



CITY OF MILWAUKIE

AGENDA

September 13, 2022

PLANNING COMMISSION

milwaukieoregon.gov

Hybrid Meeting Format: the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfaq3OnDWLQKSB_m9cAw), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-103>) and follow the Zoom webinar login instructions.

1.0 Call to Order – Procedural Matters — 6:30 PM

1.1 Native Lands Acknowledgment

2.0 Information Items

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

4.0 Community Involvement Advisory Committee (CIAC)

5.0 Hearing Items

5.1 9696 SE Omark Dr.

Summary: Demolish an existing warehouse building (49,000 sq ft) and construct a new cold-storage warehouse (53,000 sq ft) in its place, with cold loading dock and reconfigured office space. The new building will exceed the 45-ft height limit by 11 ft (to 56 ft).

Applicant: Greg Carlston, Alpine Foods represented by Kevin Watkins, Fisher Construction

Address: 9696 SE Omark Dr.

File: VR-2022-007 (primary file); DEV-2022-002

Staff: Assistant Planner Ryan Dyar & Senior Planner Brett Kolver

5.2 11925 SE 70th Ave.

Summary: The applicant is requesting a reduction to the rear yard setback from 20 ft to 10 ft to add an unenclosed patio cover to their property.

Applicant: Margaret & Tim Nolan

Address: 11925 SE 70th Ave.

File: VR-2022-008

Staff: Assistant Planner Ryan Dyar

6.0 Work Session Items

6.1 Code Amendments: Climate Friendly Equitable Communities

Summary: Review and provide feedback on the proposed updates to the MMC to conform with recent Climate Friendly Equitable Communities (CFEC) rulemaking.

Staff: Assistant Planner Ryan Dyar

7.0 Planning Department/Planning Commission Other Business/Updates

8.0 Forecast for Future Meetings

September 27, 2022	Hearing Item(s):	Code Amendments: High Density Zones
	Work Session Item:	Code Amendments: HB 2180 EV Charging Code
		Code Amendments: Downtown Design Review

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 register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **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 an agenda item to a future date or finish the item.

Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

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.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **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.
8. **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.
9. **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.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

Milwaukie Planning Commission:

Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Amy Erdt
Joshua Freeman
Greg Hemer
Robert Massey
Jacob Sherman

Planning Department Staff:

Laura Weigel, Planning Manager
Vera Koliás, Senior Planner
Brett Kolver, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Assistant Planner
Will First, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Brett Kelter, Senior Planner
Ryan Dyar, Assistant Planner

Date: September 6, 2022, for September 13, 2022, Public Hearing

Subject: **File:** VR-2022-007
Applicant/Owner: Alpine Foods (Greg Carlston, representative)
Address: 9696 SE Omark Dr
Legal Description (Map & Tax Lot): 1S1E25CB00200
NDA: Not Applicable (North Milwaukie Industrial Area)

ACTION REQUESTED

Approve application VR-2022-007 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would approve a variance to increase the allowed height of a proposed new cold-storage warehouse building.

BACKGROUND INFORMATION

A. Site and Vicinity

The site occupies a majority of the eastern half of the Omark Drive cul-de-sac in the north Milwaukie industrial area. The property is comprised of a large portion of Lot 6 from the underlying Omark Industrial Park subdivision (platted in 1958) and is developed with two large warehouse structures and adjacent maneuvering/loading areas (see Figure 1).

The site is separated from the nearby moderate density residential (R-MD) area to the east by light rail and heavy rail lines.

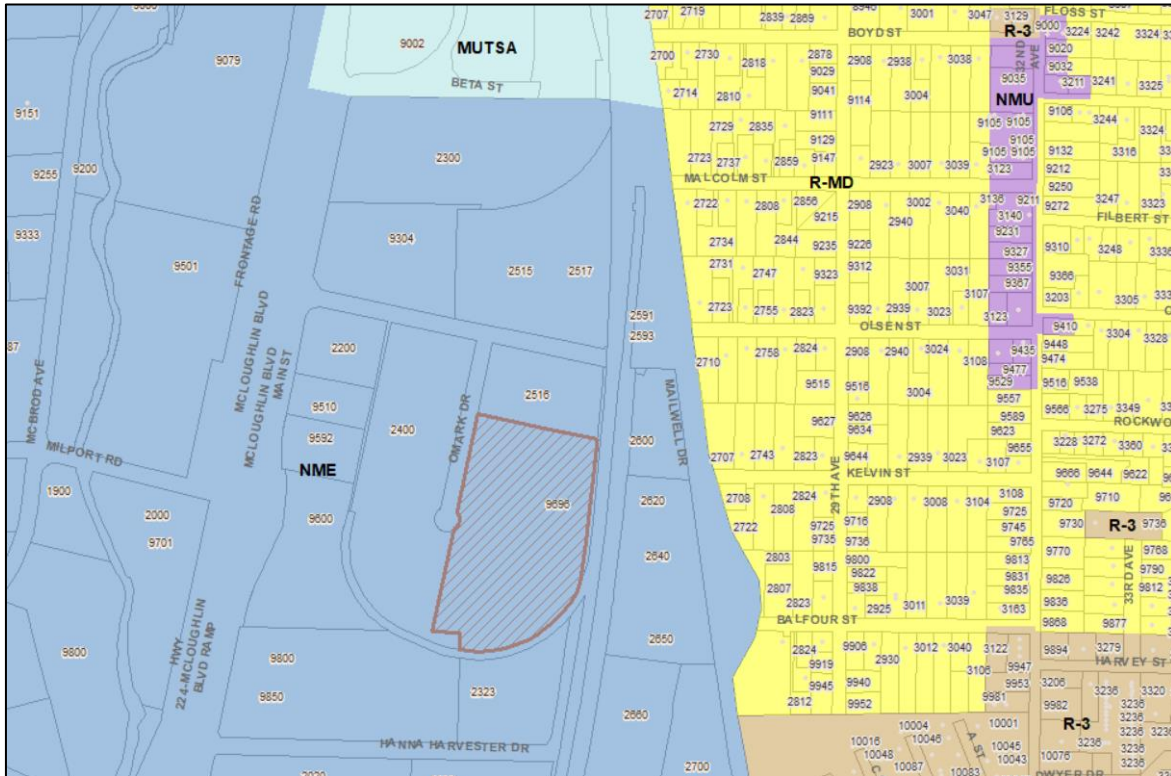
Figure 1. Aerial View



B. Zoning Designation

The subject property is within the North Milwaukie Innovation Area and is zoned North Milwaukie Employment (NME) (see Figure 2). The immediate surrounding area is also zoned NME.

Figure 2. Existing Zoning (NME)



C. Comprehensive Plan Designation

Industrial (I)

D. Land Use History

1973: Land use file #VR-73-03, approval of a variance for a 1-ft reduction in the 3-ft setback required at the time along the north property line.

E. Proposal

The applicant is proposing to demolish an existing warehouse building (49,000 sq ft) and replace it with a new cold-storage warehouse building (53,360 sq ft) with a cold loading dock and reconfigured office space. The new warehouse would be 56 ft in height, which exceeds the 45-ft limit in the NME zone. Although a height bonus is available for certified green buildings in the NME zone, the applicant has explained that the nature of cold-storage warehouses makes it difficult to achieve green-building certification and that the requested height variance is necessary to make the proposed new building viable.

The new building will displace some existing landscaping on the site, but the proposal includes new landscaping areas that will increase the overall percentage of vegetation and move the site closer to conformance with the minimum vegetation standard. The site is also nonconforming with respect to the off-street parking requirements, both the minimum number of spaces and parking area design. The proposal includes improvements that will bring the site closer to conformance with applicable standards.

The submitted land use application also includes a development review component, so the recommended findings address the applicable development standards for the proposed activity. A plan set and narrative description of the proposal are included in the applicant's submittal materials (see Attachment 3).

KEY QUESTIONS

Summary

No key questions have been identified for Planning Commission deliberation. Staff believes the requested variance is reasonable and appropriate and does not present any negative impacts that require mitigation.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the requested variance. This will allow the proposed new building to be 56 ft in height instead of the 45-ft maximum base zone height for the NME zone.
2. Require the applicant to bring the site closer to conformance with respect to the applicable off-street parking standards of MMC Chapter 19.600, with material costs limited to no more than 10% of the associated development permit value. Conditions are focused on increasing landscaping, bicycle parking, and carpool/vanpool parking.
3. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Chapter 12.16 Access Management
- MMC Section 19.312 North Milwaukie Innovation Area, North Milwaukie Employment zone (NME)
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.906 Development Review
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review

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 four decision-making options as follows:

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

The final decision on this application, which includes any appeals to the City Council, must be made by December 1, 2022, 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 Community Development, Engineering, Building, and Public Works (including Natural Resources division); City Attorney; Clackamas Fire District #1 (CFD); Oregon Department of Transportation (ODOT), including ODOT Rail Division; TriMet; and NW Natural. In addition, public notice was provided as required by MMC Subsection 19.1006.3 on August 24, 2022. To date, no comments have been received.

ATTACHMENTS

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

	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Submittal Materials <i>(received July 20, 2022, unless otherwise noted)</i>		
a. Application Forms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Narrative <i>(updated Aug 2, 2022)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Plan sheets and graphics <i>(updated Aug 2, 2022 and Sept 6, 2022)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Preapplication conference notes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/vr-2022-007>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-103>.

ATTACHMENT 1
Recommended Findings in Support of Approval
Primary File #VR-2022-007, Height Variance for Alpine Foods Warehouse

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, Greg Carlston on behalf of Alpine Foods, has applied for approval of a height variance for a new warehouse at 9696 SE Omark Dr. The purpose of the request is to allow the new building to exceed the maximum allowed building height ft by 11 ft (from 45 ft to 56 ft). As new construction of over 1,000 sq ft within the North Milwaukie Innovation Area, the proposed development also requires development review. The primary land use file number for the variance request is VR-2022-007, with development review file number DEV-2022-002.
2. The subject property forms a majority of the eastern half of the Omark Drive cul-de-sac in the north Milwaukie industrial area. The property is comprised of a large portion of Lot 6 from the underlying Omark Industrial Park subdivision (platted in 1958) and is currently developed with two large warehouse structures and adjacent maneuvering/loading areas. The site is in the North Milwaukie Employment (NME) zone, as is the immediate surrounding area. The site is separated from the nearby moderate density residential (R-MD) area to the east by light rail and heavy rail lines.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Chapter 12.16 Access Management
 - MMC Section 19.312 North Milwaukie Innovation Area, North Milwaukie Employment (NME) zone
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.906 Development Review
 - MMC Section 19.911 Variances
 - MMC Section 19.1006 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 by the Planning Commission on September 13, 2022, as required by law.

4. MMC Chapter 12.16 Access Management

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

MMC Subsection 12.16.040.A states that access to private property is permitted with the use of driveway curb cuts, that driveways must meet all applicable guidelines of the Americans with Disabilities Act (ADA), and that the driveway approaches must be improved to meet the requirements of the City's Public Works Standards.

MMC Subsection 12.16.040.C governs the location of accessways (driveways), requiring a minimum of 10 ft from the side property line in nonresidential districts.

MMC Subsection 12.16.040.F.7 states that industrial uses must have a minimum driveway apron width of 24 ft and a maximum width of 45 ft. As per MMC Subsection 12.16.040.F.8, the driveway width for commercial and industrial uses may be increased if the City Engineer determines that more than two lanes are required.

The existing driveway approach on Omark Drive is over 100 ft wide. The applicant has proposed to reduce the approach width to 45 ft. The driveway is located in the middle of the property's Omark Drive frontage and is well over 10 ft from side property lines.

The Planning Commission finds that the applicable standards of this chapter are met.

5. MMC Section 19.312 North Milwaukie Innovation Area, North Milwaukie Employment (NME) Zone

MMC 19.312 establishes standards for the North Milwaukie Innovation Area, including the North Milwaukie Employment (NME) zone. As noted in MMC Table 19.312.2, wholesale trade, warehousing, and distribution are outright permitted uses in the NME zone. Development standards are provided in MMC Subsections 19.312.5 and 19.312.6. The applicable standards are addressed as described in Table 5 below.

Table 5 Applicable NME Development Standards			
Standard	NME Requirement	Existing Warehouse	Proposed New Warehouse
Floor Area Ratio	0.5:1 (min) 3:1 (max)	1.59:1 (221,840 sq ft : 363,726 sq ft)	1.63:1 (228,397 sq ft : 363,726 sq ft)
Building Height	25 ft (min) 45 ft (max) ¹	26.5 ft	56 ft ²
Front Yard	0 ft (min) 30 ft (max on key streets)	0 ft	0 ft
Side Yard	0 ft	0 ft	5 ft
Rear Yard	0 ft	0 ft	0 ft
Maximum lot coverage	85%	61% (221,840 sq ft)	62.6% (228,397 sq ft)
Minimum landscaping	15%	1.3% (4,860 sq ft)	3% (11,118 sq ft)
Off-street parking	0.3 spaces per 1,000 sq ft (min for warehousing) 2 spaces per 1,000 sq ft (min for office)	15 spaces	60 spaces (45 new spaces)

	224,673 sq ft warehousing; 3,273 sq ft office = 73 total spaces (min)		
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¹ A height bonus of up to 45 ft is available for green buildings certified per the provisions of MMC Section 19.510.

² The applicant’s request for a height variance is discussed in Finding 9.

As proposed, and with approval of the variance discussed in Finding 9, the Planning Commission finds that the applicable NME zone standards of MMC 19.312 are met.

6. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600, and MMC Subsection 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint must be brought closer into conformance with the standards of MMC 19.600. However, MMC Subsection 19.602.5 limits the cost of materials for any required improvements to 10% of the development permit value.

The existing development on the subject property includes 224,673 sq ft of warehouse. The proposed development involves demolition of an existing 49,000-sq-ft warehouse building and construction of a new 53,360-sq-ft building, including 3,273 sq ft of office space. The proposed development will increase the floor area and footprint but by less than 100%.

The Planning Commission finds that the provisions of MMC 19.600 are applicable to the proposed development and that the site must be brought closer into conformance within the limits established in MMC 19.602.5.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand.

MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum quantity requirements for multifamily dwellings containing three or more dwelling units. For warehouse uses 150,000 sq ft or greater, a minimum of 0.3 spaces per 1,000 sq ft is required, with a maximum of 0.4 spaces per 1,000 sq ft allowed. For general office uses, a minimum of 2 spaces per 1,000 sq ft are required, with a maximum of 3.4 spaces per 1,000 sq ft allowed.

The existing development includes a total of 224,673 sq ft of warehouse, with 3,273 sq ft of office, requiring a total minimum of 73 parking spaces. The site currently provides only 15

spaces. The site is large but is constrained by the need to provide maneuvering areas for trucks accessing three loading dock areas arranged in a horseshoe shape. The applicant has proposed to add 28 additional parking spaces in the center of the horseshoe area, two ADA spaces near the new office area, and 15 more spaces in the southwest corner of the property, bringing the total number of spaces to 60. Given the need to maintain adequate space for maneuvering and loading, there is no practical opportunity to add more spaces.

As proposed, the Planning Commission finds that the proposed development brings the site sufficiently closer to conformance with the required parking quantity standard.

c. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

MMC Subsection 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 90°-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft, with 22-ft drive aisles; MMC Table 19.606.1 establishes dimensional requirements for various angles of spaces. MMC Subsection 19.606.2 provides standards for perimeter and interior landscaping areas, including minimum widths and planting requirements. MMC Subsection 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

The site currently provides 15 spaces, which are wedged in an angled area between two adjacent buildings. There is no interior landscaping. The drive aisle width is inconsistent, with a narrow and sparsely planted perimeter landscape strip along the site's Omark Drive frontage. The applicant has proposed to provide a total of 45 additional spaces and to refresh the existing perimeter landscaping and provide expanded landscaping areas at the driveway entrance. A condition has been established to ensure that trees are planted within the perimeter landscaping area at the minimum 30-lineal-ft spacing as required by MMC Subsection 19.606.2.C.2. Given the scale of the proposed warehouse improvement, the required tree planting will not exceed the 10% limit on improvements established in MMC 19.602.5.B.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606 are met.

d. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Manager to determine whether loading spaces are required. Where loading spaces are required, spaces must be at least 35 ft long and 10 ft wide, with a height clearance of 13 ft, and located where not a hindrance to drive aisles or walkways.

The subject property is currently utilized for warehousing and distribution, with three loading dock areas and 24 proposed loading spaces over 50 ft long and of sufficient width and height to accommodate large tractor trailers.

As proposed, the Planning Commission finds that this standard is met.

e. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. Unless otherwise specified, the number of bicycle parking spaces is at least 10% of the minimum required vehicle parking for the use. MMC Subsection 19.609.3.A requires that each bicycle parking space have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

As noted in Finding 6-b, a minimum of 73 vehicle parking spaces are required, which results in a minimum of seven required bicycle parking spaces. Currently, there are no bicycle parking spaces on site. A condition has been established to ensure that bicycle parking for the site meets the minimum standards for quantity, dimension, and the other applicable aspects of MMC 19.609. Given the scale of the proposed warehouse improvement, the required bicycle parking improvements will not exceed the 10% limit on improvements established in MMC 19.602.5.B.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.609 are met.

f. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes carpool parking standards for new industrial, institutional, and commercial development with 20 or more required parking spaces. The number of carpool/vanpool parking spaces is at least 10% of the minimum required vehicle parking for the use. Parking for carpools/vanpools must be located closer to the main entrances of the building than other employee or student parking, except ADA spaces. Carpool/vanpool spaces must be clearly designated with signs or pavement markings for use only by carpools/vanpools.

As noted in Finding 6-b, a minimum of 73 vehicle parking spaces are required, which results in a minimum of seven required carpool/vanpool parking spaces. Currently, there are no carpool/vanpool spaces on site. A condition has been established to ensure that carpool/vanpool parking for the site meets the minimum standards of MMC 19.610. Given the scale of the proposed warehouse improvement, the required carpool/vanpool parking improvements will not exceed the 10% limit on improvements established in MMC 19.602.5.B.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.610 are met.

As proposed and conditioned, the Planning Commission finds that the applicable standards of MMC 19.600 are met.

7. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including expansions, 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 MMC 19.700, including a new dwelling unit, any increase in gross floor area, 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.

The applicant is proposing to demolish an existing 49,000-sq-ft warehouse building and replace it with a new 53,360-sq-ft warehouse building. The proposed new construction triggers the requirements of MMC 19.700.

This standard is met.

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 on June 30, 2022, prior to application submittal. The proposal's compliance with MMC 19.700 has been evaluated with these findings, so a separate Transportation Facilities Review application is not required.

This standard is met.

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.

The proposed development will not generate a significant number of new trips and the City Engineer has determined that a TIS is not required.

This standard is met.

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 subject property takes access off Omark Drive. The proposed development will not generate a significant number of new trips and will not result in transportation impacts or the need for updated transportation facilities on Omark Drive. Any requirement for street improvements or a fee in lieu of construction for the proposed development would not be proportional to impacts.

This standard is met.

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 application was referred to the Oregon Department of Transportation (ODOT), including the ODOT Rail division, and to TriMet for review and comment.

This standard is met.

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. All development subject to MMC 19.700 must comply with the access management standards of MMC Chapter 12.16 and the clear vision standards of MMC Chapter 12.24.

As noted in Finding 7-d, any requirement for street improvements would not be proportional to the impacts of the proposed development. The applicant has proposed to reduce the Omark Drive driveway approach width to 45 ft. The proposed development is subject to the applicable access management standards of MMC 12.16 and the clear vision standards of MMC 12.24.

This standard is met.

As proposed, the Planning Commission finds that the applicable standards of MMC 19.700 are met.

8. MMC Section 19.906 Development Review

The purpose of MMC 19.906 is to ensure compliance with the standards and provisions of the City's land use regulations through an efficient review process that effectively coordinates the City's land use and development permit review functions. As per MMC Subsection 19.906.2.B, new construction of over 1,000 sq ft in the North Milwaukie Innovation Area is subject to Type II development review. MMC Section 19.906.4 establishes approval criteria for development review, which is essentially compliance with applicable standards of MMC Chapters 19.300, 19.400, 19.500, 19.600, and 19.700 as well as with any applicable conditions of approval from prior land use approvals.

The proposed development involves demolition of a 49,000-sq-ft warehouse building and replacement with a new 53,360-sq-ft warehouse building and so is subject to Type II review in conjunction with the requested variance. These findings address the proposal's compliance with the applicable standards of MMC Chapters 19.300-19.700.

As proposed and conditioned and as addressed throughout these findings, the Planning Commission finds that the applicable standards of MMC 19.906 are met.

9. MMC Section 19.911 Variances

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 a 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 a variance to the maximum allowed building height in the NME zone, as established in MMC Table 19.312.5.B.2.

The requested variance meets the eligibility requirements.

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 certain numerical standards, not including building height. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The applicant has proposed to exceed the maximum building height allowed in the NME zone (45 ft) by 11 ft, for a total proposed height of 56 ft. The requested increase is subject to the Type III review process.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. For Type III variances, MMC Subsection 19.911.4.B.1 provides approval criteria related to discretionary relief and MMC Subsection 19.911.4.B.2 provides approval criteria related to economic hardship.

The applicant has elected to address the discretionary relief criteria for the requested variance.

- (1) 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.

MMC Subsection 19.312.6.A allows a height bonus of up to 45 ft for buildings that receive green certification in accordance with the provisions of MMC Section 19.510. However, the applicant has indicated that green building certification for the proposed cold-storage warehouse is not practical for this type of construction and building function. In particular, the need to maintain a solid vapor barrier around the building envelope eliminates a green roof as an option. And there are no suitable green building materials available on the market to create a sufficient vapor barrier as well as insulated systems for walls, roof, and ground warming. Although the building itself, as well as the refrigeration equipment and other systems, will be very energy efficient, achieving an official green building certification for this cold-storage warehouse is not a viable option.

The requested variance would increase the building height by 11 ft, from 45 ft to 56 ft. The project area is on the interior of the surrounding industrial area and is not adjacent to a residential area. The increased height will not result in any negative impacts to surrounding properties but would allow the existing warehouse activity to operate more efficiently within the proposed building footprint.

The Planning Commission finds that the analysis of the impacts and benefits of the requested variance compared to the baseline requirements is acceptable. This criterion is met.

- (2) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
- The proposed variance avoids or minimizes impacts to surrounding properties.
 - The proposed variance has desirable public benefits.
 - The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.
 - The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.

As noted above, the acquisition of green building certification (which would allow up to 45 ft of additional height without a variance) is not practical for the proposed cold-storage warehouse. The applicant is proposing to exceed the base maximum height by only 11 ft and not the full 45 ft that would be allowed with a green certification. The project area is in the middle of an existing industrial area and the increased height will not negatively impact any adjacent properties. The increased height will allow the applicant to significantly increase the capacity of the existing warehouse operation within nearly the same footprint as the existing warehouse to be demolished.

The Planning Commission finds that the requested variance is reasonable and appropriate and that it meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

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

As noted above, the requested variance will not result in any negative impacts to surrounding properties. The project area is in the middle of an existing industrial area and is not immediately adjacent to any residential properties.

The Planning Commission finds that the requested variance would result in little to no impact to surrounding properties or access to the trail and that no conditions requiring specific mitigation are necessary. This criterion is met.

As proposed, the Planning Commission finds that the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911.

10. The application was referred to the following departments and agencies on August 4, 2022:
- Milwaukie Community Development Department
 - Milwaukie Engineering Department
 - Milwaukie Building Department
 - Milwaukie Public Works Department (including Natural Resources division)
 - City Attorney
 - Clackamas Fire District #1 (CFD #1)
 - Oregon Department of Transportation (ODOT), including ODOT Rail Division
 - TriMet
 - NW Natural

In addition, public notice was provided as required by MMC Subsection 19.1006.3 on August 24, 2022. No responses were received from either the referral or public notice mailing.

ATTACHMENT 2
Recommended Conditions of Approval
File #VR-2022-007, Height Variance for Alpine Foods

Conditions

1. As per Finding 6-c, plant trees in the perimeter landscaping area along Omark Drive at a minimum of one tree per 30 lineal ft. As required by Milwaukie Municipal Code (MMC) Subsection 19.606.2.B, trees must be species that will provide a minimum 20-ft-diameter shade canopy within 10 years of planting (based on expected growth).
2. As per Finding 6-e, establish a minimum of seven bicycle parking spaces on the site that address the applicable standards of MMC Section 19.609.
3. As per Finding 6-f, establish a minimum of seven carpool/vanpool parking spaces on the site that address the applicable standards of MMC Section 19.610.

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 points in the development and permitting process.

1. Prior to building permit issuance the following must be resolved:
 - a. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan must 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 systems 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.
 - b. Obtain a right-of-way permit for construction of all landscaping and driveway/accessway improvements in the right-of-way.
2. Clear Vision (MMC Chapter 12.24)

Clear vision areas must be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection. Remove all signs, structures, or vegetation more than 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.



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

Application for Land Use Action

Primary File #: **VR-2022-007, DEV-2022-002**

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|--|--|--|
| <input type="checkbox"/> Amendment to Maps and/or
<input type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Community Service Use
<input type="checkbox"/> Conditional Use
<input checked="" type="checkbox"/> Development Review
<input type="checkbox"/> Director Determination
<input type="checkbox"/> Downtown Design Review
<input type="checkbox"/> Extension to Expiring Approval
<input type="checkbox"/> Historic Resource:
<input type="checkbox"/> Alteration
<input type="checkbox"/> Demolition
<input type="checkbox"/> Status Designation
<input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division:
<input type="checkbox"/> Partition
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Replat
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Miscellaneous:
<input type="checkbox"/> Barbed Wire Fencing
<input type="checkbox"/> Mixed Use Overlay Review
<input type="checkbox"/> Modification to Existing Approval
<input type="checkbox"/> Natural Resource Review**
<input type="checkbox"/> Nonconforming Use Alteration
<input type="checkbox"/> Parking:
<input type="checkbox"/> Quantity Determination
<input type="checkbox"/> Quantity Modification
<input type="checkbox"/> Shared Parking
<input type="checkbox"/> Structured Parking
<input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Transportation Facilities Review**
<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Use Exception
<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Other: _____
Use separate application forms for: <ul style="list-style-type: none"> • Annexation and/or Boundary Change • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal |
|--|--|--|

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): **GREG CARLSTON**

Mailing address: **2400 SE Mailwell Dr.** State/Zip: **OR, 97222**

Phone(s): **(503) 905-5201** Email: **gcarlston@alpinefoods.com**

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above): **Kevin Watkins (Fisher Construction - PM)**

Mailing address: **3200 NW 38th Circle** State/Zip: **WA, 98660**

Phone(s): **(971) 563-3109 / (360) 695-4243** Email: **kdw@fishercgi.com**

SITE INFORMATION:

Address: **9696 SE Omark Drive** Map & Tax Lot(s): **11E25CB00200**

Comprehensive Plan Designation: **I** Zoning: **NME** Size of property: **8.36 AC**

PROPOSAL (describe briefly):

Apply for height variance of new building exceeding the 45' maximum height for Zone NME. Also applying for Type II Development Review for North Milwaukie Innovation Area.

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:  Date: **7-28-22**

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications **may require a refundable deposit.**

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	VR-2022-007	\$ 2,000			Materials received 7/20/2022 Payment received 7/21/2022
Concurrent application files	DEV-2022-002	\$ 750	25% (off Type II fee)	multiple applications	
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,750			RECEIPT #:		RCD BY: BK
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): NA (North Milwaukie Industrial Area)					
Notes:					



Fisher Construction Group, Inc.
Main: 360.757.4094
Fax: 360.757.4005
625 Fisher Lane
Burlington, Washington 98233
www.fishercongl.com

July 29, 2022

Milwaukie Planning
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206

Type III Height Variance Request for Alpine Food Distributing, 9696 SE Omark Dr.

To whom it may concern,

This letter will act as the narrative and descriptive component of our Type III Height Variance submission for our upcoming permit project for Alpine Food Distributing at 9696 SE Omark Dr in Milwaukie, OR. The information in this submission package has been collated to provide the necessary answers and information on our project to the Planning Department so that they may clearly understand our intent with this variance request and the impacts (if any) it may have on the adjacent area. The design team conducted a preapplication meeting with the City on June 30th and the written preapplication report was provided to us on July 14th and has been included with this submittal for your reference.

The project scope consists of the following: There is an existing 49,000 sf tilt-up building on the site which the owner wishes to demolish and replace with a new 53,000 sf freezer warehouse building in its place, with an increased height compared to the existing building it will be replacing. The existing building has a height of 26'-6"ft above grade. The new structure will be 56'-0" from grade to top of parapet. Per the Milwaukie municipal code, the allowable height for this zone/parcel is 45' above grade. The design team was informed during the preapplication meeting that there is an option to get a height increase based on receiving a green building certification. However, this is not within the owner's financial ability and the nature of a cold-storage freezer makes green building certification and extremely difficult benchmark to achieve. Because of this, the purpose of this Type III variance application is to request a variance that will allow us to construct our building to the desired height without the Green Building Certification.

No mechanical equipment or penthouses are planned to be located on the upper roof area. This means the maximum overall building height will be the top of the new freezer parapet (56'-0"). The existing area for this project consists of adjacent warehouse facilities and truck access roads. The increased height of this structure should not adversely impact the function, aesthetic, or land value of any of the adjacent properties around our project.

It is expected that an approval of the height variance would benefit the city by allowing increased storage capabilities for this warehouse, thereby allowing the building operator to increase their business, which would result in an increase in jobs and provide a positive impact for the local businesses that work in the area. Furthermore, granting a height variance would allow the facility to store a more product while maintaining a smaller building footprint. This increases the efficiency of the building's mechanical systems and reduces the impact on the environment because we are increasing the volume-to-footprint ratio.

The height variance has a minimal impact to the surrounding properties, due in part to the nature of the adjacent properties being warehouse facilities and truck access roads. Additionally, because the height variance request is only 11 feet taller than the standard maximum building height typically allowed, the disruption to the overall "feel" of the area will not be affected in a notable way.

This project currently is classified as a wholesale trade, warehousing, distribution building and is located within the NME building zone, which is classified as a permitted type of business within that zoning

category per Table 19.312. This project is not currently located within any applicable special area or overlay zone, and therefore, none of the requirements within chapter 19.400 apply.

This project does not have any accessory structures and is a commercial project that is not located in downtown Milwaukie. It has already been determined during the pre-application meeting held with the City of Milwaukie that this property does not currently meet parking or landscaping requirements, but that the city will consider any attempt at increasing the current number of parking spaces and area of landscaping to be favorable.

As per Chapter 19.600, the current site is deficient in the number of off-street parking stalls required. To this end, we are proposing 28 new parking stalls be placed within the site for off-street parking, to increase the total parking count. The required number of stalls per the code is 27, so this additional parking will put the project into compliance regarding off-street parking counts as defined in table 19.605.1.

Additionally, we are refreshing and expanding the landscaping to increase the percentage on-site. While the current project does not meet the square footage requirements of landscaping, our proposed project will increase the amount of landscaping on the site compared to its current state. While part of the new structure will be constructed on existing landscape area, we propose to add additional landscaping to offset this, and add more landscaping to existing portions of the property that currently have none. We also plan to revitalize adjacent landscape areas that have been left to wither. With the combination of the new landscaping areas and the revitalization of existing landscape areas adjacent to our project, this will have an overall net positive impact on the project site and the adjacent development.

Overall, this project and the height variance will have a net-positive affect on the site in all aspects. It will increase the density and efficiency of the structures on the site. It will improve the off-street parking situation above the current levels, and it will increase the amount of landscaping and greenery on the project site beyond what it currently is. This should be a net benefit not only to the owner of the property being proposed, but to all of the adjacent businesses.

I have provided additional drawings and documents as part of this submittal, which includes the proposed site plan, elevation, and perspective view. These drawings should help illustrate the proposed layout/appearance of the new structure in relation to the overall site. In addition, you will find plat maps, preapplication review notes, and additional information relevant to this Type III height variance request. If additional drawings, information, or documentation is needed, please reach out to me and I will respond to your request promptly.

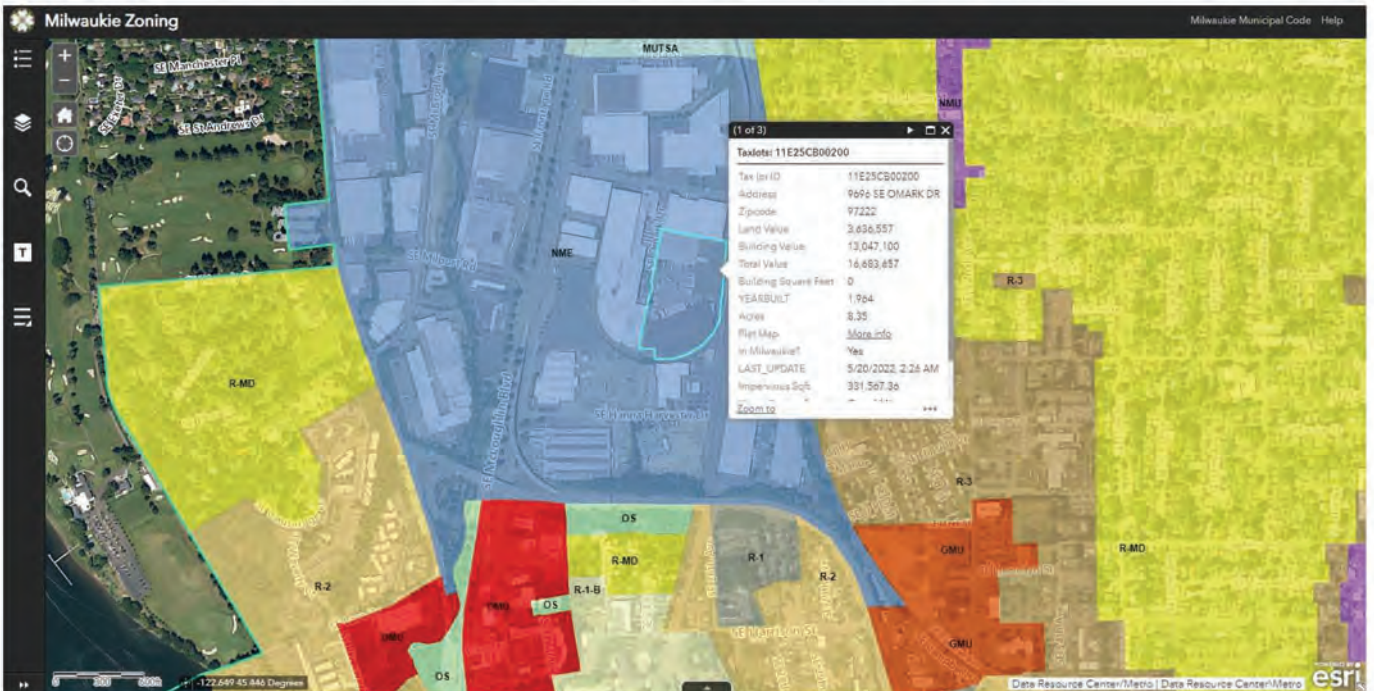
Thank you for your attention.

Sincerely,

Scott Philipp, Architect, AIA
360.757.5674
smp@fishercqi.com



This image shows a perspective with the building being referenced in this variance highlighted red. Adjacent structures are all warehouses or warehouse-related uses.



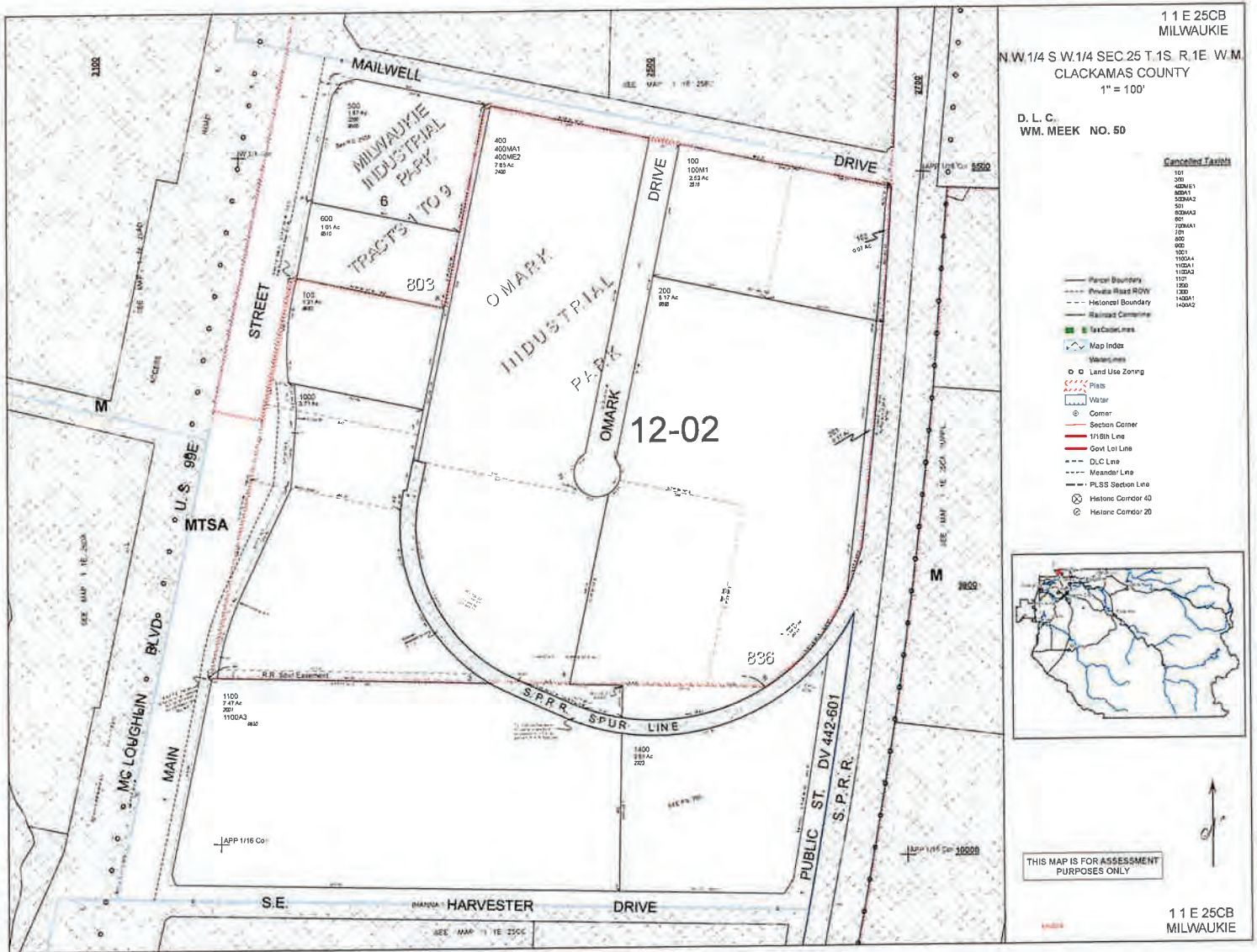
Screenshot from Milwaukie Zoning website showing property information and zoning regions.

Table 19.312.5			
North Milwaukee Innovation 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.A Building height bonus Subsection 19.510 Green Building Standards
b. Maximum (Height bonus available)	45-90	45-90	
3. Setbacks (ft)			Subsection 19.501.2 Yard Exceptions
a. Minimum front yard setback	None	None	
b. Maximum front yard setback	10-30 ¹	10-30 ¹	
c. Side and rear setbacks	None ²	None ²	
4. Maximum lot coverage	85%	85%	
5. Minimum Landscaping	15%	15%	Subsection 19.312.6.G Landscaping
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	Subsection 19.312.7.B.7 Flexible ground-floor space
7. Off-street parking required	Yes	Yes	Subsection 19.312.6.C Loading and Unloading Areas Subsection 19.312.7.C Parking, Loading and Unloading Areas Chapter 19.600 Off-Street Parking and Loading
8. Frontage occupancy	50%	50%	Subsection 19.312.7.8 Frontage occupancy
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.F Signage for Non-manufacturing Uses
3. Design Standards	Yes	Yes	Subsection 19.312.7.A Design Standards for All New Construction and Major Exterior Alterations

Snip showing municipal/zoning code requirements for NME zone and height allowances highlighted.

Table 19.605.1 CONTINUED		
Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
F. Commercial Uses—Services CONTINUED		
3. Personal services, such as a barbershop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of floor area.	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	2 spaces per 1,000 sq ft of floor area.	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	2 spaces per service bay.	3 spaces per service bay.
7. Mortuary/funeral home.	1 space per 5 chapel or parlor seats.	1 space per 3 chapel or parlor seats.
8. Car wash.	No minimum.	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full-service washes.
G. Industrial Uses		
1. Manufacturing.	1 space per 1,000 sq ft of floor area.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.5 spaces per 1,000 sq ft of floor area.	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.3 spaces per 1,000 sq ft of floor area.	0.4 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	1 space per 45 storage units, plus 1 space per employee of the largest shift.	1 space per 20 storage units, plus 1 space per employee of the largest shift.

Snip showing municipal/zoning parking requirements for our project.



1 1 E 25CB
MILWAUKIE
NW 1/4 S W 1/4 SEC 25 T. 1S. R. 1E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
WM. MEEK NO. 50

Cancelled Taxlots

- 101
- 102
- 400ME1
- 400ME2
- 500MA2
- 501
- 500MA3
- 502
- 700MA1
- 701
- 800
- 801
- 1001
- 1100A4
- 1100A1
- 1100A2
- 1100A3
- 1100
- 1200
- 1400A1
- 1400A2

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Corridor
- Tax Parcel Lines
- Map Index
- Water Lines
- Land Use Zoning
- Pits
- Water
- Corner
- Section Corner
- 1/8th Line
- Govt Lot Line
- D.C. Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40
- Historic Corridor 20



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

1 1 E 25CB
MILWAUKIE



CITY OF MILWAUKIE
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503.786.7600
 planning@milwaukieoregon.gov
 building@milwaukieoregon.gov
 engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 22-006PA

This report is provided as a follow-up to the meeting that was held on 6/30/2022 at 10:00 AM

The Milwaukie Municipal Code is available here: www.qcode.us/codes/milwaukie/

APPLICANT AND PROJECT INFORMATION		
Applicant:	Kevin Watkins	Applicant Role: Project Manager
Applicant Address:	3200 NW 38 th Circle, Vancouver, WA 98660	
Company:	Fisher Construction Group	
Project Name:	Alpine Food Distributing Freezer	
Project Address:	9696 SE Omark Dr	Zone: NME (North Milwaukie Employment, within the North Milwaukie Innovation Area)
Project Description:	Demolish existing dry-storage warehouse and construct new 50,000-sq-ft freezer building with cold dock and 6,000-sq-ft office.	
Current Use:	47,500-sq-ft dry-storage warehouse, built-in cooler, 2,000-sq-ft office space in adjacent building	
Applicants Present:	Kevin Watkins, Fisher Construction, project manager; Scott Philipp, Fisher Construction, design lead; Destinie Grah, Fisher Construction, design support; Kelli Grover (PE), Firwood Design, civil design lead; Shawn Hood, Alpine Food Distributing, owner	
Staff Present:	Samantha Vandagriff, Building Official; Shawn Olson, Fire Marshal; Jennifer Backhaus, Engineering Technician III; Steve Adams, City Engineer; Natalie Rogers, Climate and Natural Resources Manager; Joseph Briglio, Community Development Director; Brett Kelter, Senior Planner	
PLANNING COMMENTS		
Zoning Compliance (MMC Title 19)		
<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	As per MMC Subsection 19.312.2, warehousing and distribution uses are permitted outright in the NME zone.
<input checked="" type="checkbox"/>	Dimensional Standards	<p>Minimum floor area ratio (FAR) is 0.5:1; max FAR is 3:1.</p> <p>Minimum building height is 25 ft; max is 45 ft, with a bonus of up to 45 ft for projects that receive green building certifications and approvals as allowed in MMC Section 19.510. Without an approved height bonus, a Type III variance will be necessary to exceed the base maximum height.</p> <p>There is no minimum front yard setback. Omark Drive is not designated as a key street in the NME, so there is no maximum front yard setback. For side and rear lot lines not abutting a residential zone there is no required setback.</p>

Land Use Review Process

<input checked="" type="checkbox"/>	Applications Needed, Fees, and Review Type	<p>If the proposed building exceeds the maximum height standard (i.e., is not able to take advantage of the height bonus for green buildings), a Type III variance will be required.</p> <p>Since the proposal is for new construction of over 1,000 sq ft within the North Milwaukie Innovation Area, Type II Development Review is required.</p> <ul style="list-style-type: none"> • Variance Request (Type III) = \$2,000 • Development Review (Type II) = \$750 (includes 25% discount for multiple applications) <p><u>Note:</u> For multiple applications processed concurrently, there is a 25% discount offered for each application fee after paying full price for the most expensive application.</p> <p>These applications will be processed concurrently, with a decision by the Planning Commission through the Type III review process.</p>
<input checked="" type="checkbox"/>	Application Process	<p>The applicant must submit a complete electronic copy of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.</p> <p>Where multiple applications with different review types are processed concurrently, the overall package will be processed according to the highest review type.</p> <p>With Type III review, a public hearing with the Planning Commission will be scheduled once the application is deemed complete. At present, meetings are being conducted in a hybrid format, with the option of participating in person at City Hall or online via Zoom.</p> <p>Public notice of the hearing will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. At least 14 days before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. Staff will coordinate with the applicant to provide the necessary sign(s).</p> <p>Staff will prepare a report with analysis of the proposal and a recommendation that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission for a decision.</p> <p>With Type III review, issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. If no appeal is received within the 15-day window, the decision becomes final. Any appeal of a Type III decision would be heard by the City Council for the final local decision.</p> <p>Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p> <p>The 2022 schedule for Planning Commission hearings, including dates by which an application must be deemed complete to be eligible for a particular hearing date, is attached for reference.</p>

Overlay Zones (MMC 19.400)

<input type="checkbox"/>	Willamette Greenway	(There are no special overlays for the subject property.)
<input type="checkbox"/>	Natural Resources	
<input type="checkbox"/>	Historic Preservation	
<input type="checkbox"/>	Flex Space Overlay	

Site Improvements/Site Context

☒	Landscaping Requirements and Lot Coverage	<p>Minimum required landscaping is 15% of lot area. Maximum allowed lot coverage is 85% of lot area.</p> <p>The site appears to be nonconforming with respect to the minimum landscaping standard. The proposed development is not required to come into full compliance, but it should not take the site farther out of conformance with respect to landscaping. Where landscaping is removed for the project, at least an equal area should be improved with landscaping.</p>
☒	Onsite Walkways and Circulation (MMC 19.504.9)	<p>MMC Subsection 19.504.9 establishes standards for on-site walkways that connect parts of the site where the public is invited to walk as well as that link the site with the public street sidewalk system. Redevelopment projects must endeavor to bring the site closer to conformance with these standards.</p> <p>Walkways should connect building entrances to one another as well as to adjacent public streets and existing or planned transit stops. Note that new walkways must be at least 5 ft wide and constructed with a hard-surface material that is permeable for stormwater. Walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways must be lighted to an average 0.5 footcandle level.</p>
☒	Building Design Standards for the MUTSA and NME Key Streets (MMC 19.312.7)	<p>The building design standards in MMC 19.312.7 are only applicable within the NME on designated key streets, which does not include Omark Drive. These standards are not applicable to the proposed development.</p>
Parking Standards (MMC 19.600)		
☒	Applicability (MMC 19.602)	<p>When development results in an increase of less than 100% of the existing floor area and/or structure footprint, the parking area must be brought closer into conformance. The material costs of such improvements are limited to no more than 10% of the associated permit value. Areas of focus for improvements include paving and striping, providing the minimum number of spaces, bicycle parking, landscaping existing buffers and islands, creating new landscaping areas, and other items as determined by the Planning Manager.</p>
☒	Commercial and Industrial Off-Street Parking Requirements (MMC 19.605)	<p>For warehouse uses greater than 150,000 sq ft, a minimum of 0.3 spaces per 1,000 sq ft are required, with a maximum of 0.4 spaces per 1,000 sq ft allowed. For general office uses, a minimum of 2 spaces per 1,000 sq ft are required, with a maximum of 3.4 spaces per 1,000 sq ft allowed. (For minimum parking, fractions are rounded down to the nearest whole number; for maximum parking, fractions are rounded to the nearest whole number (up or down).</p> <p>As proposed, the total square footage of warehouse on the site is approximately 223,800 sq ft, with 4,000 sq ft of office space. The result is a minimum requirement of 75 spaces and maximum of 104 spaces allowed.</p> <p>The existing site provides only approximately 14 parking spaces, in addition to a large area where trailers are staged before or after loading/unloading. There is no indication of any bike parking on the site.</p>
☒	Parking Area Design and Landscaping (MMC 19.606)	<p>Parking space dimensions are based on the angle of the stall—for standard 90° spaces, the minimum dimensions are 9 ft by 18 ft, with a minimum 22-ft-wide drive aisle.</p> <p>Perimeter landscaping is required at the periphery of the parking area, with a minimum width of 8 ft where adjacent to the public right-of-way and 6-ft width where adjacent to other properties (measured from the inside of curbs). Within the landscaped perimeter, at least one tree must be planted every 30 lineal feet (as evenly spaced as practicable), rounding up where the calculation does not produce a whole number.</p> <p>Interior landscaping is required where there are more than 10 parking spaces, at the ratio of 25 sq ft per parking space. Planting areas must be at least 120 sq ft in area, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least one tree must be planted per island; for divider medians between opposing rows of parking, at least one tree must be planted per 40 lineal feet.</p>

		<p>Required trees must be species that are expected to provide a minimum 20-ft diameter shade canopy within 10 years of planting.</p> <p>Perimeter and interior landscaping count toward the minimum vegetation required for the overall site.</p> <p>Other parking area design standards (MMC Subsection 19.606.3) include requirements for wheel stops, pedestrian access, and lighting. All required parking areas must be paved and striped. Wheel stops must have a minimum 4-in height and prevent vehicles from</p> <p>Pedestrian access must be provided so that no parking space is farther than 100 ft (measured along drive aisles) from a building entrance or walkway that meets the standards of MMC 19.504.9.</p> <p>Lighting is required for parking areas with more than 10 spaces; the Planning Manager can require lighting for smaller parking areas if there are safety concerns. Lighting should not cause light trespass of more than 0.5 footcandles at the site boundaries; luminaries should have a cutoff angle of 90° or greater; pedestrian walkways and bicycle parking areas must have a minimum illumination level of 0.5 footcandles.</p>
Approval Criteria (MMC 19.900)		
<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	
<input type="checkbox"/>	Conditional Use (MMC 19.905)	
<input checked="" type="checkbox"/>	Development Review (MMC 19.906)	Development review is required where there is new construction of over 1,000 sq ft within the North Milwaukie Innovation Area, to evaluate the project's compliance with various applicable standards (such as the NMU development standards, off-street parking standards, etc.). The approval criteria for development review are established in MMC 19.906.4.
<input type="checkbox"/>	Variance (MMC 19.911)	<p>Variance approval criteria are established in MMC Subsection 19.911.4. Specifically, Type III variances should address MMC 19.911.4.B. For most projects, the discretionary relief criteria in 19.911.4.B-1 are more appropriate than the economic hardship criteria of 19.911.4.B-2.</p> <p>The applicant might consider addressing the difficulty of constructing a green building that functions as a cold-storage warehouse, making it impossible to utilize a height bonus.</p>
Land Division (MMC Title 17)		
<input type="checkbox"/>	Design Standards	No land division or boundary changes are proposed.
<input type="checkbox"/>	Preliminary Plat Requirements	
<input type="checkbox"/>	Final Plat Requirements	
Sign Code Compliance (MMC Title 14)		
<input checked="" type="checkbox"/>	Sign Requirements	Signage allowances for manufacturing zones like the NME are outlined in MMC Section 14.16.050.
Noise (MMC Title 16)		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
Neighborhood District Associations		
	Choose an item.	

	Choose an item.	
Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
ENGINEERING & PUBLIC WORKS COMMENTS		
Public Facility Improvements (MMC 19.700)		
<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	<p>MMC 19.702 establishes the applicability of MMC 19.700 including new construction and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.</p> <p>The proposed development would result in an increase in gross floor area and does therefore trigger the applicability of MMC 19.700.</p>
<input type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	A Transportation Facilities Review (TFR) Land Use Application is not required.
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)	A Transportation Impact Study (TIS) is not required.
<input type="checkbox"/>	Rough Proportionality (MMC 19.705)	<p>The subject property takes access off Omark Drive. The requirements for street improvements or Fee In Lieu of Construction for this development are deemed not proportional.</p> <p>Transportation impacts and the need for updated transportation facilities on Omark Drive do not constitute the need for frontage improvements.</p>
<input type="checkbox"/>	Agency Notification (MMC 19.707)	No agency notifications are required.
<input type="checkbox"/>	Transportation Requirements (MMC 19.708)	<p>Access Management: All development subject to MMC 19.700 shall comply with access management standards contained in MMC 12.16.</p> <p>Clear Vision: All development subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24</p> <p>No additional frontage improvements are required as part of this development.</p>
<input checked="" type="checkbox"/>	Utility Requirements (MMC 19.709)	<p>New or expanded public utilities are not required as part of this development.</p> <p>A formalized utility easement for the existing water line on private property will be required as part of this development.</p>
Flood Hazard Area (MMC 18)		
<input checked="" type="checkbox"/>	General Standards (MMC 18.04.150)	A narrow (c.10-ft-wide) strip along the southwestern side of the subject property is within the 500-year floodplain. However, the 500-year floodplain is not regulated by MMC Title 18 and

		the project area itself is not within either the 100-year or 500-year floodplain boundary. This title is not applicable to the proposed development.
<input type="checkbox"/>	Development Permit (MMC 18.16.030)	
<input type="checkbox"/>	Compensatory Storage (MMC 18.20.020)	
<input type="checkbox"/>	Floodways (MMC 18.20.010.B)	
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	
<input checked="" type="checkbox"/>	Erosion Control (MMC 16.28)	<p>Erosion control and prevention is required as outlined in MMC16.28</p> <p>Standard Erosion Prevention and Sediment Control notes are found at: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/public_works/page/76091/milwaukie_standard_notes_for_erosion_control.pdf</p> <p>Development sites between 1 acre and 5 acres should apply for a 1200-CN permit as outlined on https://www.milwaukieoregon.gov/publicworks/1200cn. Applicants will use the DEQ 1200-C permit application but submit it to the city for review and approval through the Milwaukie Erosion and Sediment Control Program. A 1200-C permit can be found on the DEQ website at https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx. Applicants do not need to submit a permit to DEQ if under 5 acres in site size.</p> <p>https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control covers the erosion control requirements.</p> <p>For more information, please contact erosioncontrol@milwaukieoregon.gov.</p>
<input checked="" type="checkbox"/>	Tree Permits (MMC 16.32)	<p>All public trees over 2" in diameter at breast height (DBH) are regulated by the public tree code. Public trees are to be protected through development and included on the inventory and protection plan required by the private development tree code (MMC 16.32.042). Public tree removals require an approved permit for removal, which includes a notice period lasting 14 days but can extend to 28 days if public comment is received. A permit is needed to plant on public property (at no cost) – visit milwaukieoregon.gov/trees to learn more.</p> <p>The tax lots included in the development site are NOT currently subject to the development tree code (MMC 16.32.042 A-H). Milwaukie's urban forest team can assist with tree selections for the site if needed.</p>
Public Services (MMC 13)		
<input type="checkbox"/>	Water System (MMC 13.04)	<p>If needed, connection and extension of City utilities is subject to plan and application review. Application for city utility billing connection shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application</p> <p>A system development charge must be paid prior to new connections to city water.</p>
<input type="checkbox"/>	Sewer System (MMC 13.12)	<p>If needed, connection and extension of city utilities is subject to plan and application review. A Right-of-Way permit is required for any work in the public right-of-way or on city owned utilities.</p> <p>A system development charge must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer.</p>

<input checked="" type="checkbox"/>	Stormwater Management (MMC 13.14)	<p>A 1200-Z permit is required for operations on the site that discharge into the stormwater system. Learn more at https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Industrial.aspx. A copy of the completed and approved 1200-Z permit should be sent to the city at publicworks@milwaukieoregon.gov.</p> <p>All new development or intensification of use shall be subject to system development charges.</p> <p>Stormwater mitigation and treatment is required as part of this development. All new impervious surface must be treated on site and must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual. Applicant will be required to provide an infiltration test to be completed by a Geotechnical engineer.</p>
<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	<p>All new development or intensification of use shall be subject to system development charges.</p> <p>An estimate has been provided based on the plans provided as part of this application. Actual fees may vary based on plan review.</p> <p>All system development charges must be paid prior to building permit issuance.</p>
<input type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	<p>FILOC is not required as part of this development.</p>

Public Places (MMC 12)

<input type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	<p>A right-of-way permit is required for any work in the public right-of-way, any new or altered connections to public utilities, or work on any accessways.</p>
<input type="checkbox"/>	Access Requirements (MMC 12.16.040)	<p>No alterations to the driveway are proposed as part of this development. Any alterations to the existing driveway shall comply with MMC 12.16.040.</p>
<input checked="" type="checkbox"/>	Clear Vision (MMC 12.24)	<p>A clear vision area shall be maintained at all driveways and accessways.</p>

Additional Engineering & Public Works Notes

An estimated System Development Charges fee sheet has been provided. Please note that these fees can change based on updates to the plans, additional information regarding plumbing fixtures, or any alterations or additions to public utilities such as water.

BUILDING COMMENTS

All drawings must be submitted electronically through www.buildingpermits.oregon.gov

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at www.buildingpermits.oregon.gov. Each permit type and sub-permit type are separate permits and are subject to the same time review times and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.

Note: Plumbing and electrical plan reviews (when required) are done off site and are subject to that jurisdiction's timelines. The City does not have any control over those timelines, so please plan accordingly.

Site utilities require a separate plumbing permit and will require plumbing plan review. **NOTE:** The grading plan submitted to the Engineering Department does not cover this review.

If you have any building related questions, please email us at building@milwaukieoregon.gov.

Additional Building Notes

(e.g., sprinklers, accessibility, alarms, bathrooms, exits, elevators) Buildings on the property line must have the required fire rated separation. The fire separation distance can be measured to the middle of the street on the west side.

OTHER FEES

<input checked="" type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *.12% (.12)
<input checked="" type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.69 a square foot Residential = \$1.39 a square foot (not including garages)

FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

COORDINATION WITH OTHER AGENCIES

Applicant must communicate directly with outside agencies. These may include the following:

- Metro
- TriMet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS

State or County Approvals Needed

<input type="checkbox"/>	Boiler Approval (State)	
<input type="checkbox"/>	Elevator Approval (State)	
<input type="checkbox"/>	Health Department Approval (County)	

Arts Tax

<input type="checkbox"/>	Neighborhood Office Permit	
Other Right-of-Way Permits		
<input type="checkbox"/>	Major:	
<input type="checkbox"/>	Minor:	
<input type="checkbox"/>	Painted Intersection Program Permits:	
<input type="checkbox"/>	artMOB Application	
<input type="checkbox"/>	Traffic Control Plan (Engineering)	
<input type="checkbox"/>	Parklet:	
<input type="checkbox"/>	Parklet Application/ Planning Approval	
<input type="checkbox"/>	Engineering Approval	
<input type="checkbox"/>	Building Approval	
<input type="checkbox"/>	Sidewalk Café:	
<input type="checkbox"/>	Tree Removal Permit:	
Infrastructure/Utilities		
<p>Applicant must communicate directly with utility providers. These may include the following:</p> <ul style="list-style-type: none"> • PGE • NW Natural • Clackamas River Water (CRW) • Telecomm (Comcast, Century Link) • Water Environmental Services (WES) • Garbage Collection (Waste Management, Hoodview Disposal and Recycling) 		
Economic Development/Incentives		
<input type="checkbox"/>	Enterprise Zone:	
<input type="checkbox"/>	Vertical Housing Tax Credit:	
<input type="checkbox"/>	New Market Tax Credits:	
<input type="checkbox"/>	Housing Resources:	

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

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 a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. 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
Harmony Drake	Permit Technician	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

ENGINEERING DEPARTMENT

Steve Adams	City Engineer	503-786-7605
Jennifer Backhaus	Engineering Technician III	503-786-7608

PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Koliás	Senior Planner	503-786-7653
Brett Kolver	Senior Planner	503-786-7657
Adam Heroux	Associate Planner	503-786-7658
Ryan Dyar	Assistant Planner	503-786-7661

COMMUNITY DEVELOPMENT DEPARTMENT

Joseph Briglio	Community Development Director	503-786-7616
Mandy Byrd	Development Programs Manager	503-786-7692
Janine Gates	Housing & Econ. Dev. Prog. Mgr.	503-786-7627
Emilie Bushlen	Administrative Specialist II	503-786-7600
Will First	Administrative Specialist II	503-786-7600

SUSTAINABILITY DEPARTMENT

Natalie Rogers	Climate & Natural Resources Mgr.	503-786-7668
Courtney Wilson	Urban Forester	503-786-7697
Galen Hoshovsky	Environmental Services Coordinator	503-786-7660

CLACKAMAS FIRE DISTRICT

Shawn Olson	Lieutenant Deputy Fire Marshal	shawn.olson@ClackamasFire.com
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Pre-Application Comments:

To: Brett Kelter, Senior Planner, City of Milwaukie

From: Shawn Olson, Fire Marshal, Clackamas Fire District #1

Date: 06-30-2022

Re: 22-006PA-50,000 sq.ft. Freezer-9696 SE Omark Dr.

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:

- 1) A Fire Access and Water Supply plan 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, type of construction, and shall provide fire flow tests per NFPA 291 or hydraulic model when applicable and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. **Submit PDF directly to the Clackamas Fire District website at clackamasfire.com once complete.**
- 2) Provide address numbering that is clearly visible from the street.
- 3) No part of a building may be more than 150 feet from an approved fire department access road.
- 4) The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28 feet and 48 feet respectively, measured from the same center point.
- 5) Gates across access roads must be pre-approved by the Fire District.
- 6) Prior to the start of combustible construction, fire hydrants shall be operational and accessible.
- 7) Fire hydrants shall be within 600' of all portions of any new construction.
- 8) Emergency responder radio coverage must be tested or provided due to the following:
 - a. Any building with one or more basement or below-grade building levels.
 - b. Any underground building.
 - c. Any building more than five stories in height.
 - d. Any building 50,000 square feet in size or larger.
 - e. Any building that, through performance testing, does not meet the requirement of section 510 of the Oregon Fire Code.
- 9) The applicant must obtain a stamp of approval from Clackamas Fire District #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.
- 10) Please see our design guide at:
<https://clackamasfire.com/fire-prevention/new-construction-resources/>

11) If you have questions, please contact Fire Marshal Shawn Olson at shawn.olson@clackamasfire.com or by calling 503-742-2663.

Submit fire apparatus access and water supply site plans to:
<https://clackamasfire.com/access-and-water-supply-plan-review-submittal/>



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Ryan Dyar, Assistant Planner

Date: September 6, 2022, for September 13, 2022, Public Hearing

Subject: **File:** VR-2022-008
Applicant/Owner: Ed Paget on behalf of Margaret and Thomas Nolan
Address: 11925 SE 70th Ave
Legal Description (Map & Tax Lot): 1S2E32CA03000
NDA: Linwood

ACTION REQUESTED

Approve application VR-2022-008 and adopt the recommended Findings found in Attachment 1. Staff is not recommending any conditions of approval. This action would approve a reduction to the rear yard setback from 20 ft – as required in Milwaukie Municipal Code (MMC) 19.301 – to 10 ft to add an unenclosed patio cover over an existing concrete pad.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is approximately 6,989 sq ft and is at the northwest corner of 70th Ave. and Plum Dr. in the southeastern portion of the Linwood Neighborhood. The property was created as Lot 9 of the Cedarcrest No.4 Subdivision (platted June 4, 1966). It is developed with a single-detached dwelling and a garden shed. The property and the properties in the immediate vicinity are zoned Moderate Density Residential (R-MD).

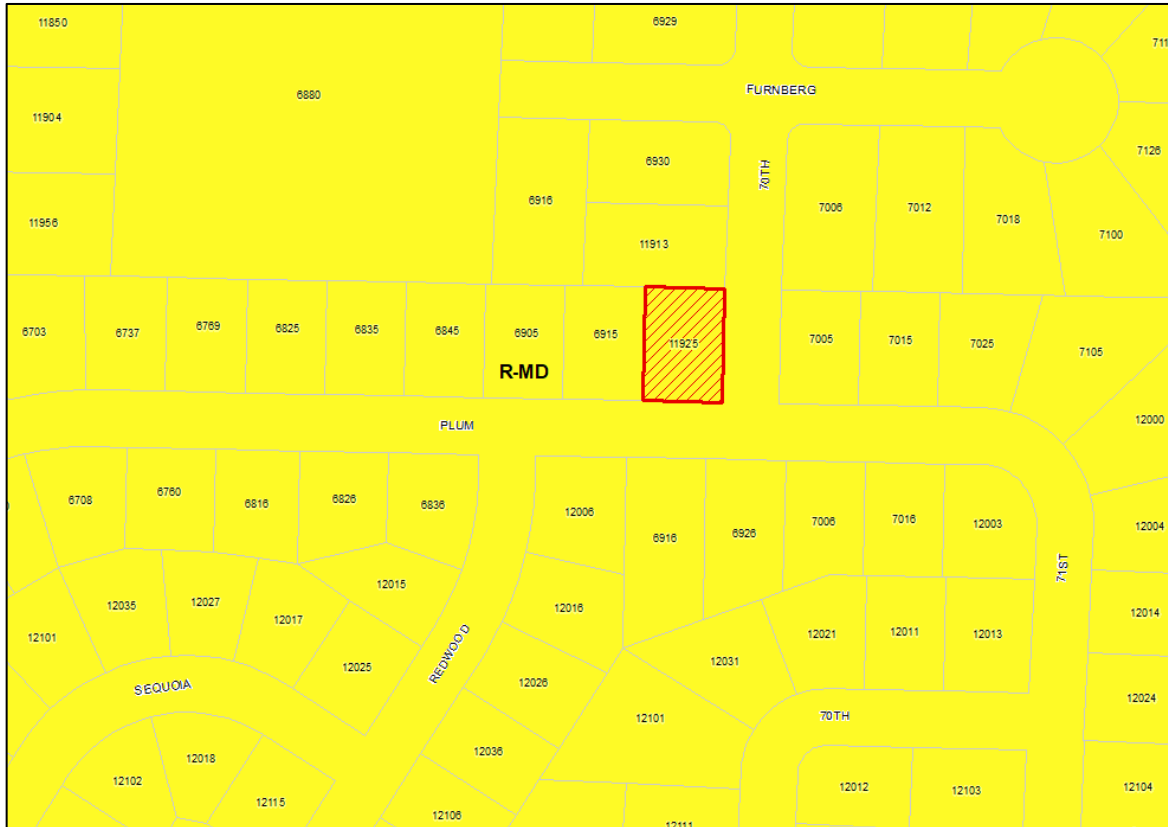
Figure 1. Aerial View



B. Zoning Designation

The subject property is within the Moderate Density Residential Zone (R-MD) (see Figure 2). The surrounding area is also zoned R-MD.

Figure 2. Existing Zoning (R-MD)



C. Comprehensive Plan Designation

Moderate Density (MD)

D. Land Use History

There are no land use cases associated with this property.

E. Proposal

The applicant is proposing to construct a new 204 sq ft (12' x 17') attached and unenclosed patio cover over an existing concrete pad at 11925 SE 70th Ave. The patio cover would be set back 10 ft from the rear property line, which is 10 ft closer than the 20-ft requirement in the R-MD zone. The proposed setback reductions exceed the allowances for Type II variance review and require Type III review instead.

A plan set and narrative description of the proposal are included in the applicant's submittal materials (see Attachment 2).

KEY QUESTIONS

Summary

No key questions have been identified for Planning Commission deliberation. The applicant considered various alternatives to the proposal and provided compelling reasons for why the benefits of granting the variance outweigh any impacts.

Most persuasive for staff is that the variance enables a structure that likely will be less intrusive to the rear abutting neighbor than what the baseline code allows for. Under MMC 19.502, an accessory structure that is under 600 sq ft in size and less than 15 ft tall can be located within 5 ft of the rear yard property line. Put differently, the applicant could establish a detached patio cover of an equal or greater size that is 5 ft closer to the property line than what the requested variance permits. The variance is required simply because attaching the structure to the house makes it part of the primary structure under the MMC and primary structures must maintain a 20 ft rear yard setback in the R-MD zone. Therefore, granting the variance enables the owners to build a structure that is likely to have less of an impact than what the baseline code allows for. Moreover, the attached patio cover provides benefits to the property owners that a detached structure would not provide, such as shading their rear patio door and providing continuous coverage between the house and the patio.

Staff believes the requested variance is reasonable and appropriate and does not present any negative impacts that require mitigation.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the requested variance. This will allow the proposed patio cover to be installed with a 10 ft rear yard setback instead of the 20 ft rear yard setback required in the R-MD zone.
2. Adopt the attached Findings in Attachment 1.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.301 Moderate-Density Residential (R-MD)
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review

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 four decision-making options as follows:

- A. Approve the application subject to the recommended Findings with no conditions of approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by December 13, 2022, 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: Milwaukie Community Development Department; Milwaukie Engineering Department; Milwaukie Building Department; Milwaukie Neighborhood District Association Program Manager; Milwaukie Community Development Director; Linwood Neighborhood District Association (Chair and Land Use Committee Members); Milwaukie City Attorney; Clackamas Fire District #1 (CFD #1). Staff did not receive any comments.

ATTACHMENTS

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

	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Applicant's Submittal Materials (received August 15, 2022)		
a. Application Forms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Plan sheets and graphics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/vr-2022-008>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-103>.

ATTACHMENT 1
Recommended Findings in Support of Approval
Primary File #VR-2022-008, Nolan rear yard setback reduction

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

1. Ed Paget on behalf of Margaret and Thomas Nolan (owners) has applied to reduce the rear yard setback for their property at 11925 SE 70th Ave from 20 ft to 10 ft. The purpose of the request is to accommodate a new attached and unenclosed patio cover for an existing concrete pad. The primary land use file number for the variance request is VR-2022-008.
2. The subject property is approximately 6,989 sq ft and is at the northwest corner of 70th Ave. and Plum Dr. in the southeastern portion of the Linwood Neighborhood. The property was created as Lot 9 of the Cedarcrest No.4 Subdivision (platted June 4, 1966). It is developed with a single-detached dwelling and a garden shed. The property and the properties in the immediate vicinity are zoned Moderate Density Residential (R-MD). County Assessor records indicate that the house was constructed in 1968 and was constructed to the 20 ft rear setback line.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.301 Moderate Density Residential (R-MD)
 - MMC Section 19.911 Variances
 - MMC Section 19.1006 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 by the Planning Commission on September 13, 2022, as required by law.

4. MMC Section 19.301 Moderate Density Residential Zone (R-MD)

MMC 19.301 establishes standards for the Moderate Density Residential zone (R-MD), which allows single-unit detached dwellings as an outright permitted use. Development standards are provided in MMC Subsections 19.301.4 and 19.301.5. The applicable standards are addressed as described in Table 1 (Zoning Compliance) below.

Table 1 Zoning Compliance: Applicable R-MD Development Standards			
Standard	R-MD Requirement (for lots over 5,000-6,999 sq ft)	Existing	Proposed (removal of attached carport/patio, construction of new carport)
Maximum lot coverage	35%	26%	28%
Minimum vegetation	25%	36%	No changes (patio slab pre-existing)
Rear Yard Setback	20 ft	20 ft	10 ft
Side Yard Setback	5 ft / 5 ft	29 ft / 19 ft	No changes
Maximum height	35 ft	–	Cover Peak at 11 ft 6 in

As proposed, and with approval of the variance discussed in Finding 5, the Planning Commission finds that the applicable R-MD zone standards of MMC 19.301 are met.

5. MMC Section 19.911 Variances

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 a 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 a variance to the rear yard setback standard for primary structures in the R-MD zone. The rear yard setback standard is not identified as ineligible for a variance under MMC Subsection 19.911.2.B. The patio cover would be used by the occupants of the existing residence. A single-detached residence is permitted by right in the R-MD. The applicant is not proposing to alter a definition in the MMC. Granting this request would not increase the allowed density. The applicant has applied for building permits for the patio cover.

The Planning Commission finds that the requested variance meets the eligibility requirements.

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

certain numerical standards, not including building height. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The applicant has proposed to reduce the required rear yard setback from 20 ft to 10 ft, a 50% reduction. This exceeds the 25% allowed under MMC 19.911.3.B. The Planning Commission finds that the requested reduction is subject to the Type III review process.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. For Type III variances, MMC Subsection 19.911.4.B.1 provides approval criteria related to discretionary relief and MMC Subsection 19.911.4.B.2 provides approval criteria related to economic hardship.

The applicant has elected to address the discretionary relief criteria for the requested variance.

- (1) 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.

MMC Table 19.301.4 requires that a primary structure be set back a minimum of 20 ft from the rear property line. The applicant is requesting to reduce the required setback to 10 ft to accommodate an unenclosed patio cover that is attached to the single-detached dwelling. The application statement contains a description of the alternatives considered and the benefits of granting the variance to the base zone setback requirement.

The property was previously shaded by a large tree on a neighbor's property, which was removed due to infestation. With global temperatures rising, scientists are predicting warmer summers in the Pacific Northwest. The applicant discusses that a patio cover would shield their rear door from sunlight—proving energy savings in the form of reduced cooling costs. It would also provide increased health and comfort in the form of outdoor space that's protected from direct UV radiation.

The applicant discusses the drawbacks of alternatives considered, such as the limited durability and functionality of a canvas structure. Adding a detached structure was also considered, as an accessory structure of the size proposed can be located within 5 ft of the rear property line under the existing code; however, this would not provide the energy conservation that an attached structure provides. Moreover, the impacts would be similar if not greater, as the structure would likely be closer to the abutting rear property, 6915 SE Plumb Dr. Lastly, the applicant considered requesting a 5 ft reduction to the rear yard setback to accommodate a smaller patio cover; this could have been accomplished through a Type II variance; however, the cost to construct the structure would have been similar to constructing the larger one but the functionality would have been greatly reduced.

The Planning Commission finds that the analysis of the impacts and benefits of the requested variance compared to the baseline requirements is acceptable. This criterion is met.

- (2) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
- The proposed variance avoids or minimizes impacts to surrounding properties.
 - The proposed variance has desirable public benefits.
 - The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.
 - The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.

The applicant's request is limited to a 10 ft reduction. They're not proposing to eliminate the setback entirely. As noted, the applicant is responding to the removal of a significant tree that previously provided shade for their yard and house. The applicant considered other options that might have been permitted by right but more impactful to their rear neighbor—a similar sized detached structure. The applicant also indicates that the covered area will allow them to socialize with neighbors more safely during a global pandemic—a notable change in their environment. Finally, the applicant indicates that they plan to mitigate any impacts to the rear property by adding greenery along the rear fence line.

The Planning Commission finds that the requested variance is reasonable and appropriate and that it meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

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

To the extent there are any, the impacts from the proposed variance are likely to be minor. As mentioned above, the impacts of the proposed variance—which will permit an attached structure—are potentially less than what might be permitted by right under the base zone standards. Additionally, the applicant is offering to mitigate any impact to the rear property owner through additional plantings along the rear fence line.

The Planning Commission finds that the requested variance would result in little to no impact to surrounding properties and that the applicant is appropriately mitigating any impacts that might occur by planting additional greenery along the rear fence line. This criterion is met.

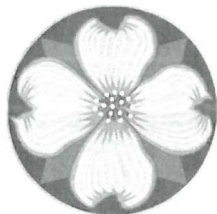
As proposed, the Planning Commission finds that the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911.

6. The application was referred to the following departments and agencies on August 15, 2022:

- Milwaukie Community Development Department
- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Neighborhood District Association Program Manager
- Milwaukie Community Development Director
- Linwood Neighborhood District Association (Chair and Land Use Committee Members)
- City Attorney
- Clackamas Fire District #1 (CFD #1)

In addition, public notice was provided as required by MMC Subsection 19.1006.3 on August 24, 2022. No responses were received from either the referral or public notice mailing.



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

Application for Land Use Action

Primary File #: VR-2022-008

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

<input type="checkbox"/> Amendment to Maps and/or	<input type="checkbox"/> Land Division:	<input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Comprehensive Plan Map Amendment	<input type="checkbox"/> Partition	<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Zoning Text Amendment	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Replat	
<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Transportation Facilities Review**
<input type="checkbox"/> Community Service Use	<input type="checkbox"/> Miscellaneous:	<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Barbed Wire Fencing	<input type="checkbox"/> Use Exception
<input type="checkbox"/> Development Review	<input type="checkbox"/> Mixed Use Overlay Review	<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Director Determination	<input type="checkbox"/> Modification to Existing Approval	<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Downtown Design Review	<input type="checkbox"/> Natural Resource Review**	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Extension to Expiring Approval	<input type="checkbox"/> Nonconforming Use Alteration	Use separate application forms for:
<input type="checkbox"/> Historic Resource:	<input type="checkbox"/> Parking:	<input type="checkbox"/> Annexation and/or Boundary Change
<input type="checkbox"/> Alteration	<input type="checkbox"/> Quantity Determination	<input type="checkbox"/> Compensation for Reduction in Property Value (Measure 37)
<input type="checkbox"/> Demolition	<input type="checkbox"/> Quantity Modification	<input type="checkbox"/> Daily Display Sign
<input type="checkbox"/> Status Designation	<input type="checkbox"/> Shared Parking	<input type="checkbox"/> Appeal
<input type="checkbox"/> Status Deletion	<input type="checkbox"/> Structured Parking	
	<input type="checkbox"/> Planned Development	

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Tim + Margaret Nolan

Mailing address: 11925 SE 70th Ave. Milwaukie State/Zip: OR. 97222

Phone(s): 503-703-2262 Email: t-m.nolan@comcast.net

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: 8564 SE 58th Ave State/Zip: Port. OR. 97206

Phone(s): 503-701-4787 Email: edpaget@comcast.net

SITE INFORMATION:

Address: 11925 SE 70th Ave Milw. OR Map & Tax Lot(s): _____

Comprehensive Plan Designation: _____ Zoning: R-MD Size of property: 6989.02 sq. ft

PROPOSAL (describe briefly):

Addition of Patio cover over existing patio concrete slab connected to House

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Margaret Nolan & Thomas L. Nolan Date: 7-18-22

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	VR-2022-008	\$ 2,000			Application received July 19, 2022. Payment received August 01, 2022.
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,000			RECEIPT #: 24016	RCD BY: RCD	

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s): Linwood

Notes:

Applicant proposes to reduce rear yard setback from 20 ft to 10 ft to build unenclosed patio cover for existing patio slab.

Milwaukie Planning
6101 SE Johnson Creek Blvd
Milwaukie OR 97206



Greetings,

My husband, Thomas Nolan, and I are applying for a variance to put a cover over our patio. The patio has been in place all along, so the footprint is there. We do not want to expand the cover all the way to the property line, only to cover the existing patio mostly for protection from the sun, but also for a place to go outside in inclement weather.

We are planning to add new greenery along the back fence to make it more pleasant, both visually and auditorily, for us and for our neighbors.

We have looked at various options:

1. A cover over half the patio (5 feet instead of 10) still does not meet the 20 foot setback requirement and would not provide the shade or the shelter we are seeking but would still be almost as costly.
2. A separate structure also would not provide the shade or shelter we are looking for and would still have setback issues as well as being costly.
3. A canvas awning might provide a limited amount of shade but could not be used for an outdoor shelter in winter weather and would not hold up over time. Also, there are concerns about how it would attach considering the siding we have on the house.

We have basically four main reasons for a patio cover, mostly having to do with changes in the natural environment but, also, changes in the social environment:

1. Climate change. With global temperatures rising and scientists predicting more heat extremes such as we had last summer, shade becomes one more critical tool. A bit of shade provides a measurably lower temperature. The large pine in the neighbor's yard that once provided much needed shade succumbed to pine beetles and had to be removed, leaving our patio (and us) more vulnerable to summer heat. I have spoken with the neighbors who had the pine and they have no objection at all to us covering our patio and even thought it was a very good idea.
2. Energy conservation. Our kitchen and the patio area are on the west side of our house. The summer sun beats in through the patio door and the windows. With the glass door and the windows shaded, and consequently somewhat cooled, less energy - and expense - will be needed to cool the house. That's better for us and better for the environment.
3. Personal health and comfort. We are both in our 70s and not as active as once were. However, being the Oregonians we are, we have spent our lifetime enjoying outdoor activity. Being very fair-skinned, I am now dealing with consequences of all that activity, including avoiding direct sunlight on my skin in order to avoid more cancerous spots. Yet we still want to be outdoors. A patio cover would make a great difference for us and for those who live here after us.
4. One additional thing: Winter family gatherings. Because of Covid, we were unable to gather with our family for the past couple of years in winter. That made life extremely difficult in many ways. With a patio cover, and perhaps an outdoor heat lamp, we could have had some time together. A patio cover will help us prepare for the next time such a medical emergency might occur.

Also, neighborhood gatherings: Many of our good neighbors are elderly retired folk, like us. Social gatherings are important for mental as well as physical health. A patio cover would make our back yard useful both in summer and winter as a space for us to meet, in spite of all the omicron variants that could mean serious illness for any of us if we are in an enclosed space.

We appreciate your consideration of our concerns and needs. Thank you!

Sincerely,

Thomas A. Nolan
Margaret W. Nolan

Margaret and Thomas Nolan
11925 SE 70th Avenue
Milwaukie, OR 97222

503-654-9375

RECEIVED
JUL 27 2022
CITY OF MILWAUKIE
PLANNING DEPARTMENT



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

**Residential Building Permit
 Zoning Worksheet**

R-MD Zone

Building Permit # 601-22-000557-STR

Note to Applicants — See back of form for useful information

This form must be submitted with your building permit application. The building permit will not be issued if the form is illegible, incomplete, or if inaccurate information is provided.
 Please contact the Planning Department at 503-786-7630 if you have any questions or comments.

SITE INFORMATION:

Address: 11925 SE 70th Ave Milw. OR. 97222 Map & Tax Lot(s):
 Applicant Name: Margaret + Tim Nolan
 Mailing address: 11925 SE 70th Ave. Milwaukie State/Zip OR. 97222
 Phone(s): 503-703-2262 Email: t-m.nolan@comcast.net

PROJECT INFORMATION:

Type:

- New Frame House or Middle Housing
- New Manufactured House
- House Remodel or Addition/Alteration
- Other (describe): Patio Cover over existing concrete patio slab
- Deck or Patio
- Accessory Structure (i.e., garage, shed)
- Accessory Dwelling Unit – use separate worksheet

Special Zones (if applicable): Please check the Milwaukie Zoning Map or contact Planning at 786-7630.

- Water Quality Resource or Habitat Conservation Area
- Willamette Greenway Overlay
- Historic Preservation Overlay
- Flex Space Overlay
- Floodplain

Land Use Approval: Are there conditions of an approved subdivision, land partition, conditional use, variance, or other land use approval that apply?

Yes If yes, Land Use File #(s): _____ No

Applicable Conditions (or attach Notice of Decision):

Lot Area: 6 989.02 sq ft Source of lot area: Milwaukie Maps

Acceptable sources are Clackamas County Assessor Records or a survey prepared by a Registered Land Surveyor.

Property Line Location: Indicate how the property lines shown on the site plan submitted with the building permit application were determined.

- By a registered land surveyor (submit survey)
- Pins or monuments at property corners
- Fence lines or other structure
- Other (describe): _____

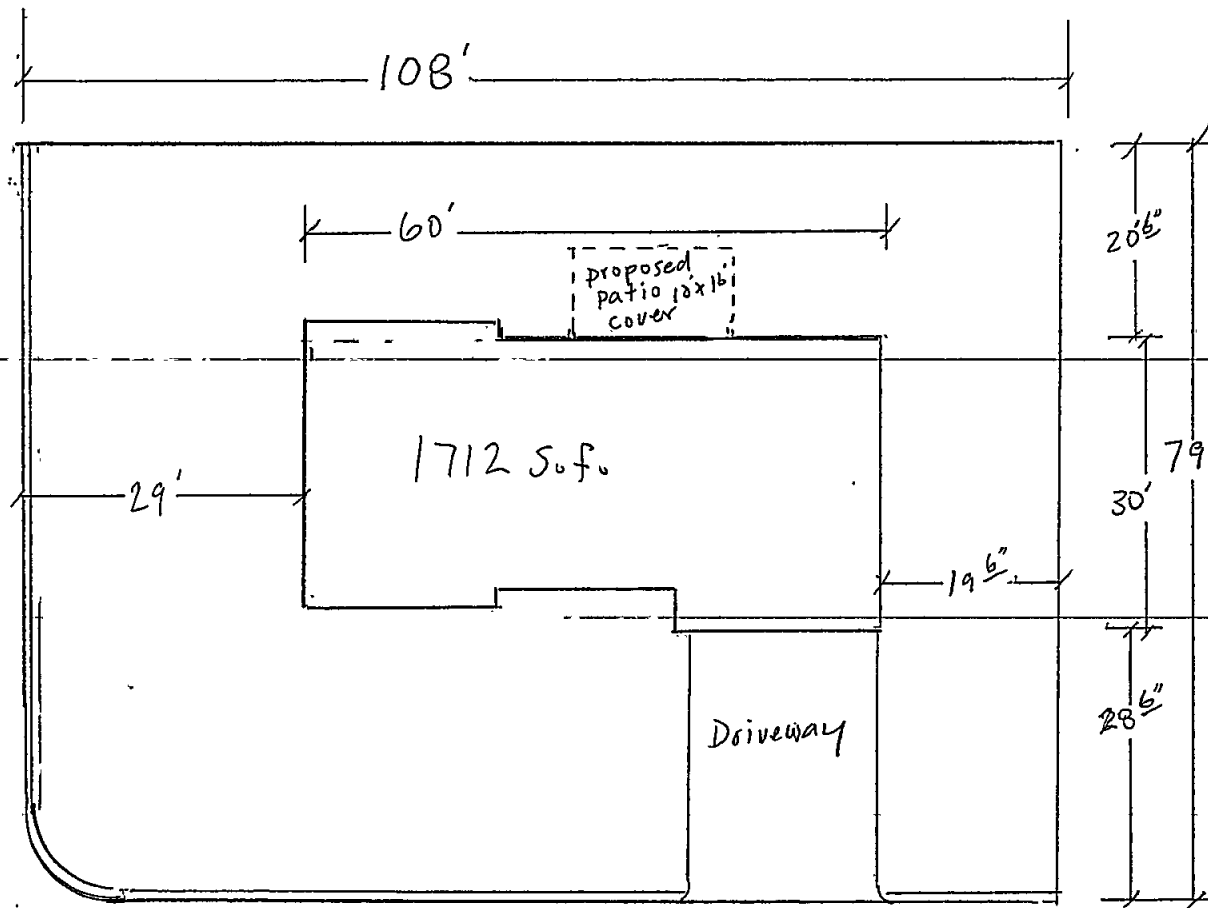
DEVELOPMENT STANDARDS FOR NEW HOUSE CONSTRUCTION, ADDITIONS, & REMODELING

See [Milwaukie Municipal Code \(MMC\)](#) Table 19.301.4 for Moderate Density Residential Development Standards

R-MD Zone	Allowed by Code	Existing	Proposed	Comments Staff Use Only
# of Units per lot	single or multiple			No change.
Setback from Front Property Line ¹	Frontage lot = 20 ft minimum Flag/back lot = 30 ft minimum/20 ft for middle housing			No change.
Setback from Side Property Lines ²	Frontage lot = 5 ft or 5 ft/10 ft Corner lot = 15 ft or 20 ft Flag/back lot = 10 ft minimum			No change.
Setback from Rear Property Line ³	15 ft/20 ft minimum Flag/back lot = 30 ft minimum/20 ft for middle housing	20 ft	10 ft	Subject of variance.
Building Height	35 feet			Proposed cover is 11' 6" at peak.
Side Yard Height Plane Limit See page 4 of this handout	20 feet/45 degrees of side yard setback			Proposed cover is 8 ft nearest to rear property line.
* Maximum Lot Coverage ⁴ (including all structures)	Lot size of: 2,999 sq ft or less = 45% of lot area 3,000 sq ft – 6,999 sq ft = 35% of lot area 7,000 sq ft and up = 30% of lot area (lot size x .45 or .35 or .30)	1840 s.f.	2010 s.f.	6989.2 * .35 = 2,446.22 Allowed.
Minimum Vegetation Area ⁴	Lot size of: 2,999 sq ft or less = 15% of lot area 3,000 sq ft – 6,999 sq ft = 25% of lot area 7,000 sq ft and up = 30% of lot area (lot size x .15 or .25 or .30)	4279 s.f.	4279 s.f.	No change. Patio slab is pre-existing. 6989.2 * .25 = 1,747.3 required.
Front Yard Minimum Vegetation ⁵	40% of front yard area			No change.

- A covered porch on a single detached dwelling or middle housing dwelling may extend up to 6 ft into a required front yard if the following requirements are met:
 - The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling (does not include columns, retractable sunshades, netting, railings, or other projections that do not extend more than 3 feet above the surface of the porch).
 - The surface of the porch does not exceed 18 in high above the existing grade.
 - The porch is at least 5 ft from the front lot line.
- For frontage lots, if the lot is 7,000 sq ft or larger one side yard setback is 5 ft and the other is 10 ft.
For corner lots, the setback for the yard facing the side street is 15 or 20 ft depending on lot size—if the lot is 7,000 sq ft or larger, the setback is 20 ft; otherwise, the setback is 15 ft.
See MMC Section 19.201 Definitions for description of how yards are determined.
- If the lot is 1,500 sq ft or less, the rear yard setback is 15 ft; for lots larger than 1,500 sq ft, the rear yard setback is 20 ft.
- On a separate sheet, show how area was calculated. (See "How to measure lot coverage and landscaped area" on page 3 of this handout.) In some cases, the maximum lot coverage can be increased or decreased. See MMC Subsection 19.301.5 for additional information.
- 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.

SE Plum st



SE 70th Ave

Margaret + Tim Nolan Residence

11925 SE 70th Ave, Milw. OR. 97222

PLOT

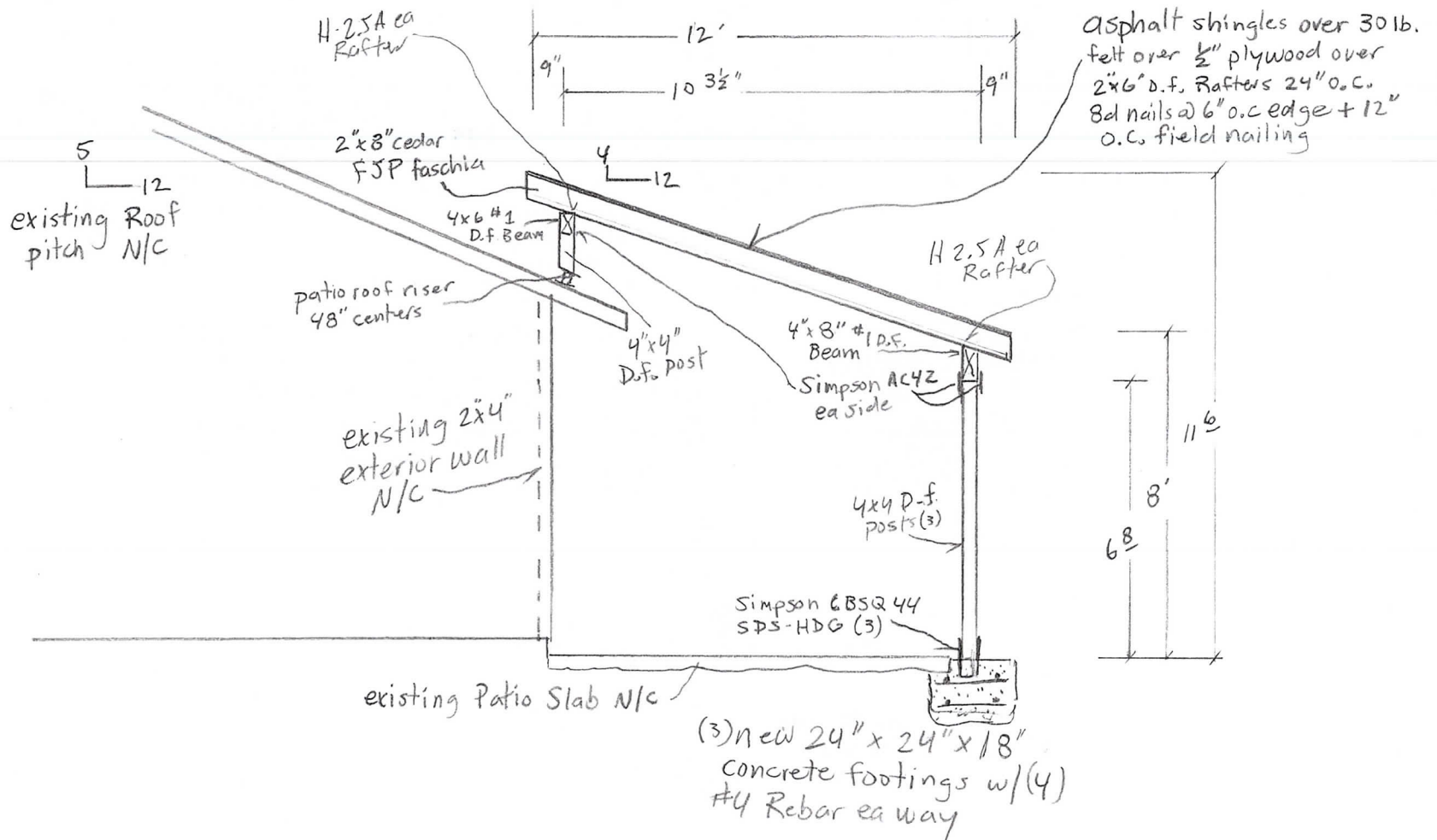
Date: 6/10/2022


Drawn by: ED PAGET

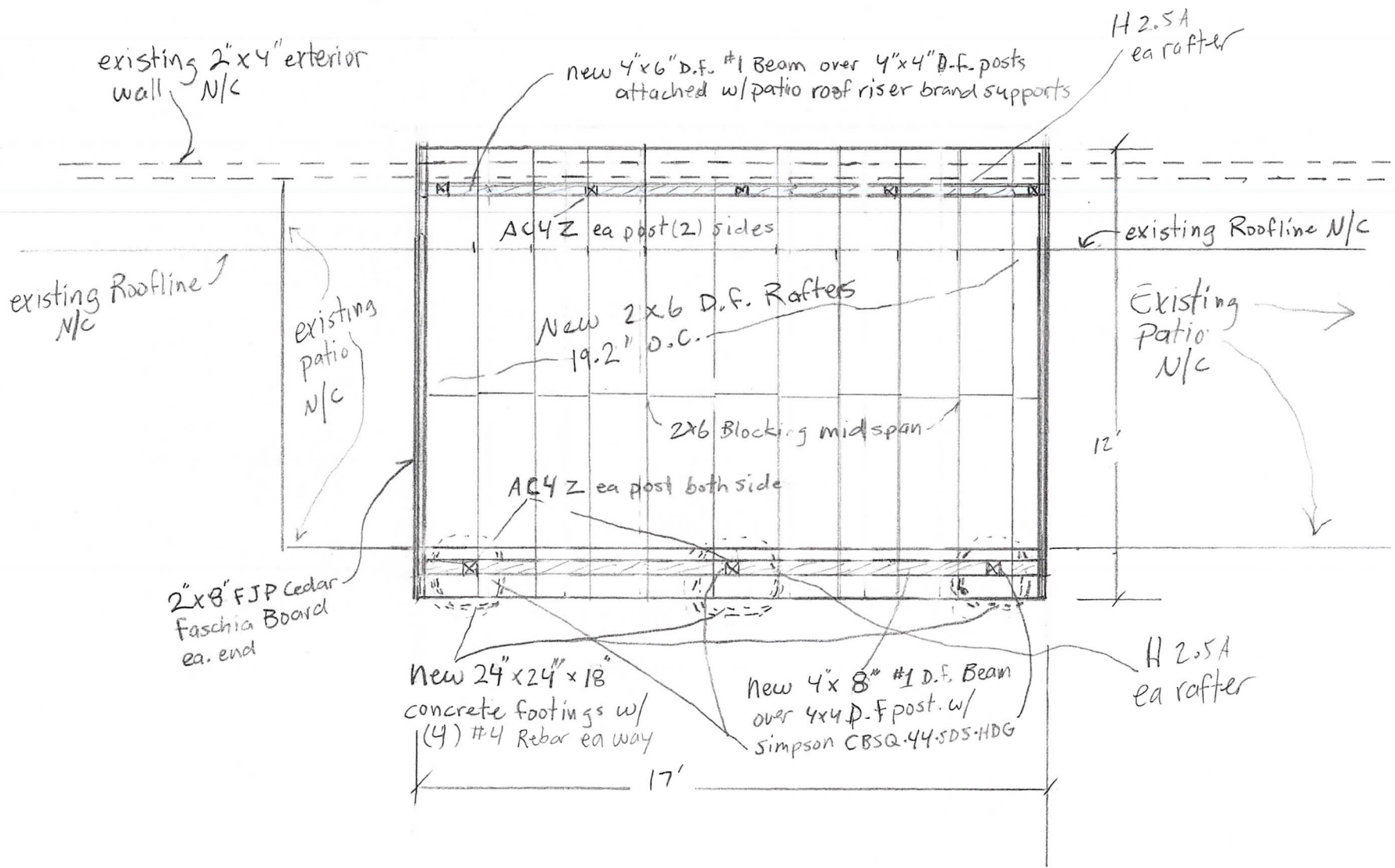
Scale : 1" inch = 20 feet

Lot sq. footage 8,532 s.f.

House sq. footage 1712 s.f.



Key	Wall Beyond	-----	Margaret + Tim Nolan Patio Cover
	Beam end	⊠	11925 SE 70th Ave. Milwaukie, OR. 97222
	Concrete footings	 w/(4) #4 Rebar ea way	Date: 4/19/2022 Drawn by: Ed Paget
	no change	N/C	Elevation
5.2 Page 17			Scale: 1/4" = 1'0"



Key	existing wall below	-----
post	⊠	concrete footing
no change	N/C	Wood Beam

Margaret + Tim Nolan Patio Cover
 11925 SE 70th Ave. Milwaukie, OR. 97222
 Date: 4/19/2022 Drawn by: Ed Paget
 Floor Plan Roof Plan

PLANNING COMMISSION STAFF REPORT

To: Planning Commission

Date Written: August 19,
2022

Through: Laura Weigel, Planning Manager

From: Ryan Dyar, Assistant Planner

Subject: **Climate Friendly Equitable Communities Rulemaking**

ACTION REQUESTED

Staff is briefing Planning Commission on changes to the Oregon Administrative Rules (OARs) that resulted from the Climate Friendly Equitable Communities (CFEC) rulemaking in preparation for the hearing on November 8th.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[October 2, 2018](#): Council adopts the Climate Action Plan to achieve carbon neutrality by reducing greenhouse gas (GHG) emissions and offsetting or capturing as much carbon as the Milwaukie community emits.

[August 18, 2020](#): Council adopts the Milwaukie Comprehensive Plan, which includes several policies aimed at reducing GHG emissions.

[September 21, 2021](#): Council adopts Council Goals for 2021-2022 of climate change mitigation and resilience action, and equity, justice, and inclusion.

[August 16, 2022](#): Staff provided City Council with an overview of the new administrative rules and asked for direction on implementing the new rules related to parking. The majority of the Council expressed a desire to eliminate parking mandates citywide considering the requirements in OAR 660-012-0440, Parking Reform Near Transit Corridors (discussed below). Council provided various justifications for this position.

Those reasons included:

- Parking mandates will be more complex to administer under the new rules.
- The area where mandates can be applied is limited to roughly 20% of the city.
- Within the area where mandates can apply, most land is already developed.
- The rules severely limit the types of development that mandates can be applied to.
- Mandates applied under these rules might be perceived as arbitrary to builders.

Councilor Batey expressed interest in analyzing the impacts of applying the Parking Reform Near Transit Corridors requirements using walking distance instead of straight-line distance,

which the rules allow for; however, as staff explained to Council, this type of analysis requires better geospatial data than the city currently maintains. This data may be available during the Transportation System Plan update. Lastly, Councilor Batey expressed a desire to maintain parking mandates in the city's Business-Industrial Zone (BI) zone due to existing parking practices in that area that violate the city standards. Other councilors suggested that alternative methods, such as code enforcement, might be more appropriate to address these concerns.

ANALYSIS

Background and Summary of Climate Friendly Equitable Communities Rulemaking

On March 10, 2020, Governor Kate Brown signed [Executive Order 20-4](#) directing various state agencies and commissions to take action to reduce and regulate GHG emissions.¹ The order directed the Land Conservation and Development Commission (LCDC), which oversees the implementation of Oregon's statewide land-use planning program, and its agency, the Department of Land Conservation and Development (DLCD), to conduct administrative rulemaking towards that end.

In response, DLCD initiated the CFEC rulemaking process.² The rules were temporarily adopted by LCDC on May 19th, 2022, and permanently adopted on July 21, 2022. Many rules took effect on June 1st, 2022, while other requirements will be phased in.³ The process amended three divisions of [Oregon Administrative Rules \(OAR\) Chapter 660](#): Division 8 (Housing), Division 44 (Metropolitan Greenhouse Gas Reduction Rule), and Division 12 (Transportation Planning Rule). The purpose of these rules and the implications of the amendments for Milwaukie are discussed below.

OAR Chapter 660, Division 8 (Housing Rule)

Division 8 implements [Statewide Planning Goal 10 \(Housing\)](#). It includes rules related to how communities prepare technical housing reports, including the Housing Capacity Analysis and Housing Production Strategy (HPS). Milwaukie is currently engaged in planning processes to produce these two reports.

Only one amendment to this division applies to Milwaukie. The amendment stipulates that the city's HPS must specify local strategies for promoting housing development in Region 2040 Centers⁴ for marginalized populations. Specifically, the HPS must list municipal strategies for:

¹ Executive Order 20-04 called on state commissions and agencies to pursue—to the extent that the law allows—expedited processes, including expedited administrative rulemaking to accelerate reductions in GHG emissions. The hastened pace of the rulemaking process was frequently cited as a concern by people directly engaged with the rulemaking and those commenting from outside the process.

² A 40-member Rulemaking Advisory Committee (RAC) was convened to advise DLCD in its rulemaking charge. The DLCD created an [Outreach and Engagement Document](#) that documents public engagement during the rulemaking process.

³ Under rule OAR 660-012-0012 cities, counties, or Metro may propose alternative implementation dates through submission of a work program subject to approval by DLCD and LCDC.

⁴ [Climate Friendly Areas \(CFAs\)](#) is a key concept that emerged from the DLCD rulemaking process. Oregon's eight Metropolitan Planning Areas are required to designate CFAs under the new rules in OAR 660 Division 12. Metro

- Promoting housing development that is regulated for affordability.
- Promoting housing development that is accessible to people living with a disability.
- Removing barriers and increasing housing choices for members of state and federally protected classes.
- Preventing displacement of state and federal protected populations.

These new requirements are being incorporated in the Housing Capacity Analysis and Housing Production Strategy work and will be reflected in the final reports.

OAR Chapter 660, Division 44 (Metropolitan Greenhouse Gas Reduction Rule)

This division sets reduction targets for GHG emissions from light-duty vehicle travel for the Portland Metropolitan Area and requires Metro to identify land-use and transportation policies that will reduce GHG emissions; this process is referred to as scenario planning and Metro fulfilled this requirement through the [Climate Smart Strategy in 2014](#).⁵

The amendments adopted through the rulemaking extend the scenario planning requirements to Salem-Keizer and Eugene-Springfield. Under the new rules, smaller metropolitan planning areas will also be required to report on actions taken to reduce emissions but at this time are not required to engage in scenario planning. Division 44 was also amended to make the reduction targets mandatory—previously there was no penalty for failing to meet the rule’s GHG reduction targets.

Staff does not anticipate that the city will need to take any action to comply with the amended administrative rule; however, the new mandatory nature of the reduction targets will likely affect regional planning processes and requirements in the future.

OAR Chapter 660, Division 12 (Transportation Planning Rule)

Division 12 implements [Statewide Planning Goal 12 \(Transportation\)](#). The administrative rules regulate how cities coordinate land use and transportation planning. Division 12 specifies the process for producing a Transportation System Plan (TSP) and defines the required elements of a TSP. Amendments to this division constitute the most significant changes for Milwaukie. While many of the changes are technical in nature, broadly, the amendments require local jurisdictions to plan for greater development in areas where services are located, remedy the inequitable distribution of transportation burdens and benefits for underserved populations, prioritize investments for reaching destinations without a single-occupancy vehicle, plan for electric vehicles, and require jurisdictions adopt a more nuanced approach to parking management.

jurisdictions are exempt from this requirement; instead, existing [Region 2040](#) centers under Title 6 of the Urban Growth Management Functional Plan are considered de facto CFAs within Metro. Milwaukie adopted a Region 2040 Town Center in 1997 (see Attachment 1 for Region 2040 Center boundary).

⁵ Although DLCD is currently contemplating adding one, there is currently no statewide planning goal related to addressing climate change.

The first three paragraphs below discuss changes to the TSP planning process and will be addressed through the upcoming update. The final paragraph, Reform Parking Regulation, discusses new requirements that must be implemented separately and before the TSP update is complete. Many of these requirements must be in effect by June 30th, 2023; however, as discussed below, Parking Reform Near Transit Corridors and Reducing Parking Mandates for Development Types must be directly administered for development applications submitted after December 31, 2022.

New Planning Process Requirements: Recognizing that past planning processes and policies have harmed underserved populations (and that these populations are often most exposed to risks associated with climate pollution), Division 12 has been amended to require that cities and counties center the voices and interests of underserved populations in transportation planning processes. Jurisdictions are now required to engage underserved communities when updating TSPs and as the plan is being implemented (i.e., as projects are being built). Jurisdictions will report on their work towards remedying the inequitable distribution of transportation burdens and benefits in annual reports coordinated by Metro and reviewed by DLCD.

Division 12 has also been amended to require that jurisdictions prioritize transportation investments based on new criteria. The criteria require that jurisdictions prioritize transportation projects that reduce per-capita vehicle-miles-traveled (VMT), lead to more walkable communities, promote safety, and improve transportation outcomes for underserved populations.

New and Enhanced TSP Components: In line with new community engagement requirements, Division 12 has been amended to require that jurisdictions include an equity analysis as a component of their TSP. This analysis will document concentrations of underserved populations, efforts to engage underserved communities in transportation planning processes, existing transportation inequalities, and how proposed plans and policies will work to address those inequities. Jurisdictions are required to adopt key performance measures that help them monitor progress towards improving transportation outcomes for underserved populations.

In addition to the equity analysis, TSPs are now required to include a more robust asset inventory for the following transportation systems: bicycle, pedestrian, public transportation, street, and highway. Division 12 has historically required that TSPs include network elements for each transportation mode; however, the new inventory requirements are more prescriptive, spelling out specific types of infrastructure (e.g., enhanced pedestrian crossings) and infrastructure characteristics (e.g., pedestrian crossing distances). The amendments include criteria to prioritize improvements by mode, more clearly describe what constitutes a complete modal system (i.e., bicycle or public transportation network), and require that jurisdictions plan for networks that contain those characteristics.

Coordinated Land Use and Transportation Planning: The primary purpose of Division 12 is to coordinate land-use and transportation planning activities. CFEC has amended the division to extend and add to existing land-use requirements. Under the amended rules, jurisdictions are required to adopt land-use regulations that support development patterns that are conducive to

people traveling by means other than a single-occupancy vehicle.⁶ Under the rules, land-use regulations must meet these requirements no later than the date of adoption of a major or minor transportation system plan update; Milwaukie will therefore review and amend its ordinances as necessary through the upcoming TSP process.

Reforming Parking Regulation⁷: Division 12 has been amended to require that jurisdictions reform how parking is regulated in urban areas. A one-page summary describing the need for parking regulation reform can be found on the [DLCD CFEC website](#). Some parking rules must be adopted; for others, jurisdictions can choose between alternative approaches. For example, Milwaukie must amend its land-use regulations to allow for existing underutilized parking areas to be redeveloped for other uses, promote shared-parking agreements, adopt off-street parking maximums in pedestrian-oriented environments, and require that new development mitigate the heat-island effect when providing parking areas larger than one-quarter acre. The city must also choose one of the following options in Table 1 to implement.

Table 1: Parking Reform Options		Outcome
Option A	Remove parking mandates citywide: Milwaukie no longer mandates that minimum parking quantities be provided with new development or redevelopment.	Milwaukie removes parking mandates and adopts the parking regulation improvements described above. No further action is required.
Option B	Retain some parking mandates: If Milwaukie chooses to retain some parking mandates, the city must also adopt requirements in Tables 2 and 3.	Milwaukie continues to mandate parking in a small portion of the city and must comply with rules limiting where, when, and how parking mandates apply.

If choosing to keep some parking mandates (Option B), the city must amend its land-use regulations to comply with the following rules in Table 2. These rules have been summarized for clarity, but the full rules can be viewed in [OAR 660-012-0425 – OAR 660-012-0450](#).

⁶ Examples of required land-use regulations include pedestrian circulation requirements in commercial and mixed-use zones, building entrances that are oriented toward pedestrian facilities (as opposed to a parking lot), and development that maximizes access to adjacent public transportation stations or stops. Additionally, amendments require jurisdictions to adopt land-use regulations that promote slow traffic through neighborhoods, neighborhood block dimensions that promote pedestrian connectivity, and regulations that ensure auto-oriented uses don't preclude access to people walking, using a mobility device, or bicycling.

⁷ This section of rules also requires that cities adopt regulations to require developers of new multifamily and mixed-use buildings with more than five units to provide electrical service capacity per ORS 455.417 to accommodate 40% of all vehicle parking spaces. This topic will not be further discussed here, as it is covered extensively in a separate staff report.

NOTE: The implementation of OAR 660-012-0440, Parking Reform Near Transit Corridors (see Table 2), results in the elimination of parking mandates for approximately 80% of the city by area or 81% of tax lots in the city. In other words, if the city chooses to keep parking mandates, those mandates would only be applied to roughly one-fifth of properties. Moreover, for the 19% of properties where mandates could still apply, the rules require that the city act to either exclude additional development types or require that parking be managed and paid in some situations (see Table 3). Attachment 3 shows the tax lots where parking mandates could be enforced after January 1, 2023.

Table 2: Required Reforms Under Option B
<p>Reducing the Burden of Parking Mandates: Land-use regulations must be amended to allow builders to meet parking mandates through a variety of approaches intended to reduce climate pollution and increase transportation equity. For example, builders can reduce the number of required spaces by adding ADA-accessible spaces beyond what’s required, providing dedicated shared parking spaces, providing electric vehicle parking spaces, or providing onsite renewable energy infrastructure. Lastly, regulations must be updated to require that all parking be unbundled when builders choose to provide it with multi-family residential units located near transit corridors or within Region 2040 Centers (see definition of transit corridors below).</p>
<p>Parking Reform Near Transit Corridors: Land-use regulations must be amended to eliminate parking quantity requirements for all new development in areas within one-half mile of frequent transit corridors; the rules define this as bus service arriving with a scheduled frequency of at least four times an hour during peak service and the most frequent transit routes in the community if the scheduled frequency is at least once per hour. Parking quantity regulations must also be eliminated within three-quarters mile of rail transit stops. Jurisdictions must directly administer this administrative rule when reviewing development applications submitted after December 31, 2022. The impacted area is shown in Attachment 1.</p>
<p>Parking Reform in Climate-Friendly Areas: Land-use regulations must be amended to either remove parking mandates within Milwaukie’s Region 2040 Center or manage parking by establishing a parking management district. For Milwaukie, this requirement is inconsequential, as applying the Parking Reform Near Transit Corridors rule effectively requires that the city remove parking mandates within its Region 2040 Center.</p>
<p>Reducing Parking Mandates for Development Types: Land-use regulations must be amended so that parking is not required for affordable housing, public housing, various types of shelters, residences smaller than 750 sq ft, single-room occupancy housing, childcare facilities, and various types of group homes. Jurisdictions must directly administer this administrative rule when reviewing development applications for these uses submitted after December 31, 2022.</p>

In addition to the reforms in Table 2, if Milwaukie continues to include parking quantity mandates in its land-use ordinances, it must also implement one of the parking management

strategies shown in Table 3, the fair pricing, or the reduced regulation approach. The fair pricing approach seeks to shift the costs of building and maintaining parking onto those utilizing that parking, as opposed to all individuals accessing a development. Whereas the reduced regulation approach goes beyond the exclusions mentioned in Table 2 to exclude even more development types from parking mandates.

Table 3: Additional Required Reforms Under Option B, Parking Management Alternative Approaches	
<p>Fair Pricing (must chose 3 of 5):</p> <ul style="list-style-type: none"> • Parking spaces for multifamily developments are unbundled, meaning sold separately from the unit being rented or sold. • Parking spaces serving leased commercial developments must be unbundled. • Large employers that provide free or subsidized parking provide a flexible commute benefit for employees that regularly commute via other modes. • Commercial parking lots are taxed with revenues dedicated to improving transportation alternatives. • Reduction in parking mandates for new multifamily residential development to no higher than one-half space per unit. 	<p>Reduced Regulation (must adopt all):</p> <ul style="list-style-type: none"> • Parking must be repealed for various types of multifamily development, including group quarters, studio and one-bedroom apartments, and condominiums. • Parking mandates must be repealed for various commercial properties, including schools, bars, and commercial properties that have fewer than ten employees or less than 3,000 square feet of floor space. • Parking mandates must be repealed for buildings seeking certain types of certifications, such as LEED, a historic designation, or buildings built under the Oregon Residential Reach Code. • Parking mandates must be repealed for a change of use, redevelopment, or expansion of an existing business by less than 30%.

As stated above, the city must reform its parking regulations by June 30, 2023. The purpose of this meeting is to inform the Commission about the new requirements and share Council direction from their August 16, 2022, work session.

If the city has not adopted any parking reforms by June 30, 2023, the city will no longer be able to enforce its parking quantity mandates per OAR 660-012-012.

Key Questions

- Does the Commission concur with the majority of Council that the city should eliminate parking mandates citywide or does the Commission believe the city should continue to apply parking mandates in accordance with the new rules?

- If the city continues to mandate parking, should it analyze applying the Parking Reform Near Transit Corridors rule using walking distance—understanding that a full analysis will likely not be possible until the TSP update has concluded?
- If the city continues to mandate parking, should it continue to mandate parking in all areas allowed under the rules, or only in zones where there might be a perceived issue with future or existing parking practices?
- If the city continues to mandate parking, does the Fair Pricing or Reduced Regulations approach better align with city priorities?

NEXT STEPS

Parking Reform

- Planning Commission hearing on November 8, 2022
- City Council Hearing tentatively scheduled for January 17, 2023

Other

- Transportation System Plan Update currently underway with adoption slated for spring 2024
- Housing Capacity Analysis and Housing Production Strategy currently underway with adoption slated for Spring 2023.

ATTACHMENTS








Attachments are provided has listed below. All material is available for viewing upon request.

1. Parking Reform Near Transit Corridors Map
2. CFEC Rule Applicability and Implementation Dates
3. Tax Lots Eligible for Parking Mandates



Parking Reform Near Transit Corridors

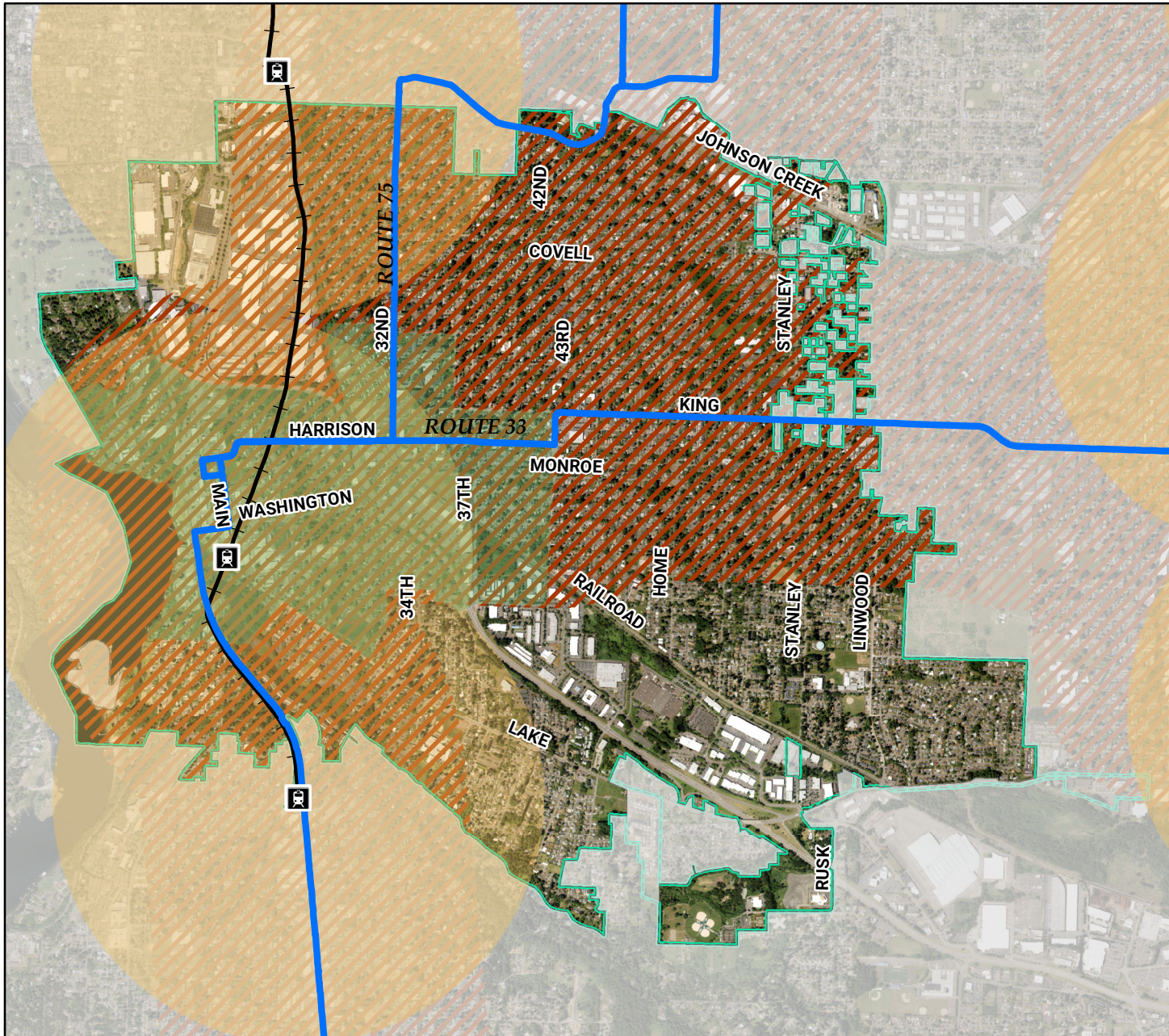
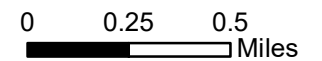
Eliminate parking quantity requirements in buffered areas per ORS 660-12-0440. Effective January 1, 2023.

-  MAX Light Rail Stop
-  Frequent Bus Service Route(s)
-  MAX Light Rail
-  City of Milwaukie Boundary
-  Region 2040 Center
-  MAX Light Rail Stop Buffer (3/4 Mile)
-  Frequent Bus Service Buffer (1/2 Mile)



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Attachment #2

ATTACHMENT 2

Key	
	Applies
	Potentially / Partially Applies
	Does not apply
	Takes effect quickly

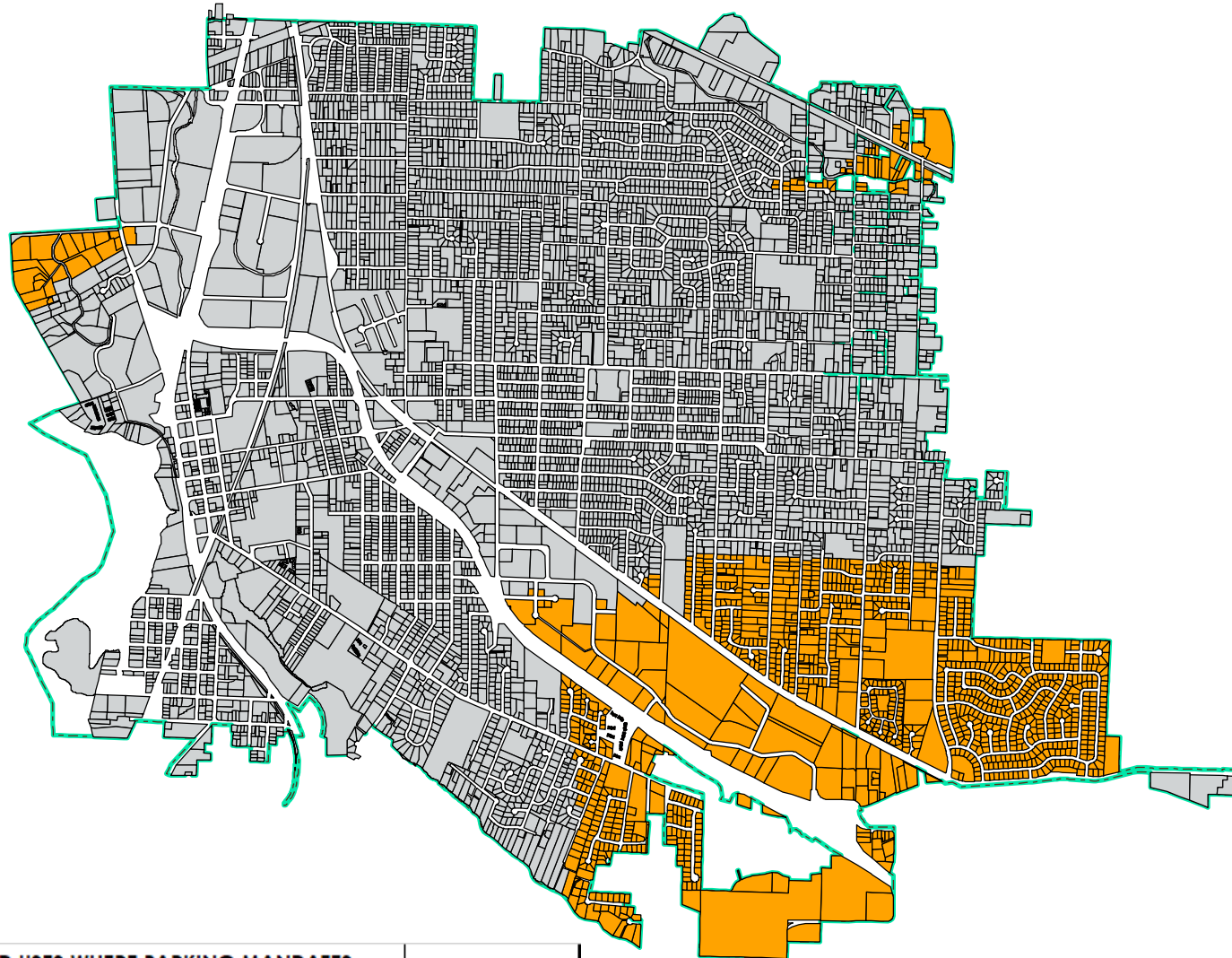
660-12-0XXX	New Rules 0100-0215: General Provisions	Applicable in Milwaukee	Required Date
100	Transportation Systems Plan in Metropolitan Areas		TSP Update
105	Transportation System Plan Updates		TSP Update
110	Transportation System Planning Area		TSP Update
115	Funding Projects		TSP Update
120	Transportation System Planning Engagement		TSP Update
125	Underserved Populations		TSP Update
130	Decision-Making with Underserved Populations		TSP Update
135	Equity Analysis		TSP Update
140	Transportation System Planning in the Portland Metropolitan Area		TSP Update
145	Transportation Options Planning		TSP Update
150	Transportation System Inventories		TSP Update
155	Prioritization Framework		TSP Update
160	Reducing Vehicle Miles Traveled		TSP Update
170	Unconstrained Project List		TSP Update
180	Financially Constrained Project List		TSP Update
190	Transportation System Refinement Plans		TSP Update
200	Temporary Projects		TSP Update
210	Transportation Modeling and Analysis		TSP Update
215	Transportation Performance Standards		TSP Update
660-12-0XXX	New Rules 0300-0360 Coordinated Land Use and Transportation Planning	Applicable in Milwaukee	Required Date
300	Coordinated Land Use and Transportation System Planning		TSP Update / March 31, 2023
310	Climate Friendly Areas		
315	Designation of Climate Friendly Areas		
320	Land Use Requirements in Climate Friendly Areas		
325	Transportation Review in Climate Friendly Areas		Jun-22
330	Land Use Requirements		TSP Update
340	Land Use Assumptions		TSP Update
350	Urban Growth Boundary Expansions		
360	Key Destinations		TSP Update
660-12-0XXX	New Rules 0400-450: Parking	Applicable in Milwaukee	Required Date
400	Parking Management		30-Jun-23
405	Parking Regulation Improvements		30-Jun-23
410	Electric Vehicle Charging		30-Jun-23
415	Parking Maximums and Evaluation in More Populous Communities		
420	Exemption for Communities without Parking Mandates		30-Jun-23
425	Reducing the Burden of Parking Mandates		30-Jun-23
430	Reduction of Parking Mandates for Development Types		31-Dec-22
435	Parking Reform in Climate Friendly Areas		30-Jun-23
440	Parking Reform Near Transit Corridors		31-Dec-22
445	Parking Management Alternative Approaches		30-Jun-23
450	Parking Management in More Populous Communities		
660-12-0XXX	New Rules 0500-520: Pedestrian System	Applicable in Milwaukee	Required Date
500	Pedestrian System Planning		TSP Update
505	Pedestrian System Inventory		TSP Update
510	Pedestrian System Requirements		TSP Update
520	Pedestrian System Projects		TSP Update
660-12-0XXX	New Rules 0600-630: Bicycle System	Applicable in Milwaukee	Required Date
600	Bicycle System Planning		TSP Update
605	Bicycle System Inventory		TSP Update
610	Bicycle System Requirements		TSP Update
620	Bicycle System Projects		TSP Update
630	Bicycle Parking		TSP Update
660-12-0XXX	New Rules 0700-720: Public Transportation System	Applicable in Milwaukee	Required Date
700	Public Transportation System Planning		TSP Update
705	Public Transportation System Inventory		TSP Update
710	Public Transportation System Requirements		TSP Update
720	Public Transportation System Projects		TSP Update
660-12-0XXX	New Rules 0800-830: Street and Highway System Planning	Applicable in Milwaukee	Required Date
800	Street and Highway System Planning		TSP Update
805	Street and Highway System Inventory		TSP Update
810	Street and Highway System Requirements		TSP Update
820	Street and Highway System Projects		TSP Update

830	Enhanced Review of Select Roadway Projects		TSP Update
660-12-0XXX	New Rules 0900-920: Reporting and Compliance	Applicable in Milwaukee	Required Date
900	Reporting		Annually, May 31
905	Land Use and Transportation Performance Measures		Annually, May 31
910	Land Use and Transportation Performance Targets		TSP Update
915	Review of Reports		
920	Compliance Hearings		



Tax Lots Eligible for Parking Mandates

Map showing tax lots where the city could still require parking, subject to certain limitations.



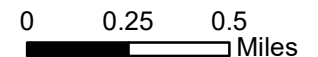
Tax Lots Eligible for parking mandates?

- No
- Yes
- City of Milwaukie Boundary



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EXISTING LAND USES WHERE PARKING MANDATES MAY APPLY*	PERCENT
COMMERICAL	3%
INDUSTRIAL	3%
MULTI-UNIT RESIDENTIAL	22%
PARKS/SCHOOLS	10%
SINGLE-UNIT RESIDENTIAL	52%
VACANT/UNDEVELOPED	10%

* Land use data from RLIS. General categories appear correct but not fully vetted on a parcel level by staff .