as LUC.

On Fri, Oct 13, 2017 at 10:57 AM, Kelver, Brett <KelverB@milwaukieoregon.gov> wrote:

Jesse,

Thanks for following up from last night's meeting. Does your note below about being in favor of the variance reflect your individual view or your official view from your position in the NDA's LUC?

BRETT KELVER

Associate Planner

From: Jesse Tremblay [mailto:jtrem56@gmail.com]

Sent: Friday, October 13, 2017 10:44 AM

To: Kelver, Brett <KelverB@milwaukieoregon.gov>

Subject: Re: call for comments on Maplehurst subdivision (S-2017-003)

Hi Brett,

Nobody really had any pressing comments or questions. We announced the date of the public hearing. It seems pretty straightforward.

Officially, I am for approving the variance from 20 to 15 feet, and support the addition of 11 more lots for development.

Best Regards,

Jesse

Kelver, Brett

From: Amos, Matt <Matt.Amos@clackamasfire.com>
Sent: Friday, October 13, 2017 3:54 PM
To: Kelver, Brett
Subject: RE: [Spam score:8%] comments on Maplehurst subdivisiion? (Milwaukie file #S-2017-003)

Good afternoon Brett,

At this point I do not believe there are any issues with access or water supply.

Matt Amos

Fire Inspector | Fire Prevention

direct: 503.742.2661

main: 503.742.2600



*To Safely Protect & Preserve
Life & Property*

CLACKAMAS FIRE DISTRICT #1

www.clackamasfire.com

From: Kelver, Brett [mailto:KelverB@milwaukieoregon.gov]
Sent: Friday, October 13, 2017 2:20 PM
To: Amos, Matt <Matt.Amos@clackamasfire.com>
Cc: Boumann, Mike <mike.boumann@ClackamasFire.com>
Subject: [Spam score:8%] comments on Maplehurst subdivisiion? (Milwaukie file #S-2017-003)

Matt,

Wanted to see if you had any comments from CFD on the 11-lot subdivision proposed at 11159 SE Maplehurst Rd. I sent out a referral on Sept 13 but wasn't very good about following up with folks to call in any comments. Forgive me if you sent something already that I missed.

The project page for this one is online here: [S-2017-003 | City of Milwaukie Oregon Official Website](#).

I'm out of the office today starting at 2:30pm but will be back in on Monday morning to wrap up the materials we'll send out on Tuesday in advance of the Oct 24 hearing for this one. Thanks!

BRETT KELVER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

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MEMORANDUM

TO: Community Development Department
THROUGH: Charles Eaton, Director of Engineering
FROM: Alex Roller, Engineering Technician II
RE: 11-Lot Subdivision – 11159 SE Maplehurst Road
 S-2017-003
DATE: October 16, 2017

Subdivide 1 existing parcel into 11 lots.

1. MMC Chapter 12.08 – Street & Sidewalk Excavations, Construction, and Repair
 - A. This will apply to all construction that is completed in the right-of-way that is eventually dedicated to the City. The public improvement process will follow MMC 12.08.020.

2. MMC Chapter 12.16 – Access Management

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

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

12.16.040.A: requires that all properties be provided street access with the use of an accessway.

The proposed development is consistent with MMC 12.16.040A.

12.16.040.C: Accessway Locations

1: Double Frontage

The proposed development is consistent with MMC 12.16.040.C.1 as each lot only has one proposed driveway.

2: Limiting driveway access from arterials and collectors.

All adjacent streets are local streets.

Proposed development is consistent with MMC 12.16.040.C.2

3: Distance from property line

Proposed driveways will conform to 12.16.040.C.3 through Condition of Approval J.

4: Distance from Intersection

a: Proposed lot layout allows for the siting of houses that will facilitate the required 45-foot accessway spacing from intersections. Current plan shows accessways for lots 9 & 10 within the 45-foot spacing, however lot configuration will

allow the movement of the accessways in plan review phase.

Proposed development is consistent with MMC 12.16.040.C.4.a.

12.16.040D: Number of Accessway Locations

1: Safe access

Applicant has proposed the minimum number of accessway locations.

The proposed development is consistent with MMC 12.16.040.D.1.

2-3: Does not apply to this development, as no accessways are on arterials or collectors are proposed. Also only 1 accessway per property is proposed.

12.16.040E & 12.16.040F: Accessway Design - ADA standards & Width

Proposed driveways will conform to 12.16.040.E & 12.16.040.F through Condition of Approval J.

3. MMC Chapter 12.24 – Clear Vision at Intersections

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

A. 12.24.030: clear vision requirements

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

4. MMC Chapter 19.700 – Public Facility Improvements

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

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

The applicant proposes to subdivide the existing 1 parcels into 11 new lots. The subdivision triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

B. MMC Section 19.703 Approval Criteria

19.703.1 Preapplication Conference

Requirement for a preapplication conference was satisfied on May 18th 2017.

19.703.2 Application Submittal

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

19.703.3 Approval Criteria

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

The proposed development is consistent with MMC 19.703.3.

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

Trips generated from this proposed development affect neighboring local streets. This development improves street connectivity therefore does not require a transportation impact study.

MMC 19.704 does not apply to the proposed development.

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

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service previous to the proposed development.

The proposed development is consistent with MMC 19.705.

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

19.708.1.A – Access Management

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

19.708.1.B – Clear Vision

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

19.708.1.D – Development in Non-Downtown Zones

Applicant has demonstrated that adequate right-of-way, pedestrian improvements, and public utilities can be constructed within the provided preliminary plat. Final design will be approved through the plan review process.

The proposed development is consistent with MMC 19.708.1.D.

19.708.1.E – Street Layout & Connectivity

The proposed development is consistent with MMC 19.708.3.E.

19.708.1.F – Intersection Design and Spacing

Spacing between proposed SE Silas Street and SE Catalina Lane is smaller than the required 100-foot spacing between intersections on a local street. Approval of a variance to this spacing requirement will be

required. SE Catalina Lane is a dead-end road that serves 14 houses, and is not stubbed out to extend east for future development. The engineering department is recommending approval of this intersection spacing variance as SE Catalina lane does not generate enough traffic to affect the new Silas/Maplehurst intersection being created by this development.

The proposed development shall conform to MMC 19.708.1.F through Condition of Approval A

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

The proposed cross sections for SE Silas Street does not include the required minimum landscape strip width of 3-feet. Proposed travel lane is 15-feet, which can be reduced to the minimum 14-feet, to create a larger landscape strip.

The required half street construction for proposed Silas Street and 66th Avenue are as follows: 5-foot setback sidewalk, 3-foot landscape strip, curb & gutter, 12.5-foot asphalt. The total right-of-way width is 36 feet. This will provide for two 8-foot travel lanes and two 6-foot parking lanes, and sidewalks in a public access easement.

Right-of-way improvements for internal streets in the development will conform to 19.708.2 through Condition of Approval I.

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

The construction of sidewalks along the proposed development property abutting all public rights-of-way is included in the street frontage requirements. As proposed, all sidewalks except for the west side of SE 66th Avenue will be constructed in 5.5-foot public access easements. Easement will have to be 6', to allow for maintenance of sidewalk. Sidewalk will have 6-inch spacing on each side of the easement. Plans to not currently show the location and width of the public utility easement.

19.708.3.A.2 requires that public sidewalks shall conform to ADA standards. Current proposal does not include ADA ramps on any of the internal corners.

The proposed development will conform to MMC 19.708.3.A.2 through Conditions of Approval I & K.

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

The Milwaukie TSP does not identify adjacent roadways as bike routes. MMC 19.708.4 does not apply to the proposed development.

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

The proposed development property is surrounded by single family residences. The proposed development does not present an opportunity

to provide a pedestrian or bicycle path within the development and is not required to provide one.

MMC 19.708.5 does not apply to the proposed development.

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

Transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

- K. MMC Section 19.709 establishes standards for review of new development with respect to adequacy of existing public utilities.

Applicant will be responsible for conducting a fire flow test on the hydrant at SE 66th Ave/SE Eunice St. Applicant will be responsible for constructing water line to the east property line of the development property.

City Storm system is available to connect to through a storm easement to the west of the development. Drywells have been proposed as part of the stormwater system. Applicant may only construct drywells if it is demonstrated that either Milwaukie or WES storm cannot be connected to.

Recommended Conditions of Approval

1. Prior to approval of the final plat, the following shall be resolved:
 - A. Obtain a variance to MMC 19.708.1.F for intersection spacing.
 - B. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - C. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - D. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - E. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - F. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
 - G. Provide an erosion control plan and obtain an erosion control permit.
 - H. Install all underground utilities, including stubs for utility service prior to surfacing any streets. Water flow test will be required to assure adequate

water flow for development. Water line will be constructed to the east property line of development.

- I. Construct 5-foot setback sidewalks, 3-foot landscape strips, curb and gutter, 25-foot asphalt surface and driveways on all internal streets.
 - J. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 feet and 20 feet in width and least 7.5 feet from the side property line.
 - K. Construct ADA ramps on all corners of SE 66th/Silas Street intersection. Construct a curb return design that is approved by City of Milwaukie and Clackamas County at the Silas/Maplehurst intersection.
 - L. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
 - M. Provide a final approved set of Mylar and electronic PDF "As Constructed" drawings to the City of Milwaukie prior to final inspection.
 - N. Remove all signs, structures, or vegetation in excess of three feet in height located in "vision clearance areas" at intersections of streets, driveways, and alleys fronting the proposed development.
2. Prior to final inspection for any building on the proposed development, the following shall be resolved:
 - A. Connect all residential roof drains to private drywell or other approved structure.



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kalias, Associate Planner
Amy Koski, Economic Development Coordinator

Date: October 17, 2017, for October 24, 2017 Worksession

Subject: NMIA Code Amendments Briefing #2

ACTION REQUESTED

No action. Review the North Milwaukie Industrial Area Plan (NMIA Plan) and code amendments developed by staff and provide direction about implementing the changes under consideration. This is the second briefing regarding the proposed amendments and is for discussion only.

BACKGROUND INFORMATION

Staff presented the first draft of proposed code amendments to the Commission on October 10, 2017 and asked questions about a few key issues. The direction received is as follows:

- Day Care uses should be permitted in the proposed NME zone, but shall not be located in a standalone building.
- The Commission asked for additional information regarding the combined Warehouse and Wholesale uses. The Commission stated that these uses should be permitted in the MUTSA zone, but were undecided on whether to limit the size.
- The Commission agreed with the proposed elimination of the High Impact Commercial category of uses and asked to include the specific uses within the existing table of uses.
- Hotel/motel uses should be permitted as Conditional Uses in the MUTSA but the question about whether they should be limited or prohibited in the NME remains open.
- The Commission agreed with a base maximum building height of 65 ft, which is an increase from 45 ft in the current M-TSA 3, M-TSA 4, and M zones, but had questions about seismic code requirements. Per the Building Official, if buildings are not considered essential facilities, the normal seismic requirements that would be in place for any building would apply. The Commission agreed that any height increase to 90 ft should be allowed via a height bonus for Green Building and consider how this takes the Johnson Creek natural resource area into account.
- The Commission agreed that waste management uses be permitted by Conditional Use in the NME (including grandfathering the existing use on SE Hanna Harvester Drive) and not permitted in the MUTSA.

- The Commission agreed that the definition of Trade School should be expanded to permit job training and employment skills training opportunities.
- The Commission agreed the southwest area of the NMIA, with a boundary of Milport Rd, McBrod Ave, Hwy 224, and McLoughlin Blvd should be zoned MUTSA rather than NME. This was the original recommendation from the Commission to the City Council during the adoption of the NMIA Plan.

COMPREHENSIVE PLAN AMENDMENTS

On July 18, 2017 City Council adopted a resolution directing staff to prepare plan and code amendments to implement the North Milwaukie Industrial Area Plan. The NMIA Plan builds on and incorporates much of the Tacoma Station Area Plan (TSAP) adopted in 2013 prior to the construction of the Tacoma Light Rail Station and MAX Orange line. The draft NMIA Plan being presented to the Commission includes some remaining elements from the TSAP that were not specifically addressed in the newly adopted NMIA Plan. The purpose of this reconciliation is to repeal the TSAP and its associated documents and adopt only one ancillary document as part of the Comprehensive Plan. The general changes to the NMIA Plan adopted by City Council in July 2017 are outlined as follows:

1. Changes to the NMIA Plan
 - a. Inclusion of remaining TSAP items
 - b. Additional updates to complete the NMIA Plan – Items from the planning process not included or properly referenced
2. Updates to the Transportation System Plan (TSP):

Where the TSP references the TSAP and/or to reflect the projects identified in the NMIA Plan.
3. Updates to the Comprehensive Plan:

Chapter 4 – Land Use – Economic Base and Industrial/Commercial Land Use Element: delete references to the TSAP and Tacoma Station Area and replace them with references to the NMIA where appropriate.

DESIGN AND DEVELOPMENT STANDARDS

The proposed design and development standards are adapted from the existing standards found in the M-TSA Zone and the TSA Overlay Zone. Staff has proposed deviations from the existing code to reflect the planned future of the NMIA while balancing the more likely retrofit of existing buildings that will occur in the immediate future.

The current code applies building design standards to all areas of the proposed MUTSA and to development with frontage on Main St in the proposed NME. The proposed code revises some of the standards, including exterior building materials, to be more consistent with the General Mixed-Use Zone and Flex Space Overlay standards found in Central Milwaukie. Based on some initial input from the Commission at the first Worksession, staff proposes to revise the applicability of these standards to only key streets and key corners (see Figures 1 and 2):

- Main St
- McBrod Ave
- Ochoco St intersection with McLoughlin Blvd and west to 17th Ave
- Milport Rd
- Mailwell Ave between Main St and the light rail line

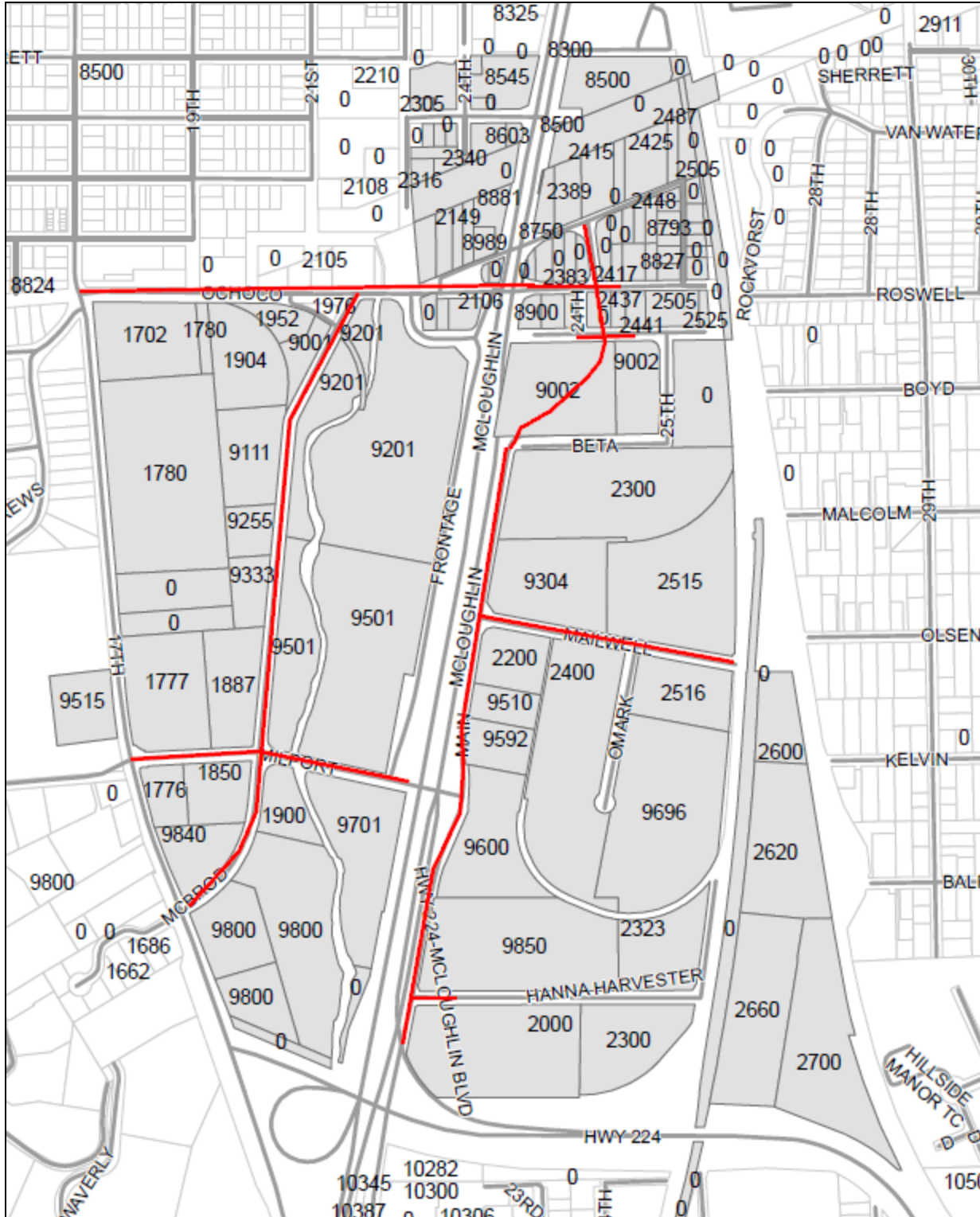


Figure 2. Proposed design standards applicability

Key Questions and Issues

1. Should we require minimum site landscaping in the NME and MUTSA? Or should minimum landscaping apply only if there are minimum setbacks?
2. Should we require maximum setbacks in the NME and MUTSA? Should the maximum setbacks apply only to Key Streets?
 - a. Maximum street setbacks establish a more urban street line and bring buildings closer to the street.
3. Mapped natural resources along Johnson Creek include Water Quality Resource Area (50 ft on either side of the creek) and Habitat Conservation Area (see Figure 3). The river corridor also includes floodplain. Development in these mapped areas is subject to MMC 19.402 land use review as well as restrictions on development in the floodplain. Does the Commission wish to consider a more robust no-build zone or overlay zone that would prohibit development along the creek?
4. Is this approach to reconcile and repeal the TSAP appropriate? Do you have any questions about the reconciliation?

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

1. Revised draft code amendment language – underline/~~strikeout~~

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-180>.

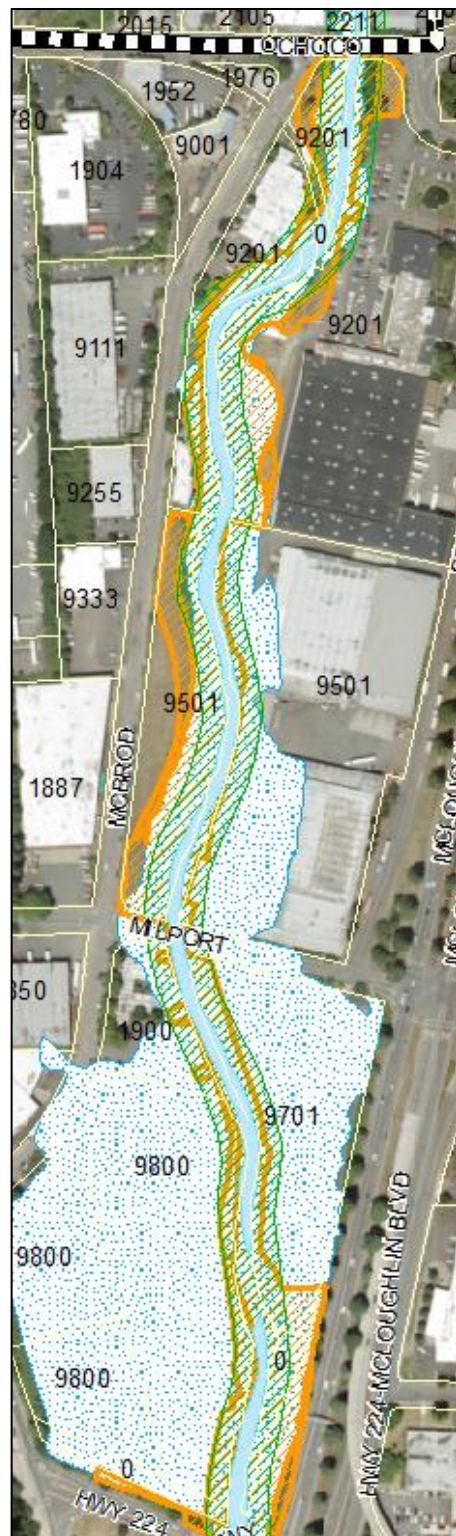
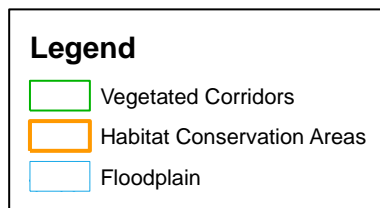


Figure 3. Mapped natural resources and floodplain areas



Underline/Strikeout Amendments

Zoning Ordinance

CHAPTER 19.300 BASE ZONES

19.312 NORTH MILWAUKIE INDUSTRIAL AREA

19.312.1 Purpose

- A. The Tacoma Station Area Mixed Use Zone (MUTSA) is intended to support the goals and policies of the North Milwaukie Industrial Area (NMIA) Plan. The MUTSA district is intended to take advantage of its unique location near the Tacoma light rail station and provide opportunities for a wide range of uses. The primary uses in this zone include housing, limited commercial and service-related office use, high intensity office employment, and industrial uses including uses involved in production, manufacturing and processing, of goods.
- B. The North Milwaukie Employment Zone (NME) Zone is intended to support the goals and policies of the NMIA Plan and retain the area as a viable industrial and employment zone. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods, as well as uses providing opportunities for higher intensity employment such as production-related office, laboratories, and research and development uses. Limited specific uses not involving the production and transportation of goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Service-related office and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site and should be subordinate and accessory to the industrial uses in the zone.

19.312.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.312.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Community Service Uses

Uses listed in Table 19.312.2 as "CSU" are permitted only as community service uses in conformance with Section 19.904.

C. Conditional Uses

Uses listed in Table 19.312.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones may continue in existence. Alteration or expansion of a nonconforming use, structure, or development that brings the use, structure, or development closer to compliance may be allowed through development review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III variance pursuant to

Proposed Code Amendment

Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses not listed in Table 19.312.2, and not considered accessory or similar pursuant to Subsections 19.312.2.F and G below, are prohibited. Uses listed with an “N” in Table 19.312.2 are also prohibited.

E. Limited Uses

Uses listed in Table 19.312.2 as “L” are permitted only as limited uses in conformance with Section 19.312.4.

F. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

G. Similar Uses

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.312.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.312.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>Residential</u>			
<u>Multifamily¹</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.505.3 Multifamily Housing</u>
<u>Mixed use residential</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.312.6 Development Standards for All Uses</u>
<u>Live/work units</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.505.6 Live/Work Units</u>
<u>Commercial</u>			
<u>Office</u> <u>1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</u> <u>Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call center, software and internet content development and publishing; telecommunication service providers;</u>	<u>P</u>	<u>P</u>	

Proposed Code Amendment

Table 19.312.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<p>data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility.</p> <p>2. <u>Service-Related Office</u> Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</p> <p>Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.</p>	<u>L</u>	<u>L/CU</u>	Subsection 19.312.4 Standards for Limited Uses
<p><u>Drinking establishments</u> <u>Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption.</u></p> <p>Examples include taverns, bars, or cocktail lounges.</p>	<u>L</u>	<u>L/CU</u>	Subsection 19.312.4 Standards for Limited Uses
<p><u>Eating establishments</u> <u>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</u></p> <p>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</p>	<u>L</u>	<u>L/CU</u>	Subsection 19.312.4 Standards for Limited Uses
<p><u>Retail-oriented sales</u> <u>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</u></p>	<u>L</u>	<u>L/CU</u>	Subsection 19.312.4 Standards for Limited Uses

Proposed Code Amendment

Table 19.312.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</u>			
<u>Marijuana retailer</u> <u>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</u>	<u>N</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses <u>See Marijuana Businesses</u>
<u>Personal service</u> <u>Personal service firms are involved in providing consumer services.</u> <u>Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.</u>	<u>L</u>	<u>L/CU</u>	Subsection 19.312.4 Standards for Limited Uses
<u>Day care.</u> <u>Day care is the provision of regular childcare, with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements.</u> <u>Examples include nursery schools, before- and after-school care facilities, and child development centers.</u>	<u>L</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses
Hotel/motel	N	CU	Subsection 19.905 Conditional Uses
<u>Adult entertainment businesses¹</u>	<u>N</u>	<u>CU</u>	Subsection 19.905 Conditional Uses
Industrial, Manufacturing and Production			
<u>Manufacturing and production.</u> <u>This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts.</u> <u>Examples include: alternative energy development; biosciences; food and</u>	<u>P</u>	<u>P</u>	

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Table 19.312.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<p>beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.</p>			
<p><u>Construction: Contractors and Related Businesses</u></p> <p>This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site.</p> <p>Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies.</p>	<u>P</u>	<u>P</u>	
<p>Wholesale Trade, Warehousing, Distribution</p> <p>This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic.</p> <p>Examples include: operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Includes fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.</p>	<u>P</u>	P	<u>Subsection 19.312.4 Standards for Limited Uses</u>

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Table 19.312.2			
Uses Allowed in Commercial Mixed-Use Zones			
<u>Uses and Use Categories</u>	<u>NME</u>	<u>MUTSA</u>	<u>Standards/Additional Provisions</u>
<p><u>Repair and Service</u></p> <p>This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products.</p> <p>Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not permitted.</p>	<u>P</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses
<p><u>Trade Schools and Training Facilities</u></p> <p>This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification.</p> <p>Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, job skills training classrooms, and other industrial/employment skills training.</p>	<u>P</u>	<u>P</u>	
<p><u>Creative Space</u></p> <p>Industrial/manufacturing space specifically for artist-type uses.</p> <p>Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.); sound stage and/or film production; set design and production; music studio/production.</p>	<u>P</u>	<u>P</u>	
<p><u>Waste Management²</u></p> <p>This category comprises businesses that provide garbage and recycling</p>	<u>CU/P</u>	<u>N</u>	

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Table 19.312.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.			
Community Service Use			
Only the following community service uses are included in this district:			Section 19.904 Community Service Uses
1. <u>Institutions</u>			See Trade Schools and Training Facilities
a. <u>Government offices</u>	<u>P</u>	<u>P</u>	
b. <u>Public transit facilities or passenger terminal</u>	<u>CSU</u>	<u>CSU</u>	
c. <u>Schools (public or private)</u>	<u>CSU</u>	<u>CSU</u>	
d. <u>Recreation facilities (public or private)</u>	<u>CSU</u>	<u>CSU</u>	
e. <u>Parks and open space</u>	<u>P</u>	<u>P</u>	
f. <u>Transitional or correctional facility (public or private)</u>	<u>CSU</u>	<u>CSU</u>	
g. <u>Hospital</u>	<u>CSU</u>	<u>CSU</u>	
2. <u>Infrastructure</u>			
a. <u>Utilities (water, sewer, and storm sewer facilities including but not limited to sewage pumping stations, water wells, pump stations, sewer mining)</u>	<u>P</u>	<u>P</u>	
b. <u>Communication facilities (includes WCF)</u>	<u>P</u>	<u>P</u>	
c. <u>Electrical power substations; solar facilities</u>	<u>P</u>	<u>P</u>	
Marijuana Businesses			
1. <u>Marijuana retailers subject to the standards of Subsections 19.312.4 and 19.509.1.</u>	<u>N</u>	<u>L</u>	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
2. <u>Marijuana processing, testing, research, and warehousing subject to the standards of Subsection 19.509.2.</u>	<u>P</u>	<u>P</u>	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
3. <u>Marijuana production subject to the conditional use process and the standards of Subsections 19.509.2 and 19.509.3.</u>	<u>CU</u>	<u>CU</u>	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses Subsection 19.509.3 Marijuana Production Limitations Section 19.905 Conditional Uses

P = Permitted.

N = Not permitted.

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L = Limited

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use. Deed restrictions will apply to multifamily development in order to reduce potential conflicts between residential uses and surrounding manufacturing uses.
2. When considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 - b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.
3. Waste Management uses in existence prior to December 31, 2017 are Permitted; uses proposed after that date are permitted as a Conditional Use.

19.312.3 Specific Prohibited Uses

Any use which has a primary function of storing or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.

19.312.4 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

A. Retail, Service-Related Office, Eating and Drinking Establishments, and Personal Service Uses

To ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing and higher intensity employment uses, the following standards apply. See Figure 19.313.6.B for an illustration of the size limitations.

1. In the NME, the total gross leasable square footage of an individual retail, service-related office, eating and drinking establishment, and personal service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less. In the MUTSA and the NME, the total gross leasable square footage for a development shall not exceed 20,000 sq ft.
2. In the NME and MUTSA, multiple retail, service-related office, eating and drinking establishments, and personal service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
 - a. A single building with 50,000 sq ft or more of gross floor area.
 - b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
3. In the NME, retail, service-related office, eating and drinking establishments, and personal service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail, service-related office, eating and drinking establishment, and personal

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service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

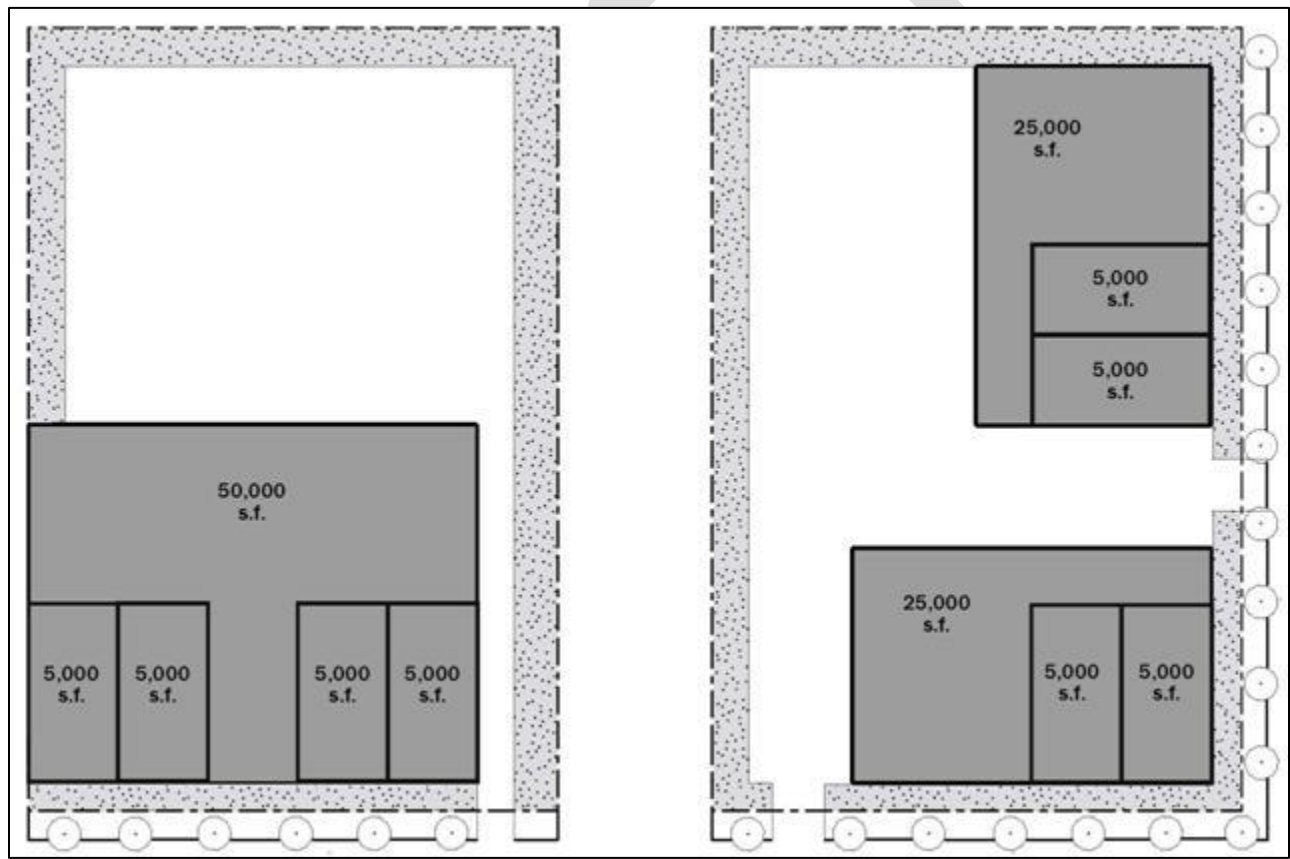
4. In the MUTSA, eating and drinking establishments that exceed the above standards may be approved through a conditional use review pursuant to Section 19.905.

B. Other Uses

1. In the MUTSA, the following repair and service uses, or similar, are not permitted: sales, repair, or storage of heavy machinery; heavy truck servicing and repair; tire retreading or recapping; fleet storage and maintenance; fuel oil distributors; and solid fuel yards.
2. Day care uses must be part of a larger building and shall not be permitted in standalone buildings.

Figure 19.312.4.A

Size Limitations for Retail, Service Office, Eating and Drinking Establishments, and Personal Service Uses



19.312.5 Development Standards

These development standards are intended to ensure that new development is appropriate in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.312.5 summarizes some of the development standards that apply in the NMIA. Development standards are presented in detail in Subsection 19.312.6.

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Table 19.312.5 North Milwaukie Industrial Area —Summary of Development Standards			
Standard	NME	MUTSA	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	None	None	
2. Minimum street frontage (ft)	None	None	
B. Development Standards			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	
2. Building height (ft)			
a. Minimum	25	25	Subsection 19.312.6.K – Building height bonus
b. Maximum (Height bonus available)	65-90	65-90	
3. Street setbacks (ft)			Subsection 19.501.2 Yard Exceptions
a. Minimum street setback	0-10	0-10	
b. Maximum street setback	None	None	
c. Side and rear setbacks	None!	None!	
4. Maximum lot coverage	85%	85%	
5. Minimum Landscaping	15%	15%	Subsection 19.312.6.B Landscaping
6. Off-street parking required	Yes	Yes	Subsection 19.312.6.E Parking, Loading, and Unloading Areas Chapter 19.600 Off-Street Parking and Loading
C. Other Standards			
1. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations
a. Stand-alone residential			
(1) Minimum	N/A	None	
(2) Maximum	N/A	None	
b. Mixed-use buildings	N/A	None	
2. Signs	Yes	Yes	Subsection 14.16.050 Commercial Zone Subsection 19.312.6.H Signage for Non-manufacturing Uses
3. Design Standards	Yes	Yes	Subsection 19.312.6.I Design Standards for All New Construction and Major Exterior Alterations

1. Side and rear lot lines abutting a residential zone have a minimum 10-ft setback. Side and rear lot lines not abutting a residential have no required setback.

19.312.6 Development Standards for All Uses

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.312.6.

The following development standards apply to all uses in the MUTSA Zone and the NME Zone as specifically noted.

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A. Setbacks**1. Front**

- a. Buildings that are more than 2 stories and at least 25 ft high with a front setback along Main St have a minimum 5-ft setback.
- b. Front yard setbacks along any other street have a minimum 10-ft setback.
- c. In the NME, all development with frontage on Main Street shall have a 10-ft front yard setback.

B. Landscaping (NME and MUTSA)

A minimum of 15% landscaping of the site is required. The required landscape area shall comply with the following:

- 1. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features.
- 2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.
- 3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required minimum landscape area.
- 4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.
- 5. Shrubs shall be planted from 5-gallon containers or larger.
- 6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.
- 7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

C. Public Facility Improvements

As specified in Chapter 19.700.

D. Screening of Outdoor Uses (NME and MUTSA)

Outdoor uses shall be screened as follows:

- 1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.
- 2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.

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3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

E. Parking, Loading, and Unloading Areas

In the NME and MUTSA, parking, loading, and unloading areas shall be located as follows:

1. Parking, loading, and unloading areas shall not be located within required setbacks.
2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.

3. Parking Requirements

In the NME, the following parking requirements apply and supersede any conflicting requirements found in Table 19.605.1 or other sections of the code.

a. Office Uses

- (1) Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area
- (2) Maximum number of parking spaces: 4.1 per 1,000 sq ft of gross floor area

b. Retail and Personal Service Uses

- (1) Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area
- (2) Maximum number of parking spaces: 6.2 per 1,000 sq ft of gross floor area

c. Manufacturing Uses

- (1) Minimum number of parking spaces: 1 per 1,000 sq ft of gross floor area
- (2) Maximum number of parking spaces: none

4. The minimum and maximum parking requirements may be modified consistent with Section 19.605.2 Quantity Modifications and Required Parking Determinations.

F. External Effects (NME and MUTSA)

The potential external effects of manufacturing uses shall be minimized as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.
3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.

G. Additional Standards

Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.

H. Signage for Non-manufacturing Uses

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At least 1 pedestrian-oriented sign shall be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street. All signs must comply with Title 14 Signs.

I. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section generally apply to the street-facing façades of new commercial, institutional, manufacturing, and mixed-use buildings within the MUTSA and along Main St, McBrod Ave, and Ochoco St in the NME. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.313.7.M below defines exterior maintenance and repair and major/minor exterior alterations.

1. Ground-Floor and Street-facing Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment.

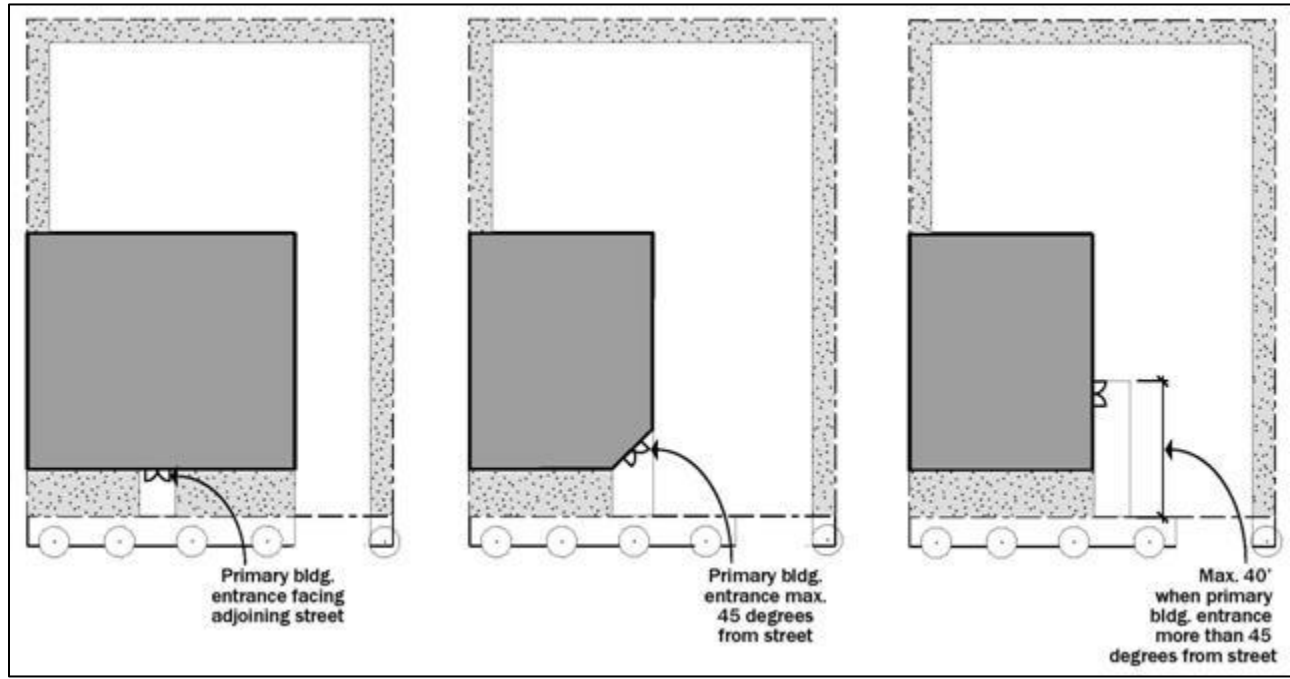
- a. For nonresidential and mixed-use buildings, 30% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.
- b. Ground-floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.
- c. Clear glazing is required for ground-floor windows. Reflective, tinted, or opaque glazing are not permitted for windows facing streets or courtyards.
- d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 50% of the window area.

2. Building Orientation

All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.312.6.1.2 for illustration.

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**Figure 19.312.6.I.2
Building Entrances**



3. Weather Protection

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

4. Design Standards for Walls

The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares.

- a. Exterior wall-mounted mechanical equipment is prohibited.
- b. The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.312.6.I.4 specifies the primary, secondary, and prohibited material types referenced in this standard.
 - (1) Buildings shall utilize primary materials for at least 60% of the applicable building façades.
 - (2) Secondary materials are permitted on no greater than 40% of each applicable building façade.
 - (3) Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.)
 - (4) Buildings shall not utilize materials listed as (N) prohibited material.
 - (5) For existing development, façade modifications that affect more than 50% of the façade shall comply with standards in this subsection. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

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**Table 19.312.6.I.4
Commercial Exterior Building Materials**

Material Type	Nonresidential and Mixed-Use
Brick	<u>P</u>
Stone/masonry	<u>P</u>
Stucco	<u>P</u>
Glass (transparent, spandrel)	<u>P</u>
Concrete (poured in place or precast)	<u>P</u>
Finished wood, wood veneers, and wood siding	<u>P</u>
Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring polished, brushed, or patina finish	<u>S</u>
Concrete blocks with integral color (ground, polished, or glazed finish)	<u>S</u>
Fiber-reinforced cement siding and panels	<u>S</u>
Ceramic tile	<u>S</u>
Concrete blocks with integral color (split-face finish)	<u>A</u>
Standing seam and corrugated metal	<u>A</u>
Glass block	<u>A</u>
Vegetated wall panels or trellises	<u>A</u>
Vinyl siding	<u>N</u>
Exterior insulation finishing system (EIFS)	<u>N</u>
Plywood paneling	<u>N</u>

P = Primary material

S = Secondary material

A = Accent material

N = Prohibited material

6. Design Standards for Roofs

The following standards are applicable to building roofs.

- a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.
- b. Mansard or decorative roofs on buildings less than 3 stories are prohibited.

J. Definitions for Applicability of Design Standards

1. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.
2. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of “exterior maintenance and repair” or “major exterior alterations.” Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.

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3. Additions not exceeding 300 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.
4. Major exterior alterations include any of the following:
 - a. Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations.”
 - b. Demolition or replacement of more than 50% of the surface area of any exterior wall or roof.
 - c. Floor area additions that exceed 300 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).
5. The design standards in Subsection 19.312.6.I above are applicable to major exterior alterations as follows:
 - a. Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).
 - b. Major exterior alterations involving a roof shall comply with the design standards for roofs.

K. Height Bonuses

A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories or 24 ft of additional height, whichever is less, above the height maximum.

1. Residential

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

2. Green Building

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

19.312 TACOMA STATION AREA MANUFACTURING ZONE M-TSA**19.312.1 Purpose**

The M-TSA Zone is intended to support the goals and policies of the Tacoma Station Area Plan and retain the area as a viable industrial zone as the uses allowed by the Tacoma Station Area Overlay Zone become established. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods. Some specific uses not involving goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Office uses are intended to be subordinate and accessory to the industrial uses, and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site.

19.312.2 Use Categories

The categories of land uses that are permitted in the M-TSA Zone are listed in Table 19.312.2. Permitted uses are designated with a "P." A "C" in this table indicates a use that may be authorized as a conditional use in conformance with Chapter 19.905. An "L" indicates a use that is permitted outright with certain limitations as described in Subsection 19.312.6. Uses not listed in the table are not allowed.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Ordinance. If it is unclear whether a proposed use is allowed under the use categories, the applicant may submit a Director determination application per Subsection 19.903 to resolve the issue.

Table 19.312.2 M-TSA Zone Uses	
Use Category	Status
A. Construction: Contractors and Related Businesses	
This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business consistent with Subsection 19.312.2.G.1.	P
B. Manufacturing	
This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples include: alternative energy development; biosciences; food and beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.	P
C. Wholesale Trade	
This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic. Associated retail is only allowed as an accessory use	P

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in conformance with Subsection 19.312.2.G.2 and other applicable standards in this section.	
D. Warehousing and Storage	
This category comprises industries that are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Examples include: transportation and distribution uses with loading docks, temporary outdoor storage, and fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted in the M-TSA Zone.	P
E. Trade Schools	
This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.	P
F. Accessory Uses and Structures	
This category comprises uses and structures defined as incidental and subordinate to the main use of a property and located on the same lot as the main use, including accessory parking.	P
G. Limited Uses	
This category comprises uses that are primarily intended to support and serve other allowed uses in the M-TSA Zone. Limited uses are divided into two subcategories. See Subsection 19.312.6 for applicable limitations on these uses. 1.— Administration and Support in Office Buildings — This subcategory comprises uses in office-type buildings that are accessory to industrial uses. They administer, oversee, and manage companies; manage financial assets and securities; do research and design; do laboratory testing; and/or provide document preparation and other industrial support services. Examples include: corporate offices, company business offices, call centers, and other office-type uses that primarily serve other industries and do not generate a significant number of daily customer visits. 2.— Retail Commercial and Professional Services — This subcategory comprises the sale of goods, materials, and professional services. Examples of retail commercial uses include: restaurants, minimarts, factory outlet stores, and office supply stores. Examples of professional services that cater to employees and customers include: bank branches, day-care centers, dry cleaners, and health clubs.	L
H. Exclusive Heavy Industrial Uses	
This category comprises uses exclusive to heavy industrial. Examples include: rock crushing facilities; natural resource extraction facilities; aggregate storage and distribution facilities; and concrete and/or asphalt batch plants. See Subsection 19.312.5.A.	C
I. Waste Management	
This category comprises businesses that provide garbage and recycling hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.	P
J. Repair and Service	
This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and	P

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<p>industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel-oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M-TSA Zone.</p>	
K. High-Impact Commercial Use	
<p>This category comprises uses that generate substantial traffic, noise, light, irregular hours, or other potential impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels, and motels. See Subsection 19.312.5.B.</p>	C
L. Marijuana Businesses (as Limited and Conditional Uses)	
<p>This category includes the following businesses:</p> <ol style="list-style-type: none"> 1. Marijuana retailers subject to the standards of Subsections 19.312.6.B and 19.509.1. 2. Marijuana processing, testing, research, and warehousing subject to the standards of Subsection 19.509.2. 3. Marijuana production subject to the conditional use process and the standards of Subsections 19.509.2 and 19.509.3. 	L C1

P = Permitted.

L = Limited.

C = Conditional use.

1 = Only marijuana production is subject to the conditional use process.

19.312.3 Preexisting Uses and Developments

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “employment” or “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by the size limitations on retail uses in Subsection 19.312.6, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March 17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.

19.312.4 Specific Prohibited Uses

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.
- B. New residential, religious institutions, or public schools.

19.312.5 Standards for Conditional Uses

The following standards apply to those uses listed as conditional (C) in Table 19.312.2.

- A. Exclusive Heavy Industrial Uses

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- ~~1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.~~
- ~~2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.~~
- ~~3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.~~

B. High-Impact Commercial Uses

~~When considering a high-impact commercial use, the Commission shall consider the following:~~

- ~~1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.~~
- ~~2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.~~
- ~~3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.~~
- ~~4. Hours of operation.~~
- ~~5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.~~
- ~~6. In addition, when considering an adult entertainment business, the following criteria shall be used:

 - ~~a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.~~
 - ~~b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.~~~~

C. Marijuana Production

- ~~1. Marijuana production shall be subject to the security and odor control standards of Subsection 19.509.2 and the marijuana production limitations set forth in subsection 19.509.3.~~

19.312.6 Standards for Limited Uses

~~The following standards apply to those uses listed as limited (L) in Table 19.312.2.~~

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A. ~~Administration and Support in Office Buildings~~

~~Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the M-TSA Zone. No greater than 20% of the floor area of a building may be used for administrative office space.~~

B. ~~Retail Commercial and Professional Services~~

~~In order to ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing uses, the following standards apply. See Figure 19.312.6.B for an illustration of the size limitations.~~

- ~~1. The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less.~~
- ~~2. Multiple retail or professional service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
 - ~~a. A single building with 50,000 sq ft or more of gross floor area.~~
 - ~~b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.~~~~
- ~~3. Retail and professional service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail commercial or professional service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.~~

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Figure 19.312.6.B
Size Limitations for Retail and Professional Service Uses



19.312.7 Development Standards for All Uses

The following development standards apply to all uses in the M-TSA Zone.

A. Setbacks (Minimum)

Front: 20 ft

Side: None*

Corner side yard: 10 ft

Rear: None*

* Except when abutting a residential district, in which case the setback shall match the abutting property.

B. Height (Maximum)

45 ft

C. Parking and Loading

See Chapter 19.600.

D. Landscaping

15% landscaping of the site is required. The required landscape area shall comply with the following:

Proposed Code Amendment

- ~~1. Permitted landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features.~~
- ~~2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.~~
- ~~3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required landscape area.~~
- ~~4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.~~
- ~~5. Shrubs shall be planted from 5-gallon containers or larger.~~
- ~~6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.~~
- ~~7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.~~

~~E. Public Facility Improvements~~~~As specified in Chapter 19.700.~~~~F. Screening of Outdoor Uses~~~~Outdoor uses shall be screened as follows:~~

- ~~1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.~~
- ~~2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.~~
- ~~3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.~~

~~G. Parking, Loading, and Unloading Areas~~~~Parking, loading, and unloading areas shall be located as follows:~~

- ~~1. Parking, loading, and unloading areas shall not be located within required setbacks.~~
- ~~2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site.~~

~~H. External Effects~~~~The potential external effects of manufacturing uses shall be minimized as follows:~~

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- ~~1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.~~
 - ~~2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.~~
 - ~~3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.~~
- ~~I. Additional Standards~~
- ~~Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.~~

~~19.406 TACOMA STATION AREA OVERLAY ZONE TSA~~

~~19.406.1 Purpose~~

~~This overlay zone implements the Tacoma Station Area Plan and will help ensure that future development in the station area is consistent with the vision established in the plan. The overlay zone is intended to facilitate the following:~~

- ~~A. A mix of employment and other appropriate uses with employment densities that support light rail transit, particularly in close proximity to the Tacoma light rail station.~~
- ~~B. Support for existing businesses.~~
- ~~C. An appropriate amount of parking for employees and visitors.~~
- ~~D. Attractive building designs and public facilities.~~
- ~~E. A simple and timely review process for new development.~~

~~19.406.2 Applicability~~

~~The standards and requirements in this section apply to all properties within the Tacoma Station Area Overlay Zone as shown on the Zoning Map.~~

~~19.406.3 General Provisions~~

~~The following provisions apply to all development within the Tacoma Station Area Overlay Zone.~~

~~A. Consistency with Base Zone~~

~~The M-TSA Zone is the base zone for the properties within the Tacoma Station Area Overlay Zone and all requirements of the base zone apply unless otherwise noted in this section. Where conflicts occur between this section and other sections of the code, the standards and requirements of this section shall supersede.~~

~~B. Off-Site Impacts~~

~~In order to ensure greater compatibility between manufacturing and nonmanufacturing uses in the Tacoma station area, the following off-site impact standards apply in Subareas 1-3.~~

~~1. Applicability~~

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~~The off-site impact standards in this section apply to all new machinery, equipment, and facilities associated with manufacturing uses. Machinery, equipment, or facilities that were at the site and in compliance with existing regulations as of August 1, 2013, the effective date of Ordinance #2071, are not subject to these off-site impact standards.~~

~~2. Noise~~

~~The City's noise control standards and requirements in Chapter 8.08 apply.~~

~~3. Vibration~~

~~Continuous, frequent, or repetitive vibrations that exceed 0.002g peak are prohibited. Generally, this means that a person of normal sensitivities should not be able to feel any vibrations.~~

- ~~a. Temporary vibrations from construction activities or vehicles leaving the site are exempt.~~
- ~~b. Vibrations lasting less than 5 minutes per day are exempt.~~
- ~~c. Seismic or electronic measuring equipment may be used when there are doubts about the level of vibrations.~~

~~4. Odor~~

~~Continuous, frequent, or repetitive odors are prohibited. The odor threshold is the point at which an odor may just be detected. An odor detected for less than 15 minutes per day is exempt.~~

~~5. Illumination~~

~~Machinery, equipment, and facilities may not directly or indirectly cause illumination on other properties in excess of 0.5 footcandles of light.~~

~~6. Measurements~~

~~Measurements for compliance with these standards may be made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.~~

~~7. Documentation~~

~~An applicant must provide documentation certified by a registered engineer or architect, as appropriate, to ensure that the proposed activity can achieve compliance with these standards.~~

~~C. Additional Standards~~

~~In addition to the standards of the base zone and the overlay zone, the following chapters contain requirements and standards that may apply:~~

- ~~1. Chapter 19.500 Supplementary Development Regulations~~
- ~~2. Chapter 19.600 Off-Street Parking and Loading~~
- ~~3. Chapter 19.700 Public Facility Improvements~~
- ~~4. Chapter 19.800 Nonconforming Uses and Development~~

~~D. Street Design~~

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~~New or improved streets within the station area shall be constructed consistent with the street design cross sections established in the Public Works Standards.~~

~~E. Review Process~~

~~All new or expanded/modified development in the overlay zone will be processed through Type I or Type II Development Review consistent with Section 19.906.~~

~~19.406.4 Tacoma Station Area Overlay Zone Subareas~~

~~The Tacoma Station Area Overlay Zone has been divided into four subareas to further refine the design and appropriate mix of uses within the station area. Subarea boundaries are shown on the Zoning Map. The intent of the subareas is to recognize that the station area is not anticipated to develop uniformly in the future. Lands closest to the future Tacoma light rail station are expected to support a different mix of uses and design standards than lands further from the station. The transportation network, existing and planned, also establishes a distinction between the varying transportation demands associated with anticipated land uses within the subareas. As such, street design cross sections for the Tacoma station area, found in the Public Works Standards, may vary by subarea. The following subsections define the four subareas and provide specific requirements and standards for each.~~

~~19.406.5 Subarea 1: North of Springwater~~

~~A. Subarea Boundary~~

~~Subarea 1 is located north of the Springwater Corridor and south of the Tacoma light rail station, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

~~Due to its proximity to the Tacoma light rail station, Subarea 1 is intended to develop a mix of land uses, including retail commercial and limited residential uses that cater to light rail users. Subarea 1 is anticipated to develop as an active “station area community” supported by convenient access to light rail.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 1 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

- ~~1. Professional service and office uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 60,000 sq ft per building or development project.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

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E. ~~Development Standards for Nonmanufacturing Uses~~

~~In addition to the standards in the base M-TSA Zone, nonmanufacturing uses shall comply with the standards below.~~

1. ~~Density~~

~~The density standards below apply to developments that include residential uses.~~

a. ~~Minimum Density~~

~~There is no minimum residential density standard.~~

b. ~~Maximum Density~~

~~The maximum residential density is 32.0 dwelling units per acre.~~

2. ~~Floor Area Ratio~~

~~Minimum of 0.5:1 and maximum of 3:1.~~

3. ~~Building Height~~

~~Minimum of 25 ft and maximum of 65 ft.~~

4. ~~Minimum Setbacks~~**a. ~~Front~~**

~~(1) Buildings that are 2 stories or less than 25 ft high with a front setback along Main St have no minimum setback requirement.~~

~~(2) Buildings that are more than 2 stories and at least 25 ft high with a front setback along Main St have a minimum 5 ft setback.~~

~~(3) Front yard setbacks along any other street have a minimum 10-ft setback.~~

b. ~~Side and rear~~

~~(1) Side and rear lot lines abutting a residential zone have a minimum 10-ft setback.~~

~~(2) Side and rear lot lines not abutting a residential zone have no required setback.~~

5. ~~Parking Location~~

~~No surface parking shall be located within a front setback. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.~~

6. ~~Signage~~

~~At least 1 pedestrian-oriented sign shall be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street. All signs must comply with Title 14 Signs.~~

7. ~~Stand-Alone Multifamily Residential Development~~

~~Stand-alone multifamily residential development shall comply with Subsection 19.505.3 Multifamily Housing. In addition, the ground floor of stand-alone multifamily buildings shall be constructed to meet building code standards for a retail use. This will facilitate efficient conversion of the ground-floor space from residential to retail in the future.~~

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F. Design Standards for All New Construction and Major Exterior Alterations

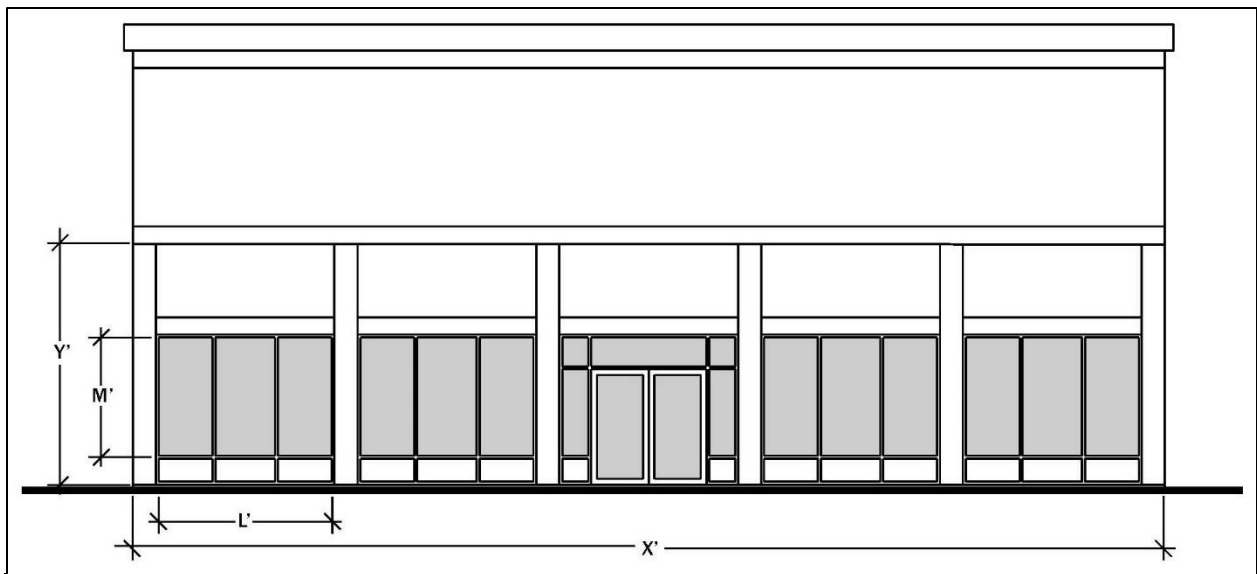
In addition to the standards in the base M-TSA Zone, both manufacturing and nonmanufacturing uses shall comply with the standards below. Exterior maintenance and repair, and minor exterior alterations, are not subject to these standards. Stand-alone multifamily buildings are not subject to these standards. Subsection 19.406.5.G below defines exterior maintenance and repair and major/minor exterior alterations.

1. Ground-Floor Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians. All exterior walls facing the street or sidewalk must meet the following standards:

- a. 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less. See Figure 19.406.5.F.1.a. Window coverage is defined as the total ground-floor window area divided by the total ground-floor street wall area.

**Figure 19.406.5.F.1.a
Ground-Floor Windows and Doors**



Area Calculation for Ground-Floor Windows and Doors:

Single window area = $L \times M$

Total window area (TWA) = $(L \times M) \times$ (number of window bays, including transparent doors)

Total ground-floor street wall area = $X \times Y$

- b. Ground-floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.

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- ~~c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazing are not permitted.~~
- ~~d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.~~

2. ~~Windows~~

~~The following standards are applicable to building windows facing streets, courtyards, and/or public squares.~~

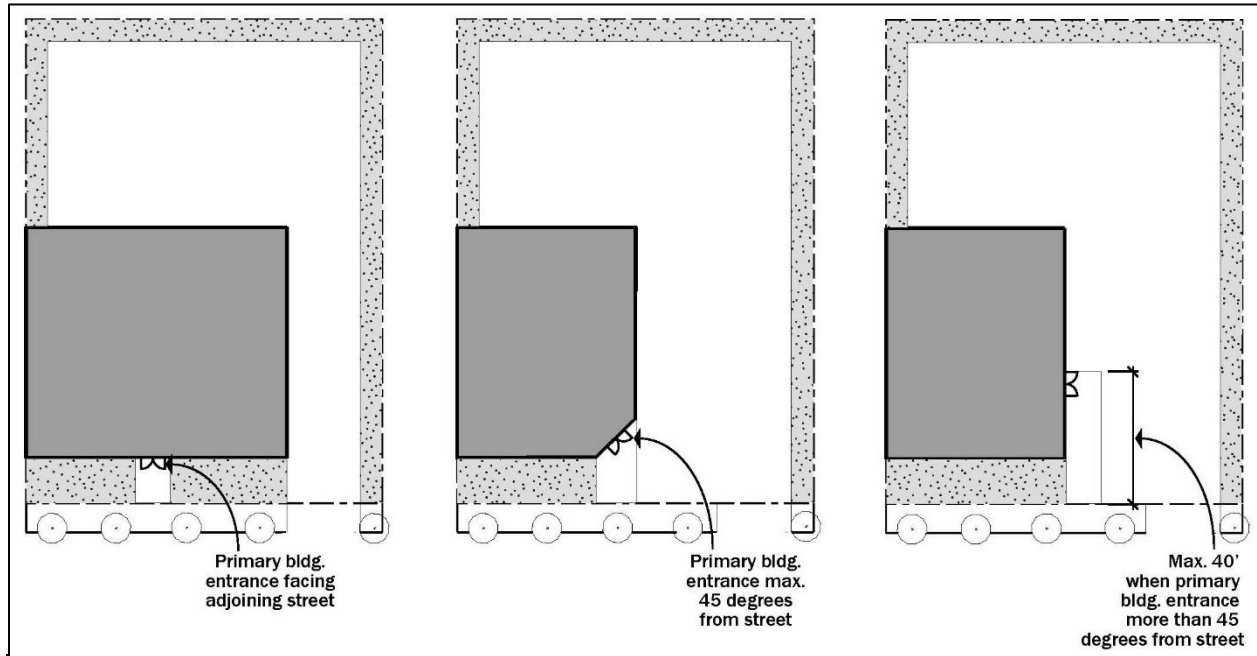
- ~~a. Windows shall be “punched” openings recessed a minimum of 2 in from the wall surface.~~
- ~~b. Window height shall be equal to or greater than window width.~~
- ~~c. The following windows are prohibited.
 - ~~(1) Reflective, tinted, or opaque glazing.~~
 - ~~(2) Simulated divisions (internal or applied synthetic materials).~~
 - ~~(3) Exposed, unpainted metal frame windows.~~~~

3. ~~Building Orientation~~

~~All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.406.5.F.3 for illustration.~~

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**Figure 19.406.5.F.3
Building Entrances**



4. ~~Weather Protection~~

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

5. ~~Design Standards for Walls~~

The following standards are applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares.

- a. ~~Exterior wall-mounted mechanical equipment is prohibited.~~
- b. ~~The following wall materials are prohibited at the street level of the building.~~
 - (1) ~~EIFS or other synthetic stucco panels.~~
 - (2) ~~Splitface or other masonry block.~~
 - (3) ~~Plywood paneling.~~
 - (4) ~~Brick with dimensions larger than 4 x 8 x 2 in.~~
 - (5) ~~Vinyl or metal cladding.~~
 - (6) ~~Composite wood fiberboard or composite cement-based siding.~~

6. ~~Design Standards for Roofs~~

The following standards are applicable to building roofs.

- a. ~~Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.~~
- b. ~~Mansard or decorative roofs on buildings less than 3 stories are prohibited.~~

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G. ~~Definitions for Applicability of Design Standards~~

1. ~~Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.~~
2. ~~Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of "exterior maintenance and repair" or "major exterior alterations." Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.~~
3. ~~Additions not exceeding 250 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.~~
4. ~~Major exterior alterations include any of the following:~~
 - a. ~~Alterations that do not fall within the definitions of "exterior maintenance and repair" or "minor exterior alterations."~~
 - b. ~~Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.~~
 - c. ~~Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).~~
5. ~~The design standards in Subsection 19.406.5.F above are applicable to major exterior alterations as follows:~~
 - a. ~~Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).~~
 - b. ~~Major exterior alterations involving a roof shall comply with the design standards for roofs.~~

19.406.6 Subarea 2: West of McLoughlin

A. ~~Subarea Boundary~~

~~Subarea 2 is located north of Ochoco St, surrounding the Springwater Corridor west of McLoughlin Blvd, as shown on the Zoning Map.~~

B. ~~Subarea Characteristics~~

~~This subarea is intended to develop with a mix of employment and residential uses, including live/work units that can be compatible with surrounding manufacturing uses.~~

C. ~~Permitted Uses~~

~~Permitted uses in Subarea 2 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

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- ~~1. Professional service and office uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use.~~
- ~~3. Rowhouse development is permitted and can include live/work style units with groundfloor work space or commercial space.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 20,000 sq ft per building or development project.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

~~E. Conditional Use~~

~~A retail use of up to 30,000 sq ft may be permitted subject to conditional use approval, per Section 19.905.~~

~~F. Development and Design Standards~~

~~In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 2, with the following addition: Rowhouse development in Subarea 2 shall comply with Subsection 19.505.5 Rowhouses.~~

~~19.406.7 Subarea 3: Mixed Employment~~

~~A. Subarea Boundary~~

~~Subarea 3 is located between Beta St and Springwater Corridor, east of McLoughlin Blvd, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

~~Subarea 3 is intended to develop as a relatively intense mixed employment district including office, light manufacturing, research and development, and other general employment uses, along with supporting retail/commercial uses. Subarea 3 is also appropriate for larger-scale civic or institutional uses.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 3 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

- ~~1. Professional service uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use. Deed restrictions will apply to multifamily~~

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development in order to reduce potential conflicts between residential uses and surrounding manufacturing uses.

D. ~~Limited and Prohibited Uses~~

The following uses are not allowed or are allowed with limitations.

1. ~~Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 20,000 sq ft per building or development project. Development standards for manufacturing uses will be the standards of the base zone plus additional standards similar to those in the Business Industrial Zone Subsection 19.310.6.~~
2. ~~Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
3. ~~Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

E. ~~Conditional Uses~~

1. ~~Recreation and entertainment uses are allowed in Subarea 3 subject to conditional use approval, per Section 19.905. In permitting this use, the Planning Commission shall evaluate the following approval criteria:~~
 - a. ~~The recreation and entertainment use is not inconsistent with the land use and urban design recommendations for Subarea 3 as described in the Tacoma Station Area Plan.~~
 - b. ~~The recreation and entertainment use would establish a facility that is of benefit to the Milwaukie community and that is unique enough to attract visitors and users from elsewhere in the region.~~
 - c. ~~The layout of the site and its structures feature high-quality design and materials. The site shall be designed in a manner that encourages transit use through location of building entrances, building orientation, and connections to public rights-of-way that connect to the Tacoma Light Rail Station.~~
2. ~~A retail use of up to 30,000 sq ft may be permitted subject to conditional use approval, per Section 19.905.~~

F. ~~Development and Design Standards~~

~~In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 3, with the following addition: All development with frontage along Main St shall have a 10-ft front setback.~~

19.406.8 Subarea 4: Manufacturing

A. ~~Subarea Boundary~~

~~Subarea 4 is located south of Beta St and north of Highway 224, as shown on the Zoning Map.~~

B. ~~Subarea Characteristics~~

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This subarea is intended to continue to develop as a manufacturing district with some flexibility for nonmanufacturing uses to occur at higher levels than would be allowed in the base M-TSA Zone.

~~C. Permitted Uses~~

~~Permitted uses in Subarea 4 are the same as those permitted in the base M-TSA Zone, with the following exceptions: Retail commercial and professional service uses may be permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). The size limitations of the base M-TSA Zone Subsections 19.312.6.C.1-2 still apply.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations: Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~

~~E. Parking Requirements~~

~~In Subarea 4, the following parking requirements apply and supersede any conflicting requirements found in Table 19.605.1 or other sections of the code.~~

~~1. General Office Uses~~

- ~~a. Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: 4.1 per 1,000 sq ft of gross floor area~~

~~2. Retail Commercial Uses~~

- ~~a. Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: 6.2 per 1,000 sq ft of gross floor area~~

~~3. Manufacturing Uses~~

- ~~a. Minimum number of parking spaces: 1 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: none~~

~~4. The minimum and maximum parking requirements in Subsection 19.406.8.E may be modified consistent with Section 19.605.2 Quantity Modifications and Required Parking Determinations.~~

~~F. Development and Design Standards~~

~~In addition to the development standards in the base M-TSA Zone, the design standards in Subsections 19.406.5.F-G also apply to developments that have frontage on Main St in Subarea 4, with the following exceptions:~~

- ~~1. All development with frontage along Main St shall have a 10-ft front setback.~~
- ~~2. The ground-floor window coverage requirement in Subsection 19.406.5.F.1.a is reduced to 30% in this subarea.~~