



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

# Application for Land Use Action

VR-2022-009;

DEV-2022-003

Primary File #: \_\_\_\_\_

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

**RESPONSIBLE PARTIES:**

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

Mailing address: 2149 SE Moores St, Milwaukie State/Zip: OR, 97222

Phone(s): 971-340-2791 Email: rick@alphastonetworks.com

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

**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

**SITE INFORMATION:**

Address: 2149 SE Moores St, Milwaukie OR 97222 Map & Tax Lot(s): 11E25BB01800

Comprehensive Plan Designation: I Zoning: I/TSA Size of property: 0.44 acres

**PROPOSAL (describe briefly):**

Alpha Stone Works needs more warehouse space to facilitate growth of the business. Proposed design does not comply with MMC 19.312.7, narrative supporting variance request is in notes below.

**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: *Rick Canfield* Date: 8/8/2022

**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](http://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-2022-009	\$ 2,000			Application materials received on 8/22/202.  Payment for VR-2022-009 received on August 24, 2022.  Payment for DEV-2022-003 received on October 3, 2022.
Concurrent application files	DEV-2022-003	\$ 1,000	25%	Multiple applications	
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,750			RECEIPT #: 24159; 24428		RCD BY: R. Dyar

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

**Neighborhood District Association(s):** None. North Milwaukie Industrial Area

**Notes:**

The applicant is proposing a warehouse addition at 2149 and 2107 SE Moores St and is requesting that the Planning Commission approve a variance to the design standards in MMC 19.312.7 to match the appearance of the existing building and because the proposed location would be towards the rear of the property and not fully visible from the ROW. The proposal would add more than 1,000 sq ft in the North Milwaukie Innovation Area (NMIA) and is therefore required to go through a Type II development review per MMC 19.906.

Alpha Stone Works  
2149 SE Moores St  
Milwaukie, OR 97222

Rick Canfield  
General Manager  
8/22/22

RE: Variance Request

To whom it may concern,

Please see below for a narrative addendum to my variance application. Milwaukie Municipal Code sections are highlighted in yellow.

#### 1. Discretionary Relief Criteria

a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The section of code I am requesting variance approval to is MMC 19.312.7. Specifically, this section of Milwaukie Municipal Code deals with requirements for ground floor building material composition, and requirements for street-facing windows and doors.

Sections of code are referenced below, followed by my analysis of impacts and benefits of the variance proposal as compared to baseline code requirements.

##### 12.312.7.A.1 (Ground-Floor and Street-facing Windows and Doors)

This code section defines standards for street-facing facades, with the observation that long expanses of blank walls have a negative impact on the neighborhood. We wholeheartedly agree with this standard when considering the overall goal of the Tacoma Station Area Plan, and for buildings constructed near the roadway/sidewalk. However, as our proposed building will be nearly 200' from the adjacent street (there is no sidewalk on Moores St), I don't believe an extension of an existing warehouse wall 190 feet back from the street will have a detrimental effect on the neighborhood. Dan, the property owner at Alpha, was involved with public hearings and helped to push through the zoning as it reads today. We are in favor of the long-term vision for the neighborhood. We look forward to the day when the site will be redeveloped and put to higher and better use than today. In the meantime, we need more warehouse space to function as a business and extending the existing warehouse façade as it sits 190 feet back from the road will not have a 'closing in' effect with negative impact from the street.

##### 12.312.7.A.1 (Design Standards for Walls)

This code section deals with construction materials for street-facing walls, again with the intent to improve and beautify the surrounding area. In subsection b., standards are set forth for

building composition, with primary materials listed as brick, masonry, stucco, concrete, and glass. These construction materials will ultimately create an inviting, modern and clean environment when the Tacoma Station Area is built out with high-density commercial and residential development. As the existing buildings sit today, Alpha has warehouse buildings constructed with standing seam/extruded metal siding. These materials are listed as Accent Materials (no greater than 10% coverage) in the code. I propose to maintain continuity with the existing construction for this expansion. Constructing with primary materials in this instance would not serve the goal of the code- beautifying the area- but would rather present an incongruous appearance and would seem visually 'off'. We are on board with beautifying the area and with the long-term goal of the zoning code. Again, Dan was instrumental with feedback with getting the zoning passed after the Max station was constructed. We need more warehouse space today, and constructing with brick or concrete to meet code requirements would not ultimately serve to meet the intent behind the code, as it would seem visually out of place. Long-term we look forward to moving the business and seeing a beautiful development take shape. In the meantime, we seek to increase our space, which will allow us to bring more of our material storage inside, having the effect of beautifying the area, and following the intent of the code.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

(1) The proposed variance avoids or minimizes impacts to surrounding properties.

Yes. We will improve parking and store more materials inside, making the property more orderly and appealing to passers-by.

(2) The proposed variance has desirable public benefits.

Yes- Alpha provides living-wage jobs, and expansion will allow us to add at least 3 jobs.

(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Yes- when construction is done, the new building section will blend in with the rest of the existing warehouse seamlessly. Long-term, the metal-framed building will be able to be deconstructed and reconstructed on new footings elsewhere, whereas a concrete or brick building would be demolished and wasted. Our current building is a specialized building with an overhead crane integrated into the structure of the building, and it can be moved and erected in a new location.

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

Yes- Alpha will improve off-street parking, bicycle parking, and will be able to bring materials currently stored outside under the roof of the new warehouse.

## Site Plan

Below is a basic site plan of the proposed building extension, showing the setback distance from the road as is relevant to the variance request.





## Street Views



As-Built. The building section facing the street with the 3 window panels and white roll-up door is the building we propose to extend.



Proposed: note the back warehouse continues to the West, or Left in this rendering.



# CITY OF MILWAUKIE

June 2, 2022

Rick Canfield  
Alpha Stone Works Inc  
2149 SE Moores St  
Milwaukie, OR 97222

**Re: Preapplication Report**

Dear Rick:

Enclosed is the Preapplication Report Summary from your meeting with the City on 05/19/2022, concerning your proposal for action on property located at 2149 SE Moores St.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Manager may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Manager may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Will First  
Administrative Specialist II



**CITY OF MILWAUKIE**  
 6101 SE Johnson Creek Blvd  
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 503.786.7600  
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 engineering@milwaukieoregon.gov

# Preapplication Conference Report

Project ID: 22-002PA

This report is provided as a follow-up to the meeting that was held on 5/19/2022 at 10:00 AM

The Milwaukie Municipal Code is available here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)

## APPLICANT AND PROJECT INFORMATION

<b>Applicant:</b>	Rick Canfield, Alpha Stone Works	<b>Applicant Role:</b> Business Owner/Partner
<b>Applicant Address:</b>	2149 SE Moores St, Milwaukie, OR 97222	
<b>Company:</b>	Alpha Stone Works	
<b>Project Name:</b>	Alpha Stone Works warehouse expansion.	
<b>Project Address:</b>	2149 SE Moores St, Milwaukie, OR 97222	<b>Zone:</b> MUTSA
<b>Project Description:</b>	Alpha Stone Works proposes to add a 40-foot by 60-foot addition to their existing steel structure.	
<b>Current Use:</b>	Construction: Contractors: Finish Carpentry Contractor (residential countertop installation).	
<b>Applicants Present:</b>	Rick Canfield	
<b>Staff Present:</b>	Ryan Dyar, Assistant Planner; Brett Kelter, Senior Planner; Jennifer Backhaus, Engineering Technician III	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory) (MMC 19.312.2)</b>	<p>In the Tacoma Station Area Mixed Use (MUTSA) zone, construction contractors and related businesses are allowed as an outright permitted use. The MUTA zone is one of two zones within the larger North Milwaukie Innovation Area. The applicant is not proposing a change in use.</p> <p>In addition to the construction contractors and related business, the properties contain a single-family residence and a salon. The single-family residence is a nonconforming use in the MUTSA Zone. A salon is considered a personal service use in MMC 19.312 and is permitted subject to the limitations in MMC19.312.4.B.2.</p>
<input checked="" type="checkbox"/>	<b>Development Standards (MMC 19.312)</b>	<p>The Alpha Stone Works use occurs on three properties: 2107 SE Moores St, 2149 SE Moores, and 2171 SE Moores St. As proposed, the development will involve two of the three properties, 2107 and 2149 SE Moores St. However, for parking purposes, the three lots function as one single property. This will be discussed further under the parking section below.</p> <p>The dimensional standards for MUTSA lots are provided in Milwaukie Municipal Code (MMC)19.312.5 and MMC 19.312.6. There are no minimum lot sizes, street-frontage</p>



		<p>standards, or lot dimensional standards in the MUTSA zone; no changes are proposed to the lot configuration.</p> <p>The minimum height for a structure is 25 ft and the maximum height is 45 ft. The plans submitted by the applicant show a 26-ft structure and therefore the proposal appears to comply with the standard.</p> <p>The maximum lot coverage is 85%. The three subject properties all currently comply with this standard. The property where the addition is proposed, 2107 SE Moores St, is well under this standard. It appears the property will continue to comply with the requirement after the addition is constructed. The MUTSA Zone also has a minimum floor area ratio (FAR) of 0.5. The property where the addition is proposed, 2107 SE Moores St, is nonconforming with this standard; however, per MMC 19.804.2, if an alteration or expansion does not extend the nonconformity and otherwise conforms to Title 19, it is allowed. Therefore, the property will not be required to meet the FAR standard through this development. The second property, 2149 SE Moores St, appears to comply with this standard and no changes are proposed to structures on the property. The third property, 2171 SE Moores St, does not appear to meet the FAR requirement but no alteration or expansion is proposed on that property.</p> <p>The property is not abutting any residentially zoned properties; therefore, no side or rear yard setbacks are required. The applicant is proposing an addition to an existing structure that is located on the rear—northern portion—of the property. The property also contains a single-family dwelling, which is located on the front—southern portion—of the property. Neither structure complies with the 10-ft maximum setback requirement in MUTSA Zone; because the property is developed with multiple structures and the proposed addition will be added to the structure that is farthest from the front property line, the maximum setback requirement will not be applied. In summary, no setback requirements will be applied to this development – except for the requirement in MMC 19.504.5 (see below). This requirement says that in situations where there is no setback required, the structure must be built either on the property line or setback three feet from the property line (i.e., not setback one foot or two feet from the property line).</p>
<input checked="" type="checkbox"/>	<b>Detailed Development Standards (MMC 19.312.6)</b>	<p>Outdoor uses shall be screened as follows:</p> <ol style="list-style-type: none"> <li>1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or using vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.</li> <li>2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area, trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.</li> <li>3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.</li> <li>4. Per MMC 19.312.5 and 19.312.6, a minimum of 15% of the lot area must be landscaped. Currently, neither property involved in this proposal meets the standard. MMC 19.804.2 allows for alterations that conform to Title 19 and do not increase or extend a non-conformity. The applicant is not proposing to remove any landscaping through this addition. Therefore, no new landscaping will be required as part of this project.</li> <li>5. If the applicant elects to construct new landscaping on their own, that new landscaping shall comply with the standards listed in MMC 19.312.6.G (1-6).</li> </ol>
<input checked="" type="checkbox"/>	<b>Design Standards for All Uses in the MUTSA (MMC 19.312.7)</b>	<p>The design standards in MMC 19.312.7.A apply to all new construction in the MUTSA zone. Therefore, the standards will apply to the addition. The standards will not apply to the existing structure, as the addition does not constitute a Major Exterior Alteration as defined in MMC 19.312.7.B</p> <p>The standards in MMC 19.312.7 include:</p> <ol style="list-style-type: none"> <li>1. Ground Floor and Street-Facing Windows and Doors Standard <ol style="list-style-type: none"> <li>a. The new addition must have either:</li> </ol> </li> </ol>

- A minimum of 30% of the ground-floor street wall area must consist of openings, i.e., windows or glazed doors; or
  - A combination of a minimum of 20% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors in addition to a living wall/green wall or art mural for the remaining area to equal the minimum 30%. A living wall or green wall is a self-sufficient vertical garden that is attached to the exterior or interior of a building.
- b. Ground-floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.
  - c. Clear glazing is required for ground-floor windows. Reflective, tinted, or opaque glazing is not permitted for windows facing streets or courtyards.
  - d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including, but not limited to, curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 50% of the window area.

2. Weather Protection

- a. All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

3. Design Standards for Walls

The following standards will be applied to the exterior street-facing wall of the addition

- a. Exterior wall-mounted mechanical equipment is prohibited.
- b. The street-facing wall of the new addition must be constructed so that it complies with the following design standards.
  - Buildings shall utilize primary materials for at least 60% of the applicable building façades.
  - Secondary materials are permitted on no greater than 40% of each applicable building façade.
  - Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents
  - Buildings shall not utilize materials listed as prohibited material.

Commercial Exterior Building Materials	
Material Type	Nonresidential and Mixed-Use
Brick	Primary Material
Stone/masonry	Primary Material
Stucco, when installed over concrete	Primary Material
Glass (transparent, spandrel)	Primary Material
Concrete (poured in place or precast)	Primary Material
Finished wood, wood veneers, and wood siding	Primary Material
Finished metal panels—such as anodized aluminum, stainless steel, or copper—featuring polished, brushed, or patina finish	Secondary Material
Concrete blocks with integral color (ground, polished, or split-face finish)	Secondary Material
Fiber-reinforced cement siding and panels	Secondary Material
Ceramic tile	Secondary Material

	Concrete blocks with integral color (glazed finish)	Accent Material
	Standing seam and corrugated metal	Accent Material
	Glass block	Accent Material
	Vegetated wall panels or trellises	Accent Material
	Vinyl Siding	Prohibited Material
	Exterior insulation finishing system (EIFS)	Prohibited Material
	Plywood paneling	Prohibited Material
	<p>4. Design Standards for Roofs</p> <p>The following standards are applicable to building roofs.</p> <ol style="list-style-type: none"> <li>Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.</li> <li>Mansard or decorative roofs on buildings less than 3 stories are prohibited.</li> </ol> <p>5. Parking, Loading, and Unloading Areas</p> <p>In the MUTSA and on NME key streets, parking, loading, and unloading areas shall be located as follows:</p> <ol style="list-style-type: none"> <li>Parking areas shall not be located in more than 50% of the front yard.</li> </ol>	

### Land Use Review Process

<input checked="" type="checkbox"/>	<b>Applications Needed or Potentially Needed</b>	<p>Development Review (Type II)</p> <p>Per MMC 19.906.2.B, new construction over 1,000 sq ft in the North Milwaukee Innovation Area must submit a development review application and are subject to Type II review. The applicant should note the review process for development review in MMC 19.906.3 and the approval criteria for development review in MMC 19.906.4. The applicant should submit a complete electronic copy of all application materials listed in MMC 19.1003.2 for the City's initial review.</p> <p>Variance (Type III)</p> <p>Per MMC 19.911.2, with a few exceptions, a variance may be requested to any standard or regulation in Title 19 of the MMC. Should the applicant decide to request a variance to the design standards for front-facing façades in MMC 19.312.7.A, a Type III variance will be required. If a variance request is submitted, a complete electronic copy of all application materials listed in MMC 19.1003.2 shall be submitted for the City's initial review. The applicant should also note the approval criteria for a Type III variance in MMC 19.911.4.B.</p>
<input checked="" type="checkbox"/>	<b>Fees</b>	<p>Development Review (Type II) = \$1,000</p> <p>Variance (Type III) = \$2,000</p> <p><u>Note:</u> For multiple applications, there is a 25% discount offered for each application fee beyond the most expensive one. In this instance, only one application is required.</p>
<input checked="" type="checkbox"/>	<b>Review Type: Type II Required Type III Possible</b>	<p>The applicant should be aware that a Type II review is processed in accordance with the procedural requirements in MMC 19.1005. Accordingly, the application will be referred to the proximate neighborhood associations and affected City departments or other governmental agencies. Public notice will be mailed to the applicant, the property owner of record of the subject property, and the owners of record of properties within 300 ft of the perimeter of the subject property. If no comments are received within 14 days from the date of referral, the City will presume that no comments will be submitted.</p>

		<p>In compliance with the provisions in ORS 197.311, the city will deem the application complete or incomplete within 30-days of receiving the application. Once deemed complete, the city has a total of 120 days to issue a notice of decision approving or denying the application. City staff aims to issue decisions much more quickly than what state law permits—typically a two-month timeframe for Type II decisions. Type II decisions are made at an administrative level by the City's Planning Manager. Once a decision has been issued, the applicant has 15 days from the date of its mailing to appeal the decision in writing before it becomes final. An appeal would be heard in a public hearing by the Planning Commission as a final decision maker.</p> <p>The applicant should note that a Type III variance application is processed in accordance with MMC 19.1006. A Type III review requires public notice and a public hearing in front of the City of Milwaukie Planning Commission. An appeal for a decision issued by the Planning Commission is heard in a public hearing by the City Council as a final decision maker.</p>
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**Overlay Zones (MMC 19.400)**

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

**Site Improvements/Site Context**

<input checked="" type="checkbox"/>	<b>Site Design Standards (MMC 19.504)</b>	<p>MMC 19.504.5 requires where a side or rear yard is not required and a structure is not to be erected at the property line, the structure shall be set back at least three feet from the property line. This means that the building may be constructed on the property line or within three feet of the property line, but not at one foot or two feet within the property line.</p> <p>The provisions in MMC 19.504.9, which regulate pedestrian circulation, do not apply in this instance, as the portion of the site where new development is occurring will not invite the public to walk and appears to most likely be used for truck loading.</p> <p>No other provisions in MMC 19.504 appear to apply.</p>
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**Parking Standards (MMC 19.600)**

<input checked="" type="checkbox"/>	<b>Vehicle Parking Quantity Requirements (MMC 19.605.1)</b>	<p>Table 19.605.1 in MMC 19.605 contains parking quantity minimum and maximum requirements based on how a property is being used. The following standards apply in this situation.</p> <p>Minimum Vehicle Parking Requirements</p> <ul style="list-style-type: none"> <li>• Manufacturing Use: 1 vehicle space per 1,000 sq ft of floor area.</li> <li>• Single-Family Dwelling Use: 1 vehicle space per residential unit.</li> <li>• Salon Use: 4 vehicle spaces per 1,000 sq ft of floor area.</li> </ul> <p>Maximum Vehicle Parking Requirements</p> <ul style="list-style-type: none"> <li>• Manufacturing Use: No maximum</li> <li>• Single-Family Dwelling Use: No Maximum</li> <li>• Salon Use: 5.4 spaces per 1,000 sq ft of floor area.</li> </ul> <p>With its current development, the three properties combined should have a minimum of 13 spaces. The maximum number of spaces devoted to the salon use may only be seven spaces. With the proposed expansion of 2,400 sq ft. on 2107 SE Moores St, two additional spaces will be required, bringing the total number of spaces required to 15, with a maximum of seven of those spaces devoted to salon use. Per MMC Table 19.605.1, there</p>
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		are no parking maximums for single-family residential or manufacturing uses. The property currently contains four striped parking spaces.
<input checked="" type="checkbox"/>	<b>Bicycle Parking Requirements (MMC 19.609)</b>	<p>MMC 19.609 includes requirements for bicycle parking.</p> <p>MMC 19.609.2 Quantity of Spaces</p> <p>A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than two spaces be provided.</p> <ul style="list-style-type: none"> <li>The number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking. There are a total of 15 vehicle parking spaces required for the three lots. Therefore, the standard that no fewer than two spaces be provided applies.</li> </ul> <p>In addition to the quantity requirements above, MMC 19.609.3 and MMC 19.609.4 lists requirements for where required bicycle parking should be located and how bicycle parking should be designed. The applicant should be aware that two bicycle parking spaces may be required depending on the development permit value (see MMC Subsection 19.605 limitations below). If bicycle parking spaces are required, they shall comply with the location and design standards.</p>
<input checked="" type="checkbox"/>	<b>Improvements to Existing Off-Street Parking and Loading Areas (MMC 19.602.5)</b>	<p>MMC 19.602.5 includes standards for improving non-conforming off-street parking and loading areas. The subsection places limitations on how much applicants should be required to spend to improve non-conforming parking situations. The subsection states that the cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.</p> <p>Within that 10% cost, the subsection includes a list of improvement priorities. The applicant should note the code section for the list of improvement priorities.</p>
<input checked="" type="checkbox"/>	<b>Parking Area Design and Landscaping (MMC 19.606)</b>	<p>MMC 19.606 contains standards for how parking areas should be designed and landscaped. This includes dimensional standards for parking spaces and aisles. As noted above, the applicant should be aware that a minimum of 15 parking spaces are required based on the existing and proposed uses on the three commonly owned subject properties. These spaces will likely be required to be striped in accordance with the dimensional standards in MMC 19.606.1. The applicant should also be aware that, depending on the development permit value of the associated development, additional design standards in MMC 19.606.3 may be applied to the required parking area.</p> <p>In addition, depending on the development permit value of the associated development, the applicant should be aware that the parking area may be required to comply with the landscaping standards in MMC 19.606.2.</p> <p>The required parking for the three commonly owned subject properties (2107, 2149, and 2171 SE Moores St) may be accommodated on 2171 SE Moores St with a shared parking agreement. This parking agreement shall be presented to the City as part of the required development review application.</p>
<b>Approval Criteria (MMC 19.900)</b>		
<input checked="" type="checkbox"/>	<b>Development Review (MMC 19.906)</b>	<p>The criteria in this subsection are the approval criteria for Type II development review applications. The criteria are based on a review of development standards throughout Title 19 Zoning. Not all the standards within the chapters listed below are applicable to a proposal, and the City will identify the applicable standards through the development review process. The standards for Type II review involve discretionary standards and/or criteria.</p> <p>A. Base zone standards in Chapter 19.300.</p> <p>B. Applicable overlay zone and special area standards in Chapter 19.400.</p> <p>C. Supplementary development regulations in Chapter 19.500.</p> <p>D. Off-street parking and loading standards and requirements in Chapter 19.600.</p>

		E. Public facility standards and requirements, including any required street improvements, in Chapter 19.700. F. Conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.
<input checked="" type="checkbox"/>	<b>Variance (MMC 19.911)</b>	A Type III variance request is subject to the approval criteria MMC 19.911.4.B
<b>Land Division (MMC Title 17)</b>		
<input type="checkbox"/>	<b>Design Standards</b>	The applicant is not requesting to divide or adjust the boundaries of the property. Title 17 is not applicable.
<input type="checkbox"/>	<b>Preliminary Plat Requirements</b>	N/A
<input type="checkbox"/>	<b>Final Plat Requirements (See Engineering Section of this Report)</b>	N/A
<b>Sign Code Compliance (MMC Title 14)</b>		
<input type="checkbox"/>	<b>Sign Requirements</b>	The applicant is not requesting to add any signs to the property.
<b>Noise (MMC Title 16)</b>		
<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>	The area where the development will occur is greater than 200 ft from McLoughlin Boulevard. The standard is not applicable.
<b>Neighborhood District Associations</b>		
<input checked="" type="checkbox"/>	Choose an item.	Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property will receive a referral and the opportunity to provide comment on the application. There are no neighborhood associations within 300 ft of the subject property.
	Choose an item.	
	Choose an item.	
<b>Other Permits/Registration</b>		
<input checked="" type="checkbox"/>	<b>Business Registration</b>	The applicant is made aware that all businesses operating within the City of Milwaukie must register their business with the City Finance Department. The City Finance Department can be reached at <a href="mailto:finance@milwaukieoregon.gov">finance@milwaukieoregon.gov</a> .
<input type="checkbox"/>	<b>Home Occupation Compliance (MMC 19.507)</b>	The property is not zoned for residential use. The standard is not applicable.
<b>Additional Planning Notes</b>		
Prior to submitting the application, particularly if it will trigger a public hearing, the applicant is encouraged to present the project at a regular meeting of the Historic Milwaukie NDA, which occurs at 6:30 p.m. on the second Monday of every month at the Libbie's Restaurant (11056 SE Main St). Contact information: <a href="https://www.milwaukieoregon.gov/citymanager/historic-milwaukie-nda">https://www.milwaukieoregon.gov/citymanager/historic-milwaukie-nda</a> .		
<b>ENGINEERING &amp; PUBLIC WORKS COMMENTS</b>		
<b>Public Facility Improvements (MMC 19.700)</b>		

<input checked="" type="checkbox"/>	<b>Applicability (MMC 19.702)</b>	Public facility improvements are required for modification or expansion of an existing structure or change or intensification in use that results in an increase in gross floor area and/or any projected increase in vehicle trips.
<input type="checkbox"/>	<b>Transportation Facilities Review (MMC 19.703)</b>	A Transportation Facilities Review (TFR) Land Use Application is not required.
<input type="checkbox"/>	<b>Transportation Impact Study (MMC 19.704)</b>	A Transportation Impact Study (TIS) is not required.
<input checked="" type="checkbox"/>	<b>Agency Notification (MMC 19.707)</b>	The City shall provide notice to the following agencies: <ol style="list-style-type: none"> <li>1. Oregon Department of Transportation (ODOT)</li> <li>2. Metro</li> <li>3. Clackamas County</li> </ol>
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	See MMC 13.32 for FILOC (Fee In Lieu of Construction) See MMC 12.24 for Clear Vision Standards The applicant is encouraged to pay a Fee In Lieu of Construction (FILOC) rather than construct frontage improvements.
<input type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	No utility upgrades are currently proposed. If the applicant chooses to install additional plumbing fixtures and/or upgrade the water meter engineering will evaluate the adequacy of existing public utilities to serve the proposed development and whether new public utilities are warranted to ensure compliance with the City's public utility requirements and standards.
<b>Flood Hazard Area (MMC 18)</b>		
<input type="checkbox"/>	<b>Development Permit (MMC 18.16.030)</b>	N/A
<input type="checkbox"/>	<b>Elevation Certificate (MMC 18.16.020)</b>	N/A
<input type="checkbox"/>	<b>Nonresidential Construction (MMC 18.20.120)</b>	N/A
<input type="checkbox"/>		
<input type="checkbox"/>		
<b>Environmental Protection (MMC 16)</b>		
<input type="checkbox"/>	<b>Weak Foundation Soils (MMC 16.16)</b>	
<input type="checkbox"/>	<b>Erosion Control (MMC 16.28)</b>	An erosion control permit will be required for disturbances of 500 sq ft or more.
<input type="checkbox"/>	<b>Tree Cutting (MMC 16.32)</b>	Any tree removed may require a permit. Please send any questions about tree removal to <a href="mailto:urbanforest@milwaukieoregon.gov">urbanforest@milwaukieoregon.gov</a> .
<b>Public Services (MMC 13)</b>		
<input checked="" type="checkbox"/>	<b>Water System (MMC 13.04)</b>	If needed, connection and/or extension of City utilities are subject to plan and application review. Any application for utility billing connection shall be made on the approved forms: <a href="https://www.milwaukieoregon.gov/building/water-connection-application">https://www.milwaukieoregon.gov/building/water-connection-application</a>

		A system development charge must be paid prior to new connections to City water.
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	If needed, connection and extension of City utilities are subject to plan and application review.  A system development charge must be paid prior to new connections or impacts due to the intensification of use of the City's sanitary sewer.
<input checked="" type="checkbox"/>	<b>Stormwater Management (MMC 13.14)</b>	Stormwater mitigation is required as part of this development. All new impervious surface over 500 sq ft must be treated such that it meets the City's National Pollutant Discharge Elimination System (NPDES) permit through the design of facilities according to the 2016 City of Portland Stormwater Management Manual. The applicant will be required to provide an infiltration test to be completed by a geotechnical engineer.  A system development charge must be paid prior to building permit issuance, and an Operations & Maintenance form must be completed, reviewed, notarized, and recorded with the Clackamas County prior to issuance of the Certificate of Occupancy.
<input checked="" type="checkbox"/>	<b>System Development Charge (MMC 13.28.040)</b>	All new development or intensification of use shall be subject to System Development Charges (SDCs).  The latest charges are determined by the Master Fee Schedule available here: <a href="https://www.milwaukieoregon.gov/finance/fees-charges">https://www.milwaukieoregon.gov/finance/fees-charges</a>  Please note that fees will increase as of July 1 <sup>st</sup> for the new fiscal year.
<input checked="" type="checkbox"/>	<b>Fee in Lieu of Construction (MMC 13.32)</b>	Per the City Engineer, the Fee In Lieu of Construction (FILOC) rate will be \$85 per linear foot. At a lot width of 75 feet, the FILOC will be \$6,375.00.

### Public Places (MMC 12)

<input type="checkbox"/>	<b>Right of Way Permit (MMC 12.08.020)</b>	A Right-of-Way Permit will be required for all frontage improvements, utility work within the right-of-way, and driveway construction.
<input type="checkbox"/>	<b>Access Requirements (MMC 12.16.040)</b>	Per MMC 12.16.040, driveways shall be constructed under a right-of-way permit in accordance with the current Milwaukie Public Works Standards
<input type="checkbox"/>	<b>Clear Vision (MMC 12.24)</b>	A clear vision area shall be maintained at all driveways and accessways.

### Additional Engineering & Public Works Notes

See SDC Estimate for fees and charges. Please note that these fees are subject to change with the new fiscal year. Applying for building permits prior to July 1<sup>st</sup> will reflect the rates currently estimated.

Parking across the street in the right-of-way will be prohibited, but the applicant is not required to bring their current compliant non-conforming driveway into current code compliance and will instead pay FILOC.

## BUILDING COMMENTS



All drawings must be submitted electronically through [www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov)

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State of Oregon 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](http://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 a 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](mailto:building@milwaukieoregon.gov).

### Additional Building Notes

All buildings must meet the minimum setbacks from all property lines or provide fire restrictive construction as per the Oregon Structural Specialty Code (OSSC). Separation between uses may be required depending on the specific use and the area involved.

### OTHER FEES

<input checked="" type="checkbox"/>	<b>Construction Excise Tax</b> Affordable Housing CET – Applies to any project with a construction value of over 100,000.	The applicant should be aware that this fee exists and may apply depending on the construction value. <b>Calculation:</b> Valuation *12% (.12)
<input checked="" type="checkbox"/>	<b>Metro Excise Tax</b> Metro – Applies to any project with a construction value of over \$100,000.	The applicant should be aware that this fee exists and may apply depending on the construction value. <b>Calculation:</b> Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	<b>School Excise Tax</b> School CET – Applies to any new square footage.	<b>Calculation:</b> Commercial = \$0.69 a square foot, Residential = \$1.39 a square foot (not including garages)

### FIRE DISTRICT COMMENTS

Clackamas County Fire District #1 did not comment. Please contact Shawn Olson at [shawn.olson@ClackamasFire.com](mailto:shawn.olson@ClackamasFire.com) with questions.

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

### Arts Tax

<input type="checkbox"/>	<b>Neighborhood Office Permit</b>	
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### Other Right-of-Way Permits

<input type="checkbox"/>	<b>Major:</b>	
<input type="checkbox"/>	<b>Minor:</b>	
<input type="checkbox"/>	<b>Painted Intersection Program Permits:</b>	
<input type="checkbox"/>	<b>artMOB Application</b>	
<input type="checkbox"/>	<b>Traffic Control Plan (Engineering)</b>	
<input type="checkbox"/>	<b>Parklet:</b>	
<input type="checkbox"/>	<b>Parklet Application/ Planning Approval</b>	
<input type="checkbox"/>	<b>Engineering Approval</b>	
<input type="checkbox"/>	<b>Building Approval</b>	
<input type="checkbox"/>	<b>Sidewalk Café:</b>	

### Infrastructure/Utilities

**Applicant must communicate directly with utility providers. These may include the following:**

- 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"/>	<b>Enterprise Zone:</b>	
<input type="checkbox"/>	<b>Vertical Housing Tax Credit:</b>	
<input type="checkbox"/>	<b>New Market Tax Credits:</b>	
<input type="checkbox"/>	<b>Housing Resources:</b>	

**PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE**

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**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**

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**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 Koliass	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

**CLACKAMAS FIRE DISTRICT**

Shawn Olson	Fire Marshal	503-655-8211
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Permit Record: 22-002PA

SDCs

Street Address: 2149 SE Moores

Prepared By: JMB

Date: 6/1/2022

SDC	Reimbursement	Improvement	Administration	Total
Parks	\$ 189.47	\$ -	\$ -	\$ 189.47
Transportation	\$ 173.66	\$ 3,457.20	\$ -	\$ 3,630.86
Storm Drainage	\$ -	\$ 880.71	\$ -	\$ 880.71
Water	\$ -	\$ -	\$ -	\$ -
Sewer	\$ -	\$ -	\$ -	\$ -
Water Meter Set Fee	\$ -	\$ -	\$ -	\$ -
Review Fee	\$ -	\$ -	\$ -	\$ -
Wastewater Treatment	\$ 10,255.56	\$ -	\$ -	\$ 10,255.56
			Total	\$ 14,956.61

Fees subject to change until final plans and permit issuance