



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

# Application for Land Use Action

Primary File #: **WG-2023-001;**  
**DEV-2023-004; LC-2023-001**

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Amendment to Maps and/or<br><input type="checkbox"/> Comprehensive Plan Map Amendment<br><input type="checkbox"/> Zoning Text Amendment<br><input type="checkbox"/> Zoning Map Amendment   | <input type="checkbox"/> Land Division:<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Property Line Adjustment<br><input type="checkbox"/> Replat<br><input type="checkbox"/> Subdivision   | <input type="checkbox"/> Residential Dwelling:<br><input type="checkbox"/> Manufactured Dwelling Park<br><input type="checkbox"/> Temporary Dwelling Unit  |
| <input type="checkbox"/> Code Interpretation<br><input type="checkbox"/> Community Service Use<br><input checked="" type="checkbox"/> Conditional Use<br><input type="checkbox"/> Development Review<br><input type="checkbox"/> Director Determination<br><input type="checkbox"/> Downtown Design Review<br><input type="checkbox"/> Extension to Expiring Approval<br><input type="checkbox"/> Historic Resource:<br><input type="checkbox"/> Alteration<br><input type="checkbox"/> Demolition<br><input type="checkbox"/> Status Designation<br><input type="checkbox"/> Status Deletion | <input type="checkbox"/> Miscellaneous:<br><input type="checkbox"/> Barbed Wire Fencing<br><input type="checkbox"/> Mixed Use Overlay Review<br><input type="checkbox"/> Modification to Existing Approval<br><input type="checkbox"/> Natural Resource Review**<br><input type="checkbox"/> Nonconforming Use Alteration<br><input type="checkbox"/> Parking:<br><input type="checkbox"/> Quantity Determination<br><input type="checkbox"/> Quantity Modification<br><input type="checkbox"/> Shared Parking<br><input type="checkbox"/> Structured Parking<br><input type="checkbox"/> Planned Development | <input type="checkbox"/> Transportation Facilities Review**<br><input type="checkbox"/> Variance:<br><input type="checkbox"/> Use Exception<br><input type="checkbox"/> Variance<br><input checked="" type="checkbox"/> Willamette Greenway Review<br><input checked="" type="checkbox"/> Other: <u>Multi-Unit Design Review and Lot Consolidation</u> |
- Use separate application forms for:**
- 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): Mark Maelden

Mailing address: PO Box 96068 Portland State/Zip: OR 97296

Phone(s): \_\_\_\_\_ Email: \_\_\_\_\_

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

**APPLICANT'S REPRESENTATIVE** (if different than above): Architect: Studio 3 Architecture Land Use: BRAND Land Use

Mailing address: (BRAND) 12150 Jefferson Highway 99E SE Jefferson State/Zip: OR 97352

Phone(s): (BRAND) 503-680-0949 Email: britany@brandlanduse.com

**SITE INFORMATION:**

Address: 1600 Lava Dr, Milwukie, OR 97222 Map & Tax Lot(s): 11E35AB00100 and 502

Comprehensive Plan Designation: HDR Zoning: R-2 Size of property: .23 and .20 acres

**PROPOSAL (describe briefly):**

13-unit multifamily housing development and related site improvements including off street parking, trash enclosure, and landscaping.

**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: [Signature] Date: 6-1-23

**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 (after discount, if any)	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	WG-2023-001	\$ 2,000			
Concurrent application files	DEV-2023-004	\$ 750	25%		
	LC-2023-001	\$ 150	25%		
		\$			
		\$			
Deposit (NR/TFR only)		2,900		<input type="checkbox"/> Deposit Authorization Form received	

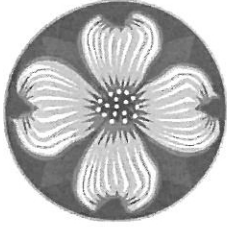
TOTAL AMOUNT RECEIVED: \$ \_\_\_\_\_ RECEIPT #: \_\_\_\_\_ RCD BY: \_\_\_\_\_

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

Neighborhood District Association(s): **Historic Milwaukie**

Notes:





**MILWAUKIE PLANNING**  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503-786-7630  
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# Submittal Requirements

**For all Land Use Applications  
(except Annexations and Development Review)**

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov) for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.  
*Applications without the required application forms and fees will not be accepted.*
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.  
*Where written authorization is required, applications without written authorization will not be accepted.*
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.  
*Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.*
4. **Detailed statement** that demonstrates how the proposal meets the following:
  - A. All applicable development standards (listed below):
    1. **Base zone standards** in Chapter 19.300.
    2. **Overlay zone standards** in Chapter 19.400.
    3. **Supplementary development regulations** in Chapter 19.500.
    4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
    5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
  - B. All applicable application-specific approval criteria (check with staff).
  - C. Compliance with the Tree Code (MMC 16.32): [www.milwaukieoregon.gov/trees](http://www.milwaukieoregon.gov/trees)  
*These standards can be found in the MMC, here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)*
5. **Site plan(s), preliminary plat, or final plat** as appropriate.  
*See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.*
6. **Copy of valid preapplication conference report**, when a conference was required.

**APPLICATION PREPARATION REQUIREMENTS:**

- Electronic copies of all application materials are required at the time of submittal.

**ADDITIONAL INFORMATION:**

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: [www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association](http://www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association).
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

As the authorized applicant I, (print name) Mark Maelden, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

6-1-23

**Official Use Only**

Date Received (date stamp below):

Received by: \_\_\_\_\_



# Conditional Use Permit, Lot Consolidation, and Site Development Review

Submittal Date: July 2023

Submitted To: City of Milwaukie  
Planning Department

Project Location: 1600 SE Lava Drive  
Milwaukie, OR

Applicant(s): WDC Properties  
Owner

Applicant's Land Use Representative: Britany Randall of BRAND Land Use  
Britany@brandlanduse.com



# BRAND

FEASIBILITY | PLANNING | LAND USE

BRANDLANDUSE.COM

503.680.0949

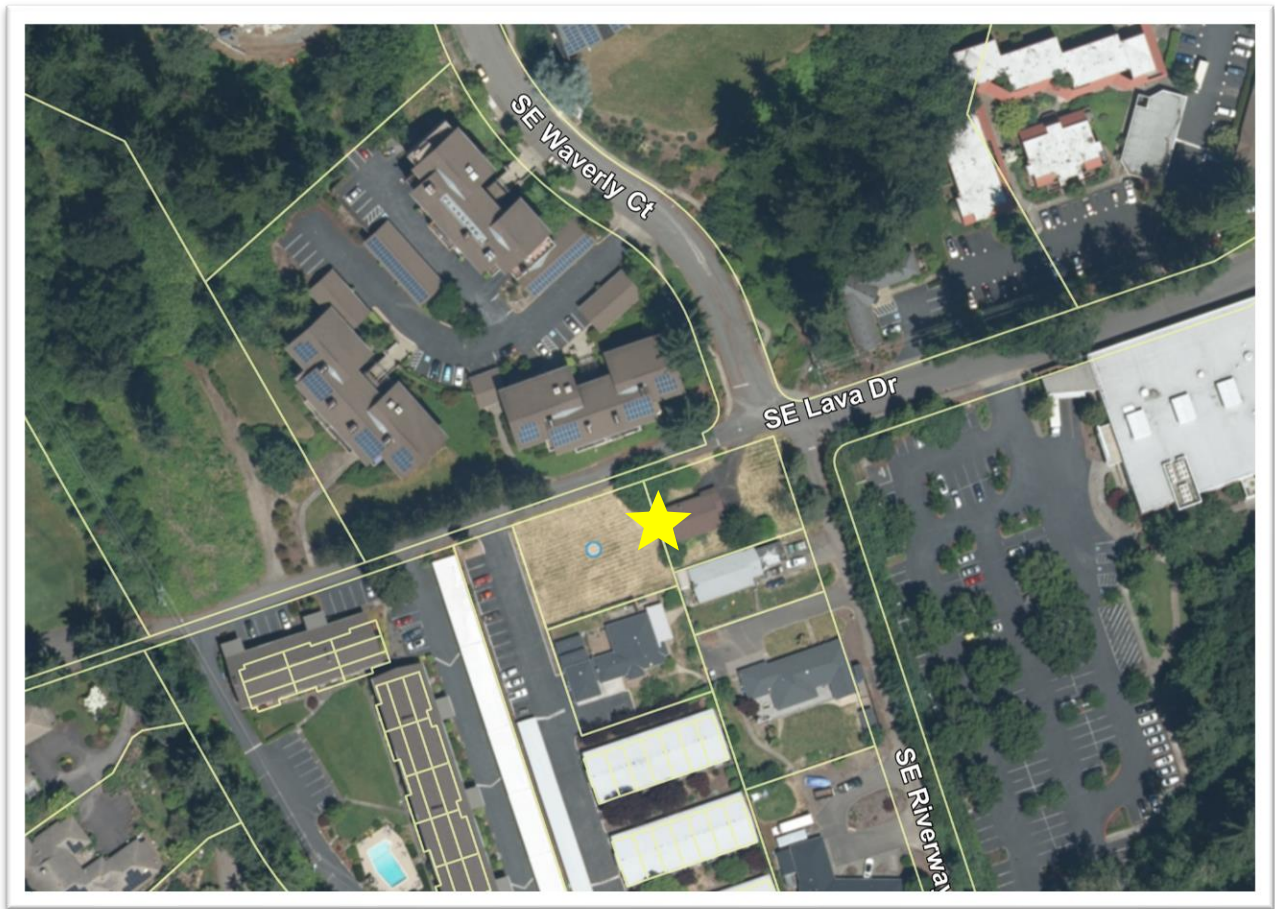
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### Arial View of Subject Property and Existing Development



### Section 1: Property Background and Request

The applicant, and property owner, is presenting the following applications required to permit the proposed 13-unit multifamily development: Willamette Greenway Conditional Use Permit (Type III), Lot Consolidation (Type I), and Multi-Unit Design Review with design guidelines (Type II).

The subject property is located at 1600 SE Lava Drive in Milwaukie, Oregon. The subject site was previously developed with a single-family dwelling, which is planned to be replaced with a 13-unit multifamily development and onsite improvements included within this application submittal. The subject property is comprised of two tax lots approximately .43-acres in size total and falls within the HDR (High Density Residential) base zone and the Willamette Greenway Overlay Zone. This application is intended to be a consolidated review of the included applications. The applicant understands the submittal will be reviewed utilizing Type III procedures because a conditional use permit is required.

## Section 2: Existing Conditions

The subject property is comprised of two tax lots approximately .43-acres in size total, is described as Clackamas County Assessor Map and Tax Lot and Parcel Numbers 11E35AB00100 00018439 and 11E35AB00502 00018484, and located at 1600 SE Lava Dr, Milwaukie, OR 97222. A Clackamas County tax map is included within the exhibits of this narrative.

The site is located within corporate city limits of the City of Milwaukie. The Milwaukie Comprehensive Plan map designates the subject property as “High Density”.

The Comprehensive Plan designations of surrounding properties include:

North: Across SE Lava Drive, HD “High Density”

South: HD “High Density”

East: Across SE River Lane (Private), TC “Town Center”

West: HD “High Density”

The subject property is zoned R-HD (High Density Residential) and falls within the Willamette Greenway overlay zone. Surrounding properties are zoned as follows:

North: Across SE Lava Drive, R-HD (High Density Residential), Willamette Greenway overlay

South: R-HD (High Density Residential), Willamette Greenway overlay

East: Across SE River Lane (Private), Commercial GMU

West: R-HD (High Density Residential), Willamette Greenway overlay

## Section 3: Applicable Zoning Codes

### **Title 16 Environment**

#### **Chapter 16.28 Erosion Control**



*16.28.010 General Policy*

*16.28.020 Erosion Control Permit and Erosion Control Plans – Applicability – Conformance*

*16.28.030 Contents of Erosion Control Plan and General Requirements*

**Chapter 16.32 Tree Code**

*16.32.005 Purpose*

*16.32.017 Tree Planting on Land Owned or Maintained by the City and Within the Public Right-of-Way*

*16.32.021 Dead or Diseased Tree Removal on Private Land*

*16.32.042 Tree Preservation and Planting in Residential Zones*

**Title 17 Land Division**

**Chapter 17.12 Application Procedure and Approval Criteria**

*17.12.010 Purpose*

*17.12.020 Application Procedure*

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

**Chapter 17.16 Application Requirements and Procedures**

*17.16.010 Application Required*

*17.16.020 Determination of Completeness*

*17.16.030 Waiver of Submission Requirements*

*17.16.040 Lot Consolidation and Property Line Adjustment*

**Chapter 17.28 Design Standards**

*17.28.030 Easements*

**Title 19 Zoning**

**Chapter 19.100 Introductory Provisions**

*19.103 – Applicability*

**Chapter 19.200 Definitions and Measurements**

*19.202 Measurements*

*19.202.4 Density Calculations*

## **Chapter 19.300 Base Zones**

### *19.302 High Density Residential Zone*

#### *19.302.1 Purpose*

#### *19.302.2 Allowed Uses in the High-Density Residential Zone*

#### *19.302.3 Use Limitations and Restrictions*

#### *19.302.4 Development Standards*

#### *19.302.5 Additional Development Standards*

## **Chapter 19.400 Overlay Zones and Special Areas**

### *19.401 Willamette Greenway Zone WG*

#### *19.401.1 Purpose*

#### *19.401.2 Area Defined*

#### *19.401.3 Limitations on Use*

#### *19.401.4 Definitions*

#### *19.401.5 Procedures*

#### *19.401.6 Criteria*

## **Chapter 19.500 Supplementary Development Regulations**

### *19.504 Site Design Standards*

#### *19.504.1 Clear Vision Areas*

#### *19.504.2 Maintenance of Minimum Ordinance Requirements*

#### *19.504.3 Dual Use of Required Open Space*

#### *19.504.4 Distance from Property Line*

#### *19.504.6 Minimum Vegetation*

### *19.505 Building Design Standards*

#### *19.505.3 Multi-Unit Housing*

## **Chapter 19.600 Off-Street Parking and Loading**

### *19.601 Purpose*



*19.602 Applicability*

*19.602.1 General Applicability*

*19.602.2 Maintenance Applicability*

*19.602.3 Applicability for Development and Change in Use Activity*

*19.602.4 Applicability not Associated With Development or Change in Use*

*19.602.5 Improvements to Existing Off-Street Parking and Loading Areas*

*19.603 Review Process and Submittal Requirements*

*19.603.1 Review Process*

*19.603.2 Submittal Requirements*

*19.604 General Parking Standards*

*19.604.1 Parking Provided with Development Activity*

*19.604.2 Parking Area Location*

*19.604.3 Use of Parking Areas*

*19.604.4 Storage Prohibited*

*19.605 Vehicle Parking Quantity Requirements*

*19.605.1 Minimum and Maximum Requirements*

*19.605.5 Electric Vehicle (EV) Charging Requirements*

*19.606 Parking Area Design and Landscaping*

*19.606.1 Parking Space and Aisle Dimensions*

*19.606.2 Landscaping*

*19.606.3 Additional Design Standards*

*19.608 Loading*

*19.608.2. Number of Loading Spaces*

*19.609 Bicycle Parking*

*19.609.1 Applicability*

*19.609.2 Quantity of Spaces*

*19.609.3 Space Standards and Racks*

*19.609.4 Location*

*19.610 Carpool and Vanpool Parking*

*19.610.1 Applicability*

## **Chapter 19.700 Public Facility Improvements**

*19.701 Purpose*

*19.701.1 For Transportation Facilities*

*19.701.2 For Public Facilities*

*19.702 Applicability*

*19.702.1 General*

*19.702.4 Exemptions*

*19.703 Review Process*

*19.703.1 Preapplication Conference*

*19.703.2 Application Submittal*

*19.703.3 Approval Criteria*

*19.709.2 Public Utility Improvements*

*19.709.3 Design Standards*

*19.709.4 Oversizing*

*19.709.5 Monitoring*

## **Chapter 19.900 Land Use Applications**

*19.905 Conditional Uses*

*19.905.1 Purpose*

*19.905.2 Applicability*

*19.905.3 Review Process*

*19.905.4 Approval Criteria*

*19.905.5 Conditions of Approval*

19.905.6 Conditional Use Permit

19.905.7 Review of Existing Conditional Use Permits

19.905.8 De Facto Conditional Use Status and Loss of Conditional Use Status

19.905.9 Standards Governing Conditional Uses

19.906 Development Review

19.906.1 Purpose

19.906.2 Applicability

19.906.3 Review Process

19.906.4 Approval Criteria

## Section 4: Findings Applicable to Title 16 Environment

Chapter 16.28 – Erosion Control

Section 16.28.010 – General Policy

- A. The policies of this chapter shall apply during construction and until permanent measures are in place following construction as described herein, unless otherwise noted.

***Applicant's Findings:*** *The applicant understands the provisions of this section are applicable during the construction phase of this project. At this time, these criteria are not applicable as the project is within the entitlement phase. These criteria will be followed during the construction phase.*

Section 16.28.020 – Erosion Control Permit and Erosion Control Plans – Applicability – Conformance

- A. Definitions.

“Erosion control permit” means the official approval issued by the City that demonstrates compliance with this chapter for activities described in the application form, erosion control plan, and related materials submitted pursuant to this chapter.

“Erosion control plan” means all documents, maps, plans and other information specified in Section 16.28.030 and submitted in association with an application for an erosion control permit.

- B. An erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

***Applicant's Findings:*** *The applicant is seeking approval of a conditional use permit to build a 13-unit multiple family development within the Willamette Greenway area. The applicant's submittal includes grading and erosion control plans prepared by a civil engineer. The plans provided meet the requirements of Section 16.28.030. This criterion is met.*

C. An erosion control permit is required as follows:

1. Prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding 500 square feet.
2. For disturbed areas or exposed soils less than 500 square feet, where the City has determined that site conditions may result in visible and measurable erosion and where the City has provided written notice of the requirement to obtain an erosion control permit to the property owner. Upon notice by the City, all work shall cease pending approval of an erosion control permit and installation of approved erosion control measures.
3. For any lot that includes natural resources regulated by Milwaukie Zoning Ordinance Section 19.402 Natural Resources, an erosion control permit shall be required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which has the potential for, or results in visible and measurable erosion, regardless of the area of disturbance.

***Applicant's Findings:*** *At the time of construction, the applicant's construction contractor will engage in activities which trigger the requirement of an erosion control permit. Approval of such permit will be submitted to the City of Milwaukie concurrently with building permit applications in accordance with these provisions. These criteria will be met. As required by this section, no work will commence on site prior to obtaining proper city approvals.*

D. An erosion control permit shall not be issued for activities on lots that include natural resources regulated by Section 19.402, where the site activity has not been authorized, or is not exempt under the provisions of Milwaukie Zoning Ordinance Section 19.402 Natural Resources as determined by the Planning Director. This provision does not apply where the erosion control permit is associated with correction of a violation of the City Code or as necessary for public safety, or the protection of property or water quality.

***Applicant's Findings:*** *The subject site does not contain any natural resources regulated by Section 19.402. This criterion is not applicable.*

E. Timing



Approval of the erosion control permit is required prior to the following, whichever comes first:

1. Issuance of grading permits, building permits, and approval of construction plans for subdivision; or
2. Placement of fill, site clearing, land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which disturbs or exposes soil.

***Applicant's Findings:*** *The development under review in this application will trigger subsection (2) above. The applicant's engineer will submit for approval the erosion control permit at the time of building permit. However, preliminary grading, drainage, and erosion control plans are provided at this stage for staff's initial review and comments for land use approval. This criterion will be met.*

- F. Erosion control measures set forth in any approved erosion control plan shall be implemented and maintained on the site until the date set forth in the plan, or the amended date as necessary for the establishment of final landscaping. The City may allow for the removal of erosion control measures at an earlier date if erosion control is assured by established landscaping.

***Applicant's Findings:*** *The applicant understands any measures set forth in the approved erosion control plan must be maintained on site until the conclusion of the permit or establishment of landscaping. This criterion will be met.*

#### [Chapter 16.32 – Tree Code](#) [Section 16.32.005 – Purpose](#)

The purpose of this chapter is to establish processes and standards that ensure the City maximizes the environmental, economic, health, community, and aesthetic benefits provided by its urban forest. It is the intent of this code to establish, maintain, and increase the quantity and quality of tree cover in residential zones and on land owned or maintained by the City and within rights-of-way, and to ensure our urban forest is healthy, abundant, and climate resilient.

This code is designed to:

1. Foster urban forest growth to achieve 40% canopy coverage by 2040.
2. Maintain trees in a healthy condition through best management practices.
3. Manage the urban forest for a diversity of tree ages and species.
4. Manage street trees appropriately to maximize benefits and minimize hazards and conflicts with infrastructure.
5. Ensure the preservation and planting of tree canopy with development and redevelopment of housing in residential zones.

6. Regulate the removal, replanting, and management of trees prior to and following development and redevelopment in residential zones.
7. Implement applicable urban forest goals, policies, objectives, and action items in the Comprehensive Plan, Climate Action Plan, and Urban Forest Management Plan.

***Applicant's Findings:*** *The applicant understands the purpose of the city's tree code ordinance and has provided responses to all applicable criteria below.*

#### Section 16.32.017 – Tree Planting on Land Owned or Maintained by the City and Within the Public Right-of-Way

##### A. Species

Any tree, shrub, or other woody vegetation to be planted on land owned or maintained by the City or within the public right-of-way must be a species listed on the Street Tree List unless otherwise approved by the Urban Forester.

***Applicant's Findings:*** *As indicated on the preliminary landscape plan included with this application submittal, street trees along the property frontage are proposed to the maximum extent feasible. The trees proposed on the plan are from the list of approved species on the Street Tree List. This criterion is met.*

##### B. Spacing, Size and Placement

The spacing, size, and placement of street trees, shrubs, and other woody vegetation must be in accordance with a permit issued by the City under this section. The City may approve special plantings designed or approved by a landscape architect, or for ecological restoration projects where trees are likely to be planted at a much higher density to mimic natural conditions in forest regeneration and account for expected mortality.

***Applicant's Findings:*** *The applicant has retained a landscape architect to design the landscape to be installed on site and within the public right-of-way. The landscape architect has indicated spacing, size, and placement of the proposed street trees. The preliminary landscape plan is designed utilizing the industry best practices to ensure the installed landscape will thrive. The preliminary landscape plan is included with this application submittal, so the applicant is able to obtain a permit in accordance with this section. This criterion will be met.*

##### C. Permit

No person may plant a street tree without first obtaining a permit from the City. A permit application must be submitted in writing or electronically on a form provided by the City. This permit is at no cost.

***Applicant's Findings:*** None of the proposed street trees will be installed prior to obtaining city approval in accordance with this section. This criterion will be met.

## Section 16.32.042 – Tree Preservation and Planting in Residential Zones

### A. Applicability

The tree preservation and planting standards in this subsection apply to the following types of development in residential zones:

1. Land divisions.
2. Construction of a new residential dwelling unit that results in an increase of building footprint.
3. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.

***Applicant's Findings:*** The proposed development triggers the applicability of the tree preservation and planting requirements as the applicant is proposing construction of new residential dwelling units and there are three existing trees on the development site. Tree #1 is 24" DBH and identified as a maple tree. Tree #2 is 9" DBH and identified as a birch tree. Tree #3 is 40" DBH and identified as a cherry tree. Due to their condition and locations relative to the construction improvements required for public frontage and on site, all three existing trees are proposed to be removed. The applicant includes findings for all applicable criteria demonstrating compliance.

### B. Clear and Objective Tree Preservation Standards

Trees are required to be preserved except when their removal is required for construction, demolition, grading, utilities, and other development impacts. Not more than 25% of on-site existing tree canopy may be removed below the overall 40% site canopy coverage standard unless mitigation is provided according to Subsection 16.32.042.D. Tree species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List are not to be included in the total canopy coverage calculations. Public right-of-way is not considered part of the development site for the purposes of these calculations.

Trees listed on the City of Milwaukie Rare or Threatened Tree List must be prioritized for preservation and will incur an additional fee if removed as listed on the Master Fee Schedule. When the trunk of a tree crosses a property line at ground level it is considered an on-site tree for the purposes of these tree preservation standards.

Healthy trees with DBH of 12 inches or greater may receive additional canopy credits for existing tree crown area to be factored into preservation calculations as defined in the Master Fee Schedule.

***Applicant's Findings:*** As demonstrated on the existing conditions plan/grading plan included with this application submittal, there are three existing trees on the development site. Tree #1 is 24" DBH and identified as a maple tree. Tree #2 is 9" DBH and identified as a birch tree. Tree #3 is 40" DBH and identified as a cherry tree. Due to their condition and locations relative to the construction improvements required for public frontage and on site, all three existing trees are proposed to be removed. The site is planned to be replanted with 28 trees between trees proposed to be street trees and trees on site. None of the trees planned to be removed are listed on the City of Milwaukie Rare or Threatened Tree List. The mitigation the applicant will choose to proceed with is a fee payable to the city's tree fund. With the mitigation proposed, this criterion is met.

### C. Clear and Objective Tree Planting Standards

40% canopy coverage is the standard site canopy coverage for residential developed lots. In addition to the preservation of on-site trees, at least 40% tree canopy is required for a development site from existing trees or new tree plantings unless mitigation is provided according to Subsection 16.32.042.D. Public right-of-way will be considered off-site for the purpose of these planting standard calculations. Tree species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List are not to be included in the total canopy coverage calculations. The following is eligible for credit towards tree canopy requirements when planted or preserved in accordance with City of Milwaukie standards:

1. 75% of the mature crown area of planted on-site trees.
2. 50% of the mature crown area of planted street trees in the public right-of-way directly abutting the development site.
3. 100% of the existing crown area or mature crown area of on-site trees that are preserved, whichever is greater. In cases where a portion of the crown area of on-site trees extends off site, the entire crown area is eligible for credit towards the tree canopy requirements. In cases where a portion of the crown area of off-site trees extends on site, the crown area is not eligible for credit towards the tree canopy requirements. Healthy trees with DBH of 12 inches or greater may receive additional canopy credits for existing or future mature crown area to be factored into preservation calculations as defined in the Master Fee Schedule.
4. 50% of the existing crown area of street trees that are preserved in the public right-of-way directly abutting the development site.

When the trunk of a tree crosses a property line at ground level it is considered an on-site tree except when the trunk crosses a public right-of-way line at ground level, it is considered a street tree for the purposes of these tree planting standards.



***Applicant's Findings:*** *The applicant retained a landscape architect to prepare a tree planting schedule in accordance with the requirements of this section. The preliminary landscape plan with proposed trees, their species, and location, is included within the exhibits of this submittal for review and approval by city staff. These criteria are met.*

#### D. Mitigation Standards

If the tree preservation and/or tree planting standards are not met, mitigation fees must be provided to the Tree Fund as follows:

1. The fee in lieu of preservation standard in the Master Fee Schedule based on the percentage of removed canopy coverage below the minimum tree canopy preservation standard as defined in Subsection 16.32.042.B.
2. The fee in lieu of planting standard in the Master Fee Schedule based on the square footage of tree crown area that would be required to meet the 40% tree planting standard.

***Applicant's Findings:*** *The applicant will work with an arborist to determine the fee based on the percentage of removed canopy coverage. The information produced by the arborist will be submitted to the city for review and approval. This criterion will be met.*

#### E. Variance Procedure

***Applicant's Findings:*** *The applicant is choosing to pay the fee in lieu of preservation standard rather than seeking a variance to this standard. The criteria in this section are not applicable.*

#### F. Tree Protection Standards

***Applicant's Findings:*** *The applicant is proposing to remove the three trees present on the development site due to their condition and location to relative frontage improvements and on site construction activities. The applicant is choosing to pay the fee in lieu of preserving the trees, therefore the provisions regarding tree protection standards are not applicable to this application.*

#### G. Soil Volume Standards

Trees to be planted must be provided access to at least 1,000 cubic feet of soil volume according to the standards in this subsection to be eligible for tree canopy credit. A soil volume plan by an ISA certified arborist is required that demonstrates 1,000 cubic feet of soil volume is available per tree as determined by the Urban Forester or designee. Soil volume methods and specifications must be consistent with ISA best management practices using either the prescriptive path or performance path soil volume methods. The project arborist must verify with the Urban Forester in writing that the soil volume plan has been successfully implemented prior to tree planting.

## 1. Prescriptive Path for Soil Volume

- a. If the existing soils at the site and abutting sites are determined by the project arborist or Urban Forester to be adequate to support healthy tree growth to maturity based on factors, including, but not limited to, compaction levels, drainage, fertility, pH, and potential contaminants, the existing soils may be used to meet the soil volume requirements.
- b. The assumed soil depth will be 3 feet unless otherwise determined by the project arborist or Urban Forester.
- c. A soil volume area of at least 333 square feet must be accessible to each tree when the assumed soil volume depth is 3 feet.
- d. The soil volume areas must be continuous and within a 50-foot radius of the tree to be planted. Continuous soil volumes must be at least 3 feet wide for the entire area.
- e. Trees may share the same soil volume area provided that all spacing requirements are met.
- f. Soil volume areas must be protected from construction impacts through any combination of the following methods:
  - (1) Protection fencing:
    - (a) Fencing consisting of a minimum 4-foot high metal chain link or no-climb horse fence, secured with 6-foot metal posts established at the edge of the soil volume area on the development site. Existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.
    - (b) When a soil volume area extends beyond the development site, protection fencing is not required to extend beyond the development site. Existing secured fencing at least 3.5 feet tall can serve as the required protective fencing.
    - (c) Signage designating the protection zone and penalties for violations must be secured in a prominent location on each protection fence.
  - (2) Compaction prevention options for encroachment into soil volume areas:
    - (a) Steel plates placed over the soil volume area.
    - (b) A 12-inch layer of coarse wood chips over geotextile fabric continuously maintained over the soil volume area.
    - (c) A 6-inch layer of crushed gravel over geotextile fabric continuously maintained over the soil volume area.
- g. Soil contaminants are prohibited from the soil volume areas.

## 2. Performance Path for Soil Volume

- a. If the existing soils at the site and abutting sites are determined by the Urban Forester to be inadequate to support healthy tree growth to maturity based on factors such as compaction levels, drainage, fertility, pH, and potential contamination prior to or resulting from development, a performance path soil volume plan is required.
- b. Soils in areas of construction access that do not receive compaction prevention treatment and soils in areas of grading, paving, and construction are considered inadequate for tree growth unless a performance path soil volume plan is provided.
- c. The performance path soil volume plan is required to demonstrate the methods that will be used to provide at least 1,000 cubic feet of soil volume with the capacity to support healthy growth to maturity per tree to be planted.
- d. The soil volume areas must be continuous and within a 50-foot radius of the tree to be planted. Continuous soil volumes must be at least 3 feet wide for the entire area.
- e. Trees may share the same soil volume area provided that all spacing requirements are met.
- f. The following items may be addressed in performance path soil volume plans but are dependent on specific site conditions and should be submitted by the applicant on a project basis in coordination with other professionals such as civil and geotechnical engineers, landscape architects, and soil scientists as needed:
  - (1) Compaction Reduction
    - (a) tilling,
    - (b) backhoe turning,
    - (c) subsoiling;
  - (2) Soil Amendments
    - (a) organic amendments,
    - (b) mineral amendments,
    - (c) biological amendments,
    - (d) chemical amendments;
  - (3) Topsoil Replacement (when soil contamination or soil removal occurs);
  - (4) Soil Under Pavement
    - (a) structural soil cells,
    - (b) structural tree soils,
    - (c) soil vaults,
    - (d) soils under suspended pavement.

***Applicant's Findings:*** *The soil volume standards will be confirmed cooperatively by the applicant's arborist and landscape architect. The applicant is currently engaging with an arborist and will submit all required information to the city for review and approval. These criteria will be met.*

#### H. Submittal Requirements

For applications for construction of a new residential dwelling unit that does not result in an expansion of building footprint (Subsection 16.32.042.A.3), applicants must demonstrate compliance with the applicable provisions of Subsection 16.32.042.F by submitting a report including elements outlined in Subsection 16.32.042.H.2. For applications for land subdivision (Subsection 16.32.042.A.1) or construction of a new residential dwelling unit that results in an expansion of the building footprint (Subsection 16.32.042.A.2) an ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of Subsections 16.32.042.B through 16.32.042.G. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

##### 1. Tree Inventory Requirements

- a. Survey the locations of all trees at least 6-inch DBH, all trees at least 2-inch DBH that are listed on the Oregon Noxious Weed List or Milwaukie Invasive Tree List, and trees less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List. Trees that must be surveyed include those that are on site, within abutting public rights-of-way, and on abutting sites with root protection zones that extend into the site. The locations and information for trees on abutting sites may be estimated.
- b. Number each tree for identification at the site and on the plans.
- c. Identify the common name and scientific name of each tree.
- d. Measure the DBH of each tree in inches according to accepted ISA standards.
- e. Measure the approximate average crown radius of each tree in feet.
- f. Provide the crown area of each tree using the formula:  $(\text{crown radius})^2 \times \pi$ .
- g. Assess the health condition of each tree using the following categories:
  - (1) Good (no significant health issues)
  - (2) Fair (moderate health issues but likely viable for the foreseeable future)

- (3) Poor (significant health issues and likely in decline)
    - (4) Very poor or dead (in severe decline or dead)
  - h. Identify whether the tree is on the Milwaukee Rare or Threatened Tree List.
  - i. Identify whether the tree is proposed for removal or retained.
  - j. Organize the tree inventory information in a table or other format approved in writing by the Urban Forester.
- 2. Tree Preservation Plan Requirements
  - a. Provide a site plan drawn to scale.
  - b. Include the existing tree locations and corresponding tree numbers from the tree inventory.
  - c. Identify rare or threatened trees as described in the City of Milwaukee Rare or Threatened Tree List.
  - d. Identify the following site disturbances:
    - (1) Demolition
    - (2) Tree removal
    - (3) Staging, storage, and construction access
    - (4) Grading and filling
    - (5) Paving
    - (6) Construction of structures, foundations, and walls
    - (7) Utility construction
    - (8) Trenching and boring
    - (9) Excavation
    - (10) Any other demolition or construction activities that could result in ground disturbances and/or tree damage.
  - e. Locate tree and soil protection fencing to scale.
  - f. Locate soil compaction prevention methods to scale.
  - g. Identify performance path tree protection and soil volume areas.
  - h. Include tree and soil volume protection specifications from the arborist report on the plans including a detail and description of tree and soil volume protection fencing and signage.
  - i. The elements of the tree preservation plan may be included on multiple plan sheets for clarity.
  - j. The final approved set of construction drawings must include the tree preservation plan to ensure contractors, inspectors, and other professionals have access to the information.
- 3. Tree Planting Plan
  - a. Provide a site plan drawn to scale.
  - b. Include the existing trees to be retained and their crown areas to scale.



- c. Include the trees to be planted and their mature crown areas to scale based on the City of Milwaukie Tree Canopy List.
  - d. Identify the soil volume areas for each tree to be planted to scale.
  - e. For performance path soil volume areas, identify the methods and specifications as applicable for:
    - (1) Compaction Reduction;
    - (2) Soil Amendments;
    - (3) Topsoil Replacement; and/or
    - (4) Soil Under Pavement.
  - f. Include a diagram depicting the tree planting that is consistent with ISA best management practices.
  - g. The minimum size of planted trees is 1.5-inch caliper for broadleaf trees and 5-foot tall for conifers unless otherwise approved by the Urban Forester. Nursery stock must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.
  - h. The species selection and spacing of trees to be planted must be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting. Final site plans must be approved by the Urban Forester.
  - i. Root barriers must be installed according to the manufacturer's specifications when a tree is planted within 5 feet of pavement or an underground utility box unless otherwise approved by the Urban Forester.
  - j. Where there are overhead high voltage utility lines, the tree species selected must be of a type that, at full maturity, will not require pruning to avoid interference with the lines.
  - k. The elements of the tree canopy plan may be included on multiple plan sheets for clarity.
  - l. The final approved set of construction drawings must include the tree canopy plan to ensure contractors, inspectors, and other professionals have access to the information.
4. Arborist Report
- a. Provide a written narrative that summarizes the information from the tree inventory, tree preservation plan, and tree canopy plan.
  - b. Provide findings and calculations that demonstrate whether the tree preservation standards in Subsection 16.32.042.B have been met.

- c. Provide findings and calculations that demonstrate whether the tree planting standards in Subsection 16.32.042.C have been met.
- d. If the tree preservation and/or tree planting standards have not been met, provide calculations for the applicable tree mitigation fees as required by Subsection 16.32.042.D.
- e. If the applicant is seeking a variance to the tree preservation and/or tree planting standards in place of providing mitigation fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by Subsection 16.32.042.E.
- f. Provide findings that demonstrate compliance with the tree protection standards in Subsection 16.32.042.F.
- g. Provide findings that demonstrate compliance with the soil volume standards in Subsection 16.32.042.G.

***Applicant's Findings:*** All items required to be submitted so the review authority is able to make an informed decision will be provided in accordance with this section. This criterion will be met.

I. Non-Development Tree Permit Requirements

1. Applicability

A permit is required prior to the removal of the following trees in residential zones on property that is outside the right-of-way and not owned or maintained by the City:

- a. Trees that are at least 6-inch DBH.
- b. Trees that are less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List.
- c. Trees that were planted to meet any requirements in Section 16.32.042.

Permits are not required in residential zones when tree removal is approved with development listed in Subsection 16.32.042.A. Permits are also not required in residential zones for the removal of trees that are grown for commercial agricultural or horticultural purposes including fruit trees, nut trees, or holiday trees.

***Applicant's Findings:*** The applicant is seeking approval to remove three trees on the development site in conjunction with development which is listed in Subsection 16.32.042.A. The tree removal permit criteria are not applicable.

J. Enforcement

1. City Authority

The City has the ultimate authority to:

- a. Interpret the provisions of this section and determine whether code criteria have been met.
- b. Establish conditions of permit and land use approval to ensure this section is properly implemented.
- c. Create rules and procedures as needed to implement this section. Rules and procedures may include, but are not limited to:
  - (1) City of Milwaukie tree lists.
  - (2) Tree protection standards, specifications, and procedures.
  - (3) Tree planting standards, specifications, and procedures.
  - (4) Tree establishment and maintenance standards, specifications, and procedures.
  - (5) Performance bonding, letters of credit, and cash assurances to help ensure proper tree protection, planting, and establishment.
  - (6) Tree protection inspections and oversight.
  - (7) Soil protection inspections and oversight.
  - (8) Performance path tree protection standards and specifications.
  - (9) Performance path soil volume standards and specifications.
  - (10) Fees for permit applications, reviews, mitigation, inspections, and violations.

## 2. Penalties

The following penalties may apply to violations of the provisions of this section:

- a. A person who removes a tree regulated by this section without first obtaining the necessary permit from the City, removes a tree in violation of an approved permit, or violates a condition of an approved permit must pay a fine in an amount established in the Master Fee Schedule.
- b. Topping, pruning, or otherwise inflicting willful and negligent damage to a tree crown or roots in a manner that is inconsistent with ISA best management practices:
  - (1) Up to the amount established in the Master Fee Schedule or up to the appraised loss in value of the illegally topped or pruned tree as determined by an ISA certified arborist plus the arborist's reasonable appraisal fee.
  - (2) Restoration of the tree crown, trunk, or root system as prescribed by an ISA certified arborist and approved by the Urban Forester.
- c. Tree protection zone violations:
  - (1) Up to the amount established in the Master Fee Schedule.

- (2) Restoration of the tree protection zone as prescribed by an ISA certified arborist and approved by the Urban Forester.
- d. Evidence of Violation
  - (1) If a tree is removed without a type 1 or 2 tree removal permit, a violation will be determined by measuring the stump. A stump that is 8 caliper inches or more in diameter will be considered prima facie evidence of a violation of this chapter.
  - (2) Removal of the stump of a tree removed without a tree removal permit is a violation of this chapter.
  - (3) Proof of violation of this chapter will be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation was committed.

***Applicant's Findings:*** *The applicant understands the city has the authority to enact enforcement in the case of a violation. This submittal is following the approval channels for tree removal and includes mitigation for the requested removal.*

## Section 5: Findings Applicable to Title 17 Land Division

### Chapter 17.12 – Application Procedure and Approval Criteria

#### Section 17.12.010 – Purpose

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

***Applicant's Findings:*** *The applicant understands the purpose of this chapter. A lot consolidation is being sought in order to construct a new 13 unit multifamily development. Responses to the applicable criteria are included in this section below.*

#### Section 17.12.020 – Application Procedure

- A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Type III procedures as indicated in this section.

***Applicant's Findings:*** *The applicant is seeking approval of a lot consolidation for the subject development site. It is understood the application will be processed utilizing the Type I procedures. However, the applications are consolidated, unless processed concurrently, the lot consolidation will be reviewed under Type III procedures.*

- B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The Planning Manager may modify the procedures identified in Table 17.12.020 as follows:

1. Type III review may be changed to Type II review, or a Type II review may be changed to a Type I review, upon finding the following:
  - a. The proposal is consistent with applicable standards and criteria;
  - b. The proposal is consistent with the basis and findings of the original approval; and
  - c. The proposal does not increase the number of lots.
2. Type III review may be required in the following situations:
  - a. When the Planning Commission approved the original land use action; and
  - b. The proposed change is inconsistent with the original approval.

***Applicant's Findings:*** *As stated previously, the applicant anticipates this application to be processed utilizing Type III procedures because it is consolidated with the requested Conditional Use Permit application.*

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

***Applicant's Findings:*** *The applicant is seeking a lot consolidation which will not result in an increased number of lots. Upon recordation of the plat, two tax lots will be platted as one. This criterion is not applicable.*

#### D. Partitions

1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1005 Type II Review. Should any associated application subject to Type III review be submitted in conjunction with a partition, the partition application shall be processed according to Section 19.1006 Type III Review.
2. Full compliance with all requirements for subdivision may be required if the Planning Commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds 2 acres and within a year is being partitioned into more than 2 parcels, any one of which is less than 1 acre.

***Applicant's Findings:*** *The applicant is not seeking approval of a partition. This section is not applicable.*

#### E. Subdivisions

Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1006 Type III Review, except that subdivision applications that meet the approval criteria for middle housing or expedited land divisions may be processed pursuant to Subsection 17.12.020.G and Subsection 17.12.020.H respectively.



***Applicant's Findings:*** *The applicant is not seeking approval of a subdivision. This section is not applicable.*

F. Final Plats

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

***Applicant's Findings:*** *The applicant is not seeking approval of a partition or a subdivision. This criterion is not applicable.*

G. Middle Housing Land Divisions

***Applicant's Findings:*** *The applicant is not seeking approval of a middle housing land division. This criterion is not applicable.*

H. Expedited Land Division

***Applicant's Findings:*** *The applicant is not seeking approval of an expedited land division. This criterion is not applicable.*

[Section 17.12.030 – Approval Criteria for Lot Consolidation, Property Line Adjustment, and Replat](#)

A. Approval Criteria

The approval authority may approve, approve with conditions, or deny a lot consolidation, property line adjustment, and/or replat based on the following approval criteria. The applicant for a lot consolidation, property line adjustment, or replat shall demonstrate the following:

1. Compliance with this title and Title 19 of this code.

***Applicant's Findings:*** *In Section 6 of this narrative, the applicant provides responses to applicable criteria within Title 19 of the Milwaukie Municipal Code, demonstrating compliance. This criterion is met.*

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

***Applicant's Findings:*** *The subject properties are zoned for high density residential development which is identified in both the city's comprehensive plan and on the zoning map. To reasonably develop the site and provide common and private open space and onsite parking and trash receptacles, the applicant must complete a lot consolidation. The consolidation will result in a property which allows the applicant to develop the site without deviation from the development code. This criterion is met.*

3. Boundary changes shall not reduce residential density below minimum density requirements of the zoning district in which the property is located.

***Applicant's Findings:*** *As demonstrated in the application materials provided, the applicant is seeking to develop the site with 13 multifamily dwelling units. The proposed density is the maximum allowed for the zone relative to the size of the property while balancing landscaping, parking, open space, and right-of-way dedication requirements. The boundary changes will not reduce the residential density below minimum density requirements of the zoning district. This criterion is met.*

#### Chapter 17.16 – Application Requirements and Procedures

##### Section 17.16.040 – Lot Consolidation and Property Line Adjustment

The following shall accompany applications for lot consolidation and property line adjustments:

- A. Completed application forms signed by all owners of property included in the proposal;
- B. Application fee as adopted by the City Council;
- C. Narrative report that describes how the proposal meets approval criteria;
- D. Additional information as may be required by the application check list; and
- E. A plan drawn to scale showing the following details:
  1. Scale, north arrow, and date of map;
  2. Tax map and lot number identifying each property involved in the application;
  3. Adjacent rights-of-way, with width shown;
  4. Location, width, and purpose of any recorded easements and/or plat restrictions;
  5. Proposed property lines and dimensions of the affected lots;
  6. The area of each lot;
  7. Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines;
  8. Deeds of the properties involved; and
  9. Application fee as adopted by the City Council.

***Applicant's Findings:*** *This application includes all of the required submittal items included in this section. This criterion is met.*

#### Chapter 17.28 – Design Standards

##### Section 17.28.030 – Easements

- A. Utility Lines

Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be provided in accordance with applicable design standards in the Public Works Standards.

**Applicant's Findings:** *The redevelopment of the site will include the relocation of utility lines and the requirement for easements. The easements needed will be provided in accordance with the applicable design standards. This criterion will be met.*

B. Watercourses

If a subdivision is traversed by a watercourse such as a drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of construction and maintenance. Streets, parkways, bicycle ways, or pedestrian ways parallel to major watercourses may be required.

**Applicant's Findings:** *The application is not for a subdivision nor is the property encumbered by any watercourse. This criterion is not applicable.*

## Section 6: Findings Applicable to Title 19 Zoning

Chapter 19.100– Introductory Provisions

Section 19.103 – Applicability

This title applies to all land, uses, and development within the corporate limits of the City of Milwaukie. It does not apply to temporary events as defined and provided for in Chapter 11.04.

**Applicant's Findings:** *The applicant is presenting an application to redevelop a vacant site into 13 unit multifamily housing site with associated improvements and amenities. The provisions of Title 19 are applicable to this application.*

Chapter 19.200– Definitions and Measurements

Section 19.202 – Measurements

Section 19.202.4 – Density Calculations

Minimum required and maximum allowed dwelling unit density will be calculated as described below, except that residential cluster development on lands containing natural resource areas are subject to the density calculations in Subsection 19.402.14.C. The purpose of these calculations is to ensure that properties develop at densities consistent with the densities in the Comprehensive Plan. The area deductions for minimum required density allow properties to utilize land that can be built upon. The area deductions for maximum allowed density include sensitive lands where development should be avoided.

A. Gross Area

The gross area of a lot is measured in sq ft and is determined by a registered professional land surveyor or with data from the Clackamas County Assessor's Office.

***Applicant's Findings:*** *The applicant had the development site surveyed by a professional land surveyor to determine the gross site area which is 19,114 square feet.*

B. Rounding

The results for minimum required and maximum allowed dwelling unit density are rounded based on a fraction that is truncated to 2 numbers past the decimal point. For example, 3.4289 is truncated to 3.42. Where a minimum density calculation results in a fraction that is 0.50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than 0.50, the fraction is rounded down to the preceding whole number. Where a maximum density calculation results in a fraction that is less than 0.75, the fraction is rounded down to the preceding whole number.

***Applicant's Findings:*** *The applicant understands the rounding requirement of this section. In accordance with Table 19.302.4, the HDR zone has a density requirement of 25 units minimum per acre and 32 units maximum per acre. The gross acreage of the development site is .43 acres which equates 10.75 acres minimum, rounded to 11, and 13.76 maximum, rounded to 14.*

C. Discrepancy between Minimum Required and Maximum Allowed Density

If the calculation results are that minimum density is equal to maximum density, then the minimum required density is reduced by one. If the calculation results are that minimum density is larger than maximum density, then the minimum required density is reduced to one less than the maximum. If the calculation results are that the maximum density calculation is equal to zero, then the minimum density is one.

***Applicant's Findings:*** *The density calculation for this site does not result in discrepancies between the minimum and maximum density allowances. This criterion is not applicable.*

D. Minimum Density

1. Deductions to Calculate Net Area

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. Floodways, as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publicly owned or open space owned in common by owners within the residential development.

***Applicant's Findings:*** In accordance with this section, the .43 gross acres must be reduced by the square footage of the new right-of-way dedication. The right-of-way dedication equals 1,124 square feet and the resulting net acreage of the site is .41, or 17,990 square feet. The updated density allowance based on the net site acreage is 10.25 dwelling units minimum, rounded to 10, and 13.12 dwelling units maximum, rounded to 13. As shown on the site plan and stated throughout the written materials, the applicant is proposing 13 dwelling units which falls within the density allowances for the net site acreage. This criterion is met.

## 2. Density Calculation

The minimum number of dwelling units required is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the minimum required dwelling unit density in the applicable base zone in Chapter 19.300.

***Applicant's Findings:*** The applicant utilized the method outlined in this section to determine the density calculation for the development site. This criterion is met.

## 3. Constrained Lands

Regardless of the density calculation described above, any legal lot that meets the standards of Subsection 19.501.1 is allowed at least one dwelling unit.

***Applicant's Findings:*** The applicant understands this provision. The calculations provide the subject site is required to provide a minimum of 10 dwelling units and is limited to a maximum of 13 dwelling units. This criterion is not applicable.

## E. Maximum Density

### 1. Deductions to Calculate Net Area

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. 1% Annual Chance Flood areas (also called the 100-Year Floodplain), as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publicly-owned or open space owned in common by owners within the residential development.
- d. Naturally occurring slopes in excess of 25%.
- e. Man-made slopes (grades that are the result of human activity rather than natural causes) in excess of 25% with both a horizontal measure



over 40 ft and an elevation change more than 10 ft over that horizontal distance.

**Applicant’s Findings:** *The applicant deducted the right-of-way dedication area from the net area to determine the minimum and maximum density for the site. The other reduction items listed within this section are not applicable to the subject property. As applicable, this criterion is met.*

## 2. Density Calculation

The maximum number of dwelling units allowed is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

**Applicant’s Findings:** *The applicant utilized the method outlined in this section to determine the density calculation for the development site. This criterion is met.*

### [Chapter 19.300– Base Zones](#)

### [Section 19.302 – High Density Residential Zone](#)

#### [Section 19.302.1 – Purpose](#)

The high-density residential zone is intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

**Applicant’s Findings:** *The applicant understands the purpose of the high-density residential zone. The project proposed by the applicant is for a multifamily development with 13 dwelling units which aligns with the expressed purpose of the zone.*

#### [Section 19.302.2 – Allowed Uses in the High-Density Residential Zone](#)

Uses allowed, either allowed by right or conditionally, in the high density residential zone are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

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

**Applicant’s Findings:** *In accordance with Table 19.302.2, multi-unit housing is a permitted use subject to the provisions of subsections 19.505.3, 19.302.5.F, and 19.302.5.H. This narrative provides findings describing how the proposal meets the applicable criteria of the Milwaukie Municipal Code. This criterion is met.*

#### Section 19.302.4 – Development Standards

In the high density residential zone, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

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

In the high density residential zone the following housing types are permitted on lot sizes as follows:

7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with up to 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

***Applicant’s Findings:*** *As demonstrated by findings included within the density calculation provisions of this section, the development site is 19,114 square feet in size currently and will be 17,990 square feet upon the required dedication of right-of-way. The development site meets the minimum square footage requirements for the proposed multi-dwelling use.*

*In accordance with Table 19.302.4(B) Development Standards, the following provisions apply to the proposed development.*

**Minimum yard requirements for the primary structure:**

*Front yard – 20 feet. The front yard for the proposed development abuts SE Lava Drive. As demonstrated by the site plan included, the building is proposed to be setback 20’-1”.*

*Side yard – 5 feet. The MMC section 19.302.5.A states the side yard for development other than a townhouse shall be at least 5 feet within the high density zones. As demonstrated by the site plan included with this application submittal, the development includes a minimum 5-foot landscaped side yard along the westerly, side yard, property line.*

*Street side yard – 15 feet. The easterly property line is a street side yard; however SE River Lane is private. As shown on the side plan included, the building is proposed to be setback 20-feet on the east side.*

*Rear yard – 15 feet. The southerly property line is the rear yard for the purposes of this development as SE Lava Drive abuts the property along the northern property line and is the only public access to the site. The building is setback from the rear property line 15 feet.*

Building height limitations:

The building height is limited to 45 feet. The code allows for exceptions to building height, but the applicant is not seeking any exception. The proposed building height, as shown on the elevation drawings provided, is approximately 32'-8". The building height is limited when the building is setback at the minimum side yard setback. The westerly side yard setback is required to be a minimum of 5 feet, the development proposes an 80-foot setback. The easterly side yard setback is required to be a minimum of 15 feet, the development proposes a 20-foot setback.

Maximum lot coverage:

Lot coverage is limited to 50 percent of the total lot area. Lot coverage is defined as the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves. Based on this definition, the proposed lot coverage is 5,216 square feet divided by 17,990 square feet for a total proposed lot coverage of 28 percent, which is 22 percent below the maximum allowed.

Minimum vegetation:

The minimum vegetation is 15 percent of the total lot area. Additional provisions are found in 19.504.6 Minimum Vegetation which states no more than 20 percent of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard. A landscape plan detailing vegetation and ground cover is included for review with this application. The site is 17,990 square feet in size, requiring 2,699 square feet of vegetation. As shown on the preliminary landscape plan, the applicant is proposing 5,565 square feet of vegetation equaling 30 percent of the total lot area, exceeding the minimum.

The minimum front yard vegetation is 40 percent of the front yard area. In this case, the front yard area is 4,546 square feet, requiring 1,818 square feet of vegetation. The preliminary landscape plan illustrates 1,995 square feet of vegetation, or 43 percent of the front yard area is proposed to be reserved for vegetation.

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access. As shown on the site plan and preliminary landscape plans, the development site is not perfectly flat. In order to design an effective onsite stormwater management system, the applicant must utilize retaining walls within the rear setback. However, the applicant has designed the landscape in a manner that encourages residents to utilize the outdoor space. Benches will be incorporated into the landscape and trees are placed in a manner to provide shade in summer

months. The minimum required vegetation area is 2,699 square feet. The provisions of this section require a minimum of 1,350 square feet of vegetation area to be suitable for outdoor recreation by residents. As detailed on the landscape plan provided, 1,897 square feet of lawn is proposed which will be suitable for recreational activities.

Density requirements:

In accordance with Table 19.302.4, the HDR zone has a density requirement of 25 units minimum per acre and 32 units maximum per acre. The gross acreage of the development site is .43 acres which equates 10.75 acres minimum, rounded to 11, and 13.76 maximum, rounded to 14.

The .43 gross acres of the site must be reduced by the square footage of the new right-of-way dedication. The right-of-way dedication equals 1,124 square feet and the resulting net acreage of the site is .41, or 17,990 square feet. The updated density allowance based on the net site acreage is 10.25 dwelling units minimum, rounded to 10, and 13.12 dwelling units maximum, rounded to 13. As shown on the site plan and stated throughout the written materials, the applicant is proposing 13 dwelling units which falls within the density allowances for the net site acreage.

The applicant has demonstrated these criteria are met.

**Section 19.302.5 – Additional Development Standards**

A. Side Yards

In the high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

1. The side yard for development other than a townhouse shall be at least 5 ft.
2. There is no required side yard for townhouses that share 2 common walls. The required side yard for an exterior townhouse that has only one common wall is zero ft for the common wall and 5 ft for the opposite side yard. An exterior townhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.

**Applicant's Findings:** As demonstrated by the site plan included with this application submittal, the development includes a minimum 5-foot landscaped side yard along the westerly, side yard, property line. This criterion is met.

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

***Applicant's Findings:*** *The applicant is not seeking approval for increased lot coverage. The provisions of this section are not applicable.*

#### C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

***Applicant's Findings:*** *As shown on the site plan and preliminary landscape plans, the development site is not perfectly flat. In order to design an effective onsite stormwater management system, the applicant must utilize retaining walls within the rear setback. However, the applicant has designed the landscape in a manner that encourages residents to utilize the outdoor space. Benches will be incorporated into the landscape and trees are placed in a manner to provide shade in summer months. The minimum required vegetation area is 2,699 square feet. The provisions of this section require a minimum of 1,350 square feet of vegetation area to be suitable for outdoor recreation by residents. As detailed on the landscape plan provided, 1,897 square feet of lawn is proposed which will be suitable for recreational activities. This criterion is met.*

#### D. Front Yard Minimum Vegetation

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

***Applicant's Findings:*** *The minimum front yard vegetation is 40 percent of the front yard area. In this case, the front yard area is 4,546 square feet, requiring 1,818 square feet of vegetation. The preliminary landscape plan illustrates 1,995 square feet of vegetation, or 43 percent of the front yard area is proposed to be reserved for vegetation. This criterion is met.*

#### E. Height Exceptions

An additional 10 ft of building height may be permitted in excess of the required maximum standard. For the additional 10 ft in building height, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

***Applicant's Findings:*** *The applicant is not seeking any exceptions to height limitations. This criterion is not applicable.*

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from maximum density requirements.

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

***Applicant's Findings:*** *The minimum and maximum densities for multifamily housing are applicable to this project because the development will change the number of dwelling units on the development site. The applicant has demonstrated compliance with the minimum and maximum density allowances of the zone. This criterion is met.*

G. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

***Applicant's Findings:*** *19.502.1 General Provisions includes the following requirements for accessory structures. The site includes a trash enclosure, which is an accessory structure meeting the requirements of this section as demonstrated below.*

A. *No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including, but not limited to, streets, alleys, and public and private easements, unless permitted in accordance with Chapter 12.14. The location of the trash enclosure is shown on the site plan. Neither the stationary structure nor the swinging doors will interfere with the use of any adjoining property or public right-of-way.*

B. *Multiple accessory structures are permitted subject to building separation, building coverage, and minimum vegetation requirements of the zoning district in which the lot is located. The site includes just one accessory structure, a trash enclosure. The enclosure was included in the lot coverage calculations provided above.*

C. *An accessory structure shall comply with all of the requirements of the Uniform Building Code. The trash enclosure was designed by a licensed architect with knowledge of the Uniform Building Code. Additional enclosure details will be provided upon building permit submittal.*

D. *Accessory structures excluding fences, flagpoles, pergolas, arbors, or trellises may not be located within the required front yard except as otherwise permitted in this chapter. The trash enclosure location is shown on the site plan included with this application. The site plan demonstrates the trash enclosure is not located within the front yard setback.*

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

1. *Accessory structures are subject to the minimum street side yard requirements of the base zones in Chapter 19.300.*

2. *Regulations for overlay zones or special areas in Chapter 19.400 may require an accessory structure to be set back beyond the minimum side or rear yard requirements.*

3. *If the rear or side yard requirement in the base zone in Chapter 19.300 is less than 5 ft, then the yard requirements of the base zone shall apply.*

4. *The rear or side yard requirement for residential accessory structures per Subsection 19.502.2.A or 19.910.1.E.4 may specify a different yard requirement. The trash enclosure location greatly exceeds all required setbacks of the base zone with the exception of the rear yard setback of the base zone which is 15 feet. The trash enclosure is proposed to be setback from the rear property line by 9'-6", exceeding the minimum 5 foot requirement of this section.*

F. *Alteration or modification of nonconforming accessory structures is subject to the provisions of Chapter 19.800 Nonconforming Uses and Development. The site does not include any nonconforming accessory structures. The proposed accessory structure is new construction conforming to all applicable design standards.*

G. *Fences, flagpoles, pergolas, arbors, and trellises are permitted in yards in all residential zones. The applicant understands the accessory structures listed in this section are permitted in yards in all residential zones.*

*As demonstrated, the trash enclosure proposed meets the accessory structure requirements.*

#### H. Building Limitations

Multi-unit buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.

***Applicant's Findings:*** *The site plan and elevations provided demonstrate the longest horizontal distance of the proposed multi-unit building is approximately 125'-9". This criterion is met.*

I. Off-Street Parking and Loading

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

***Applicant's Findings:*** *The applicant includes responses to all applicable off-street parking and loading criteria within this section of the narrative. As applicable, this criterion is met.*

J. Public Facility Improvements

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

***Applicant's Findings:*** *The applicant includes responses to all applicable public facility improvement criteria within this section of the narrative. As applicable, this criterion is met.*

K. Additional Standards

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

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.7 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.8 On-Site Walkways and Circulation
4. Subsection 19.504.9 Setbacks Adjacent to Transit
5. Subsection 19.505.1 Single Detached and Middle Housing Residential Development
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multi-Unit Housing
8. Subsection 19.505.4 Cottage Cluster Housing
9. Subsection 19.505.5 Townhouses
10. Subsection 19.505.8 Building Orientation to Transit
11. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

***Applicant's Findings:*** *Prior to submittal of this application, the applicant's representatives held a pre-application conference with city staff. The notes received included all applicable code provisions. This narrative includes responses to all applicable code sections for the proposed application. This criterion is met.*



## Chapter 19.400– Overlay Zones and Special Areas

### Section 19.401 – Willamette Greenway Zone WG

#### Section 19.401.1 – Purpose

The purpose of the Willamette Greenway Zone is to protect, conserve, enhance, and maintain the natural, scenic, historic, economic, and recreational qualities of lands along the Willamette River and major courses flowing into the Willamette River.

***Applicant’s Findings:*** *The applicant understands the purpose of the provisions within the Willamette Greenway Overlay Zone. Findings are provided to all applicable criteria within this section below.*

#### Section 19.401.2 – Area Defined

The Willamette Greenway Zone is that area within the Willamette Greenway plan boundary identified on the Zoning Map. The WG Zone is in combination with the underlying zone.

***Applicant’s Findings:*** *The subject property is shown to be entirely within the Willamette Greenway plan boundary in accordance with City of Milwaukie zoning map hatching.*

#### Section 19.401.3 – Limitations on Use

All land use actions and any change or intensification of use, or development permitted in the underlying zone, are conditional uses, subject to the provisions of Section 19.905.

Prohibited uses:

- A. Commercial, industrial and residential structures and residential accessory structures exceeding 35 ft in height west of McLoughlin Blvd;
- B. Residential floating structures;
- C. New private noncommercial boathouses or storage structures, including temporary structures;
- D. New private noncommercial docks exceeding 400 sq ft;
- E. Grading and tree cutting is prohibited in the buffer, except as allowed in Subsections 19.401.8.B.1 through 6.

***Applicant’s Findings:*** *The proposal does not include any prohibited uses as outlined in this section. This criterion is met.*

#### Section 19.401.5 – Procedures

The following procedures shall govern the application of WG zones:

- A. In the WG Zone, all uses and their accessory uses are permitted subject to the provisions of Section 19.905, except as noted in Subsection 19.401.5.B and Subsection 19.401.5.D.

***Applicant's Findings:*** *The applicant is proposing a multi-dwelling development which is a permitted use, subject to standards within the underlying High-Density Residential zone. Responses to applicable criteria listed in sections 19.905, 19.401.5.B, and 19.401.5.D are included in this narrative. This criterion is met.*

- B. Willamette Greenway review is not required for any of the activities listed below:
1. Changes to the interior of a building or alterations of buildings or accessory structures that do not increase the size or alter the configuration of the building or accessory structure footprint;
  2. Normal maintenance and repair as necessary for an existing development;
  3. Removal of plants listed as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List;
  4. Addition or modification of existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors by public or municipal utilities;
  5. Flood emergency procedures, and maintenance and repair of existing flood control facilities;
  6. Placement of signs, markers, aids, etc., by a public agency to serve the public;
  7. Establishment of residential accessory uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;
  8. Ordinary maintenance and repair of existing buildings, structures, parking lots, or other site improvements;
  9. Minor repairs or alterations to existing structures for which no building permit is required;
  10. A change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated;
  11. Construction of driveways;
  12. Reasonable emergency procedures as necessary for the safety or protection of property; and
  13. Other activities similar to those listed in "1" through "12" above. Such Director determinations, including a finding of consistency with Goal 15, shall be made in accordance with Section 19.903.

***Applicant's Findings:*** *The applicant is seeking to develop a new multifamily housing site on the subject property. None of the exempted activities listed in this section are applicable to this proposal.*

- C. The Oregon Department of Parks and Recreation shall be notified of a hearing on a conditional use in the WG Zone. The notice shall be sent via "certified mail, return receipt requested."

***Applicant's Findings:*** *The applicant understands the noticing requirement for the Oregon Department of Parks and Recreation.*

- D. A greenway conditional use is required for all intensification or change of use, or alteration of the vegetation buffer area, or development, as defined in this section. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change in use or intensification. Approval shall be granted only if the criteria in Subsection 19.401.6 are met.

***Applicant's Findings:*** *The applicant understands their proposed development triggers a greenway conditional use permit under the definition of development.*

- E. Submittal Requirements

A vegetation/buffer plan must be submitted for each application for a greenway conditional use permit. A buffer plan is required only if the proposed development impacts the vegetation buffer defined in Subsection 19.401.8.

***Applicant's Findings:*** *In accordance with 19.401.8.A, the vegetation buffer is defined as the land area between the river and a location 25 ft upland from the ordinary high water line. The edge of the development site to approximately the top of bank of the river is more than 400-feet. The proposed development will have no impact on the vegetation buffer as defined. This criterion is not applicable.*

- F. Written notice, including a copy of the application, will be sent upon receipt to the Oregon Parks and Recreation Department by certified mail—return receipt requested. The Oregon Division of State Lands, Oregon Department of Fish and Wildlife, and State Marine Board shall also be notified of each application.

***Applicant's Findings:*** *The applicant understands the noticing requirement for the Oregon Department of Parks and Recreation the Oregon Division of State Lands, Oregon Department of Fish and Wildlife, and State Marine Board.*

- G. Written notice shall be provided to the Oregon Division of State Lands after the land use action is final for activities affecting wetlands or submerged or submersible lands within the Willamette River greenway. The notice shall include local government conditions of approval.

***Applicant's Findings:*** *The applicant understands once action is final, notice shall be provided to Oregon DSL.*

## Section 19.401.6 – Criteria

The following shall be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;

**Applicant's Findings:** *The Willamette River Greenway Plan defines urban use as a use part of the built environment rather than uses along a river which are natural, rural, or agricultural in nature. The subject property falls within the High-Density Residential zone. The Milwaukie Municipal Code asserts the purpose of the HDR zone is to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses. As described previously in this narrative, the subject property was previously developed with a single family dwelling. For these reasons, it is appropriate to assert the development site is committed to urban development. This criterion is met.*

- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;

**Applicant's Findings:** *The development site under review is more than 400 feet from the riverbank, at its closest point. Additionally, carports, mature vegetation, multistory apartment buildings, single family dwellings, and accessory structures exist between the development site and the river. The proposed building does not include a peaked roof, emulating a more historic nature. The rear of the proposed building is planned to be terraced and the site is planned to be heavily and thoughtfully landscaped further softening the structure of the new building and enhancing the natural environment above and beyond what exists on the site today. This criterion is met.*

- C. Protection of views both toward and away from the river;

**Applicant's Findings:** *The subject site is located northeast of the riverbank. Within the immediate area of the development site, large stands of mature evergreen trees line the north side of SE Lava Drive. Additionally, the natural topography of property north and east of the subject property slopes upward steeply with approximately 25 feet of elevation changes leaving the applicants property to sit well below adjacent sites having minimal impacts on views toward the river. Proposed landscaping on site will soften the building, enhancing the natural environment and protect views uphill, away from the river. The scale of the building is such that it will be dwarfed by the existing developments and mature vegetation within the immediate area. The terracing of the building also reduces mass, further protecting views both toward and away from the river. This criterion is met.*

- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;

**Applicant's Findings:** *The applicant was faced with balancing developments and site uses immediately adjacent to the property and the provisions of this section. A landscape plan providing more landscape than the MMC requires is included with the applicants submittal materials. The locations of trees and shrubs on site is very intentional and done in a manner to provide buffering and screening from the new development to developments immediately south and east of the site. The off-street parking area is proposed between the building and the river; however, the development site is more than 400-feet from the riverbank. The enhanced pedestrian connections both internally and along the public right-of-way will enhance the activity between the site and the river as there is no public sidewalk along the street frontage today. This criterion is met.*

- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;

**Applicant's Findings:** *The applicant's site is more than 400 feet from the river and does not have direct access. However, the applicant is providing a public sidewalk along the property frontage which will enhance the pedestrian route from the east to the river. This criterion is met.*

- F. Emphasis on water-oriented and recreational uses;

**Applicant's Findings:** *This criterion is not applicable as the development site is more than 400 feet from the river and does not have direct access.*

- G. Maintain or increase views between the Willamette River and downtown;

**Applicant's Findings:** *The subject property does not fall within the line of sight from downtown Milwaukie and the Willamette River. Additionally, the proposed building will not exceed the heights of surrounding mature evergreen vegetation and existing development in the area. This criterion is met.*

- H. Protection of the natural environment according to regulations in Section 19.402;

**Applicant's Findings:** *The development site exists outside of the mapped natural resource areas adjacent to the river. In accordance with 19.401.8.A, the vegetation buffer is defined as the land area between the river and a location 25 feet upland from the ordinary high water line. The edge of the development site to approximately the top of bank of the river is more than 400-feet. The proposed development will have no impact on the vegetation buffer as defined. This criterion is not applicable.*

- I. Advice and recommendations of the Design and Landmark Committee, as appropriate;

**Applicant's Findings:** Pursuant to Milwaukie's Municipal Code Section 19.907.8, the proposed development does not trigger a Type III downtown design review and review by the Design and Landmarks Committee is not required. This criterion is not applicable.

J. Conformance to applicable Comprehensive Plan policies;

**Applicant's Findings:** The proposed development is for a multi-dwelling housing project with 13-dwelling units. The use of the site is consistent with the Housing and Residential Needs Assessment and supports the goals and policies of the city's Comprehensive Plan. The site is more than 400 feet from the top of bank, the compatibility review area of the river is 125 feet inland from the ordinary low water line. The site is designated as appropriate for urban use. The Willamette River Greenway Plan defines urban use as a use part of the built environment rather than uses along a river which are natural, rural, or agricultural in nature. The subject property falls within the High-Density Residential zone. The Milwaukie Municipal Code asserts the purpose of the HDR zone is to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses. As described previously in this narrative, the subject property was previously developed with a single family dwelling. The development directly supports the City of Milwaukie's Comprehensive Plan goals and policies related to housing, specifically livability. The site will be redeveloped with denser housing which is balanced by the enhanced landscape and pedestrian amenities. Pedestrian connections will help to improve the connectivity of the area between the river and development to the east. The site does not currently have public sidewalks. This project will include a new sidewalk along the entire properties frontage of SE Lava Drive. This criterion is met.

K. The request is consistent with applicable plans and programs of the Division of State Lands;

**Applicant's Findings:** The proposed development does not impact any natural resource and the site is more than 400 feet from the Willamette River. Therefore, this request is not inconsistent with applicable plans or programs of DSL. This criterion is met.

L. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

**Applicant's Findings:** The development site exists outside of the mapped natural resource areas adjacent to the river. In accordance with 19.401.8.A, the vegetation buffer is defined as the land area between the river and a location 25 feet upland from the ordinary high water line. The edge of the development site to approximately the top of bank of the river is more than 400-feet. The proposed development will have no impact on the vegetation buffer as defined. This criterion is not applicable.

Chapter 19.500– Supplementary Development Regulations  
Section 19.504 – Site Design Standards

Section 19.504.1 – Clear Vision Areas

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

**Applicant’s Findings:** *One driveway is proposed for both ingress and egress for the development site. The vision clearance requirement for the driveways serving this development are as follows: ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley. The applicant understands these vision clearance triangles must be kept free of any obstruction exceeding 3 feet above curb level. This has been carefully considered when taking into account planting materials within these areas. This criterion is met.*

Section 19.504.2 – Maintenance of Minimum Ordinance Requirements

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

**Applicant’s Findings:** *The applicant understands they must maintain the development lot, yards, open space areas, and off-street parking in accordance with the applicable ordinances, unless the areas are conveyed or dedicated for a public use. This criterion will be met.*

Section 19.504.3 – Dual Use of Required Open Space

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

**Applicant’s Findings:** *The applicant understands the areas reserved on this development site cannot serve as a required yard, open space, or off-street parking area for another use. This criterion will be met.*

Section 19.504.6 – Minimum Vegetation

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

**Applicant's Findings:** *The applicant has provided a preliminary landscape plan prepared by a landscape architect which demonstrates that not more than 20 percent of the required vegetation areas will be covered with mulch or bark dust. This criterion is met.*

#### Section 19.504.8 – On-Site Walkways and Circulation

##### A. Requirement

All development subject to Chapter 19.700 (excluding single detached and multi-unit residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site.

Redevelopment projects that involve remodeling or changes in use must be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system, where sidewalks exist, or to the edge of the paved public street, where sidewalks do not exist. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

**Applicant's Findings:** *The proposed development is for a multi-unit residential development. In accordance with this section, the development is exempt from these provisions.*

#### Section 19.505 – Building Design Standards

##### Section 19.505.3 – Multi-Unit Housing

##### A. Purpose

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

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

##### 1. Livability

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



**Applicant's Findings:** As demonstrated by the site plan and elevations included with this application submittal, livability was at the forefront during the development of the proposed site design. Considering the proximity of the development site to the river, the applicant opted for a flat roof. This further preserves the view from buildings uphill from the site to the north and east and provides more of a pedestrian scale to the building. Off-street parking is proposed to be concentrated on the west side of the site, requiring just one driveway to cross the pedestrian and bicycle routes, minimizing opportunities for conflicts. Landscaping has been placed in such a way which further buffers and softens the parking area. Once the tree canopy matures, the area will be nicely shaded, reducing summer heat which can be enhanced by pavement. On the far east side of the site, the applicant is proposing public open space enhanced with landscaping and a picnic table. The placement of the common open space was intentional to increase the privacy of the ground floor units private open spaces. The onsite pedestrian network is robust, especially for the size of the site. Additionally, the applicant will make frontage improvements to SE Lava Drive including a new public sidewalk along the development site. The new sidewalk will connect to onsite pedestrian paths and help to better connect individuals headed to the river from the east. This criterion is met.

## 2. Compatibility

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

**Applicant's Findings:** The site abuts SE Lava Drive to the north, SE River Drive (private) to the east, a parking lot drive aisle for River Royal Terrace to the west, and two single family dwellings to the south. The building is proposed to be three stories in height; however, the building is terraced along the south side to increase the compatibility with existing developments. As demonstrated on the development plans, the third story is setback from the south property line 25-feet at its closest point. Windows have been placed in a manner as to not line up directly with windows of existing structures. Screening and landscaping is enhanced along the south side further providing mitigation. The development is within the historic neighborhood of Milwaukie. The proposed building, with its distinct flat roof, resembles the character of some of the historic buildings in the area. The scale and articulation of the building further maintain the residential character and compatibility. This criterion is met.

## 3. Safety and Functionality

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

**Applicant's Findings:** The off-street parking is proposed to be concentrated on the west side of the site, requiring just one driveway to cross the pedestrian and bicycle routes, minimizing

*opportunities for conflicts. Landscaping has been placed in such a way which further buffers and softens the parking area. Window placement allows for visual surveillance of the site and adjacent streets. Site lighting will be provided in a manner which illuminates pedestrian walkways, without casting glare or shining onto abutting rights-of-way or private property. Furthermore, the site design and proposed landscaping complies with the vision clearance standards of the MMC. This criterion is met.*

#### 4. Sustainability

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

***Applicant's Findings:*** *The applicant believes incorporating sustainable design and building practices is crucial for creating resilient communities. Though the three existing trees on site are not proposed for preservation due to on site, frontage, and utility improvements, the applicant is proposing a landscape design with a mix of evergreen and conifer trees. The landscape design provides shade during the summer months and sunlight during winter months to bolster energy conservation. The mature canopy of proposed trees will help improve air quality and reduce the urban heat island effect. The site includes usable recreational space, encouraging residents to utilize the outdoor common spaces. The applicant is committed to utilizing environmentally conscious construction practices focused on minimizing the carbon footprint and waste generation during construction. The recycling area will be sized appropriately to encourage residents to follow best practices and reduce garbage headed to the landfill. The design includes a robust pedestrian network and bicycle parking, encouraging alternate modes of transportation. By incorporating these sustainable design and building practices into this site, the proposal meets this criterion.*

#### B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and residential care facilities with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

1. All new multi-unit or residential care facilities are subject to the design elements in this subsection.
2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.
  - a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.

- b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
  - c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.
  - d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
  - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
  - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
  - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.
  - h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.
  - i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
  - j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Table 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.
  4. Any activity not described in Subsections 19.505.3.D.2.a through 19.505.3.D.2.c is exempt from the design elements in this subsection.

***Applicant's Findings:*** *As described in this section, the applicant's 13-unit multi-dwelling proposal triggers the applicability of this section. Responses to all criteria are provided.*

#### C. Review Process

Two possible review processes are available for review of multi-unit or residential care facilities: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

***Applicant's Findings:*** *The applicant is requesting to process their proposal utilizing the discretionary process. Below, the applicant has described how the development meets the design guidelines.*

#### D. Design Guidelines and Standards

Applicable guidelines and standards for multi-unit and residential care facilities are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

**Applicant's Findings:** *The applicant has chosen to process their application utilizing the discretionary process with design guidelines. The proposal meets each one of the design elements under the design guidelines as described below.*

### *1. Private Open Space*

*The development should provide private open space for each dwelling unit. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.*

*The development may provide common open space in lieu of private opens space if the common open space is well designed, adequately sized, and functionally similar to private open space.*

**Applicant's Findings:** *The ground floor units are proposed to have access directly to private open space which will be at grade. A portion of the ground floor open space will be a paved patio area, suitable for small outdoor furniture. The ground floor private open space will extend beyond the patios and is defined by the retaining wall along the south side of the building and proposed plantings. The second and third floor units will have access to private balconies. The balconies are screened for privacy by the proposed placement of new trees on site. The applicant is proposing both private and public open spaces on site. This criterion is met.*

### *2. Public Open Space*

*The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.*

**Applicant's Findings:** *The site design includes several pockets of outdoor public open space. Along the east side of the building, the applicant proposes to provide a picnic table and lawn area which would be usable for outdoor gathering or a small recreation space. This criterion is met.*

### *3. Pedestrian Circulation*

*Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.*

**Applicant's Findings:** *The onsite pedestrian network is robust, especially for the size of the site. Additionally, the applicant will make frontage improvements to SE Lava Drive including a new public sidewalk along the development site. The new sidewalk will connect to onsite pedestrian paths and help to better connect individuals headed to the river from the east. To provide a clear transition from the public space to the private ground floor dwellings, the building articulates in a manner which creates "private" corridors, defining the entrances to dwelling units. This criterion is met.*

#### 4. Vehicle and Bicycle Parking

Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.

**Applicant's Findings:** Vehicle parking is provided on the west side of the site. Providing the parking in this location was intentional as it abuts a vehicle use/parking area for the development abutting to the west which enhances the compatibility. The proposed parking area has just one driveway for ingress in egress. By providing only one driveway to the street, the impact on the pedestrian spaces are less, reducing the likelihood of conflicts between pedestrians, bicycles, and vehicles. The landscaping is proposed in a manner that will buffer and soften the vehicle parking area, as shown on the preliminary plan. The applicant is proposing to provide private bicycle parking for each dwelling unit within the unit itself. Each unit will be equipped with a wall mounted bicycle rack. The racks being provided in this manner ensure bicycle security and eliminate the requirement of residents leaving their bicycles elsewhere on the premises. This criterion is met.

#### 5. Building Orientation & Entrances

Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.

**Applicant's Findings:** As shown on the site plan, the building face is oriented toward SE Lava Drive and spans approximately two-thirds of the frontage. The pedestrian walkways connect the unit entrances from the building out to the street. The design includes a courtyard feel with the presence of landscape and a robust pedestrian network. The building entrances are defined through articulation, materials, landscaping, and pedestrian paths. The entrances are recessed providing shelter protecting people from the elements. This criterion is met.

#### 6. Building Façade Design

Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration shall be incorporated to create simple and visually interesting buildings.

Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.

Windows should be used to provide articulation to the façade and visibility into the street.

Building façades shall be compatible with adjacent building façades.

Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.

**Applicant's Findings:** *The building façade and design took into consideration the historic neighborhood and immediately surrounding resources and developments. As discussed previously, the flat roof is complimentary of historic buildings in the vicinity and aids in retaining the views from the east and north toward the river. The front elevation of the building, facing SE Lava Drive, is articulated with windows, doors, recessed areas, trim, and change in materials. The combination of these design elements enhance the pedestrian scale of the building. The landscape architect proposes to place plants in a manner which further accentuate the building and define entrances. The building is terraced along the south side matching the scale of adjacent developments and setting the third story further from the single family dwellings to the south. This criterion is met.*

## **7. Building Materials**

*Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.*

*Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.*

*A hierarchy of building materials shall be incorporated. The materials shall be durable and reflect a sense of permanence and quality of development.*

*Split-faced block and gypsum reinforced fiber concrete (for trim elements) shall only be used in limited quantities.*

*Fencing shall be durable, maintainable, and attractive.*

**Applicant's Findings:** *The building will be clad with a combination of contemporary, long-lasting fiber cement panels at the ground level, and horizontal lap wood siding above. The larger panels at the ground floor will create a sense of a sturdy, human-scale base, separated from the higher floors with a wide horizontal trim band. This criterion is met.*

## **8. Landscaping**

*Landscaping of multi-unit developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.*

**Applicant's Findings:** *The applicant has provided a tentative landscape plan. Additionally, the applicant has retained an arborist to evaluate the proposed tree canopy which will demonstrate compliance with all requirements. The landscape plan demonstrates the proposed development is providing more landscape than the MMC requires is included with the applicants submittal*

materials. The locations of trees and shrubs on site is very intentional and done in a manner to provide buffering and screening from the new development to developments immediately south and east of the site. The off-street parking area is proposed between the building and the river; however, the development site is more than 400-feet from the riverbank. The enhanced pedestrian connections both internally and along the public right-of-way will enhance the activity between the site and the river as there is no public sidewalk along the street frontage today. Though the three existing trees on site are not proposed for preservation due to on site, frontage, and utility improvements, the applicant is proposing a landscape design with a mix of evergreen and conifer trees. The landscape design provides shade during the summer months and sunlight during winter months to bolster energy conservation. The mature canopy of proposed trees will help improve air quality and reduce the urban heat island effect. The site includes usable recreational space, encouraging residents to utilize the outdoor common spaces. This criterion is met.

#### 9. Screening

Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.

**Applicant's Findings:** The applicant believes screening mechanical equipment, garbage collection areas, and other site equipment and utilities is an important consideration for maintaining the aesthetic appeal of a development and ensuring they are not visible from the street or public and private open spaces. To ensure this standard is met, the placement of equipment and enclosure areas were carefully considered in relation to the street and public right-of-way. The recycling and trash enclosure area will be screened utilizing materials and colors similar to the building. The landscape proposed will provide additional screening and buffering of vehicle use areas and equipment. This criterion is met.

#### 10. Recycling Areas

Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.

**Applicant's Findings:** The recycling area will be sized appropriately to encourage residents to follow best practices and reduce garbage headed to the landfill. The recycling and trash enclosure area will be screened utilizing materials and colors similar to the building. The landscape proposed will provide additional screening and buffering to the enclosure area. The location of the enclosure is within a relatively close proximity to the dwelling units providing

convenient access to residents. A complete pedestrian path will connect from the building to the recycling area which will be free from obstructions and elevated from vehicle use areas. This criterion is met.

#### 11. Sustainability

Multi-unit development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment.

When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.

**Applicant's Findings:** The applicant believes incorporating sustainable design and building practices is crucial for creating resilient communities. Though the three existing trees on site are not proposed for preservation due to on site, frontage, and utility improvements, the applicant is proposing a landscape design with a mix of evergreen and conifer trees. The landscape design provides shade during the summer months and sunlight during winter months to bolster energy conservation. The mature canopy of proposed trees will help improve air quality and reduce the urban heat island effect. The site includes usable recreational space, encouraging residents to utilize the outdoor common spaces. The applicant is committed to utilizing environmentally conscious construction practices focused on minimizing the carbon footprint and waste generation during construction. The recycling area will be sized appropriately to encourage residents to follow best practices and reduce garbage headed to the landfill. The design includes a robust pedestrian network and bicycle parking, encouraging alternate modes of transportation. The building is oriented in a manner that provides a long spanse facing south allowing for optimal solar placement should solar be utilized in the future on the building. This criterion is met.

#### 12. Privacy Considerations

Multi-unit development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.

**Applicant's Findings:** Topography, building orientation, and window placement provide screening to properties adjacent to the north, west, and east of this site. The applicant had to be more mindful and considerate to existing development abutting to the south. To maximize privacy from the development site to the south, the applicant placed windows in a manner which are offset from the windows of the abutting home. Trees have been placed in front of



windows providing further screening and the building is terraced in a manner that offsets the third story from the southern property line. All of these considerations in the design meet this criterion.

### 13. Safety

Multi-unit development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:

- *Natural Surveillance: Areas where people and their activities can be readily observed.*
- *Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting.*
- *Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control.*

**Applicant's Findings:** *The applicant has considered site safety and security within the proposed design of the site. The common open space has been designed to encourage residents to gather, have social interactions, and create a sense of ownership. The common areas will be well maintained. Well maintained and activated spaces promote surveillance and prevent crime. The site will be well lit along pedestrian paths and parking areas enhancing safety of these spaces and discouraging vehicle related crimes. The site will be maintained in good order through regular maintenance preventing the appearance of neglect or disrepair which could attract nefarious activity. Visual surveillance is possible to all common areas from the building on all sides. The implementation of these items enhance site safety and security and the overall quality of living for residents. This criterion is met.*

## Chapter 19.600 – Off-Street Parking and Loading

### Section 19.601 – Purpose

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

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

## Section 19.602 – Applicability

### Section 19.602.1 – General Applicability

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

### Section 19.602.3 – Applicability for Development and Change in Use Activity

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

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.

***Applicant's Findings:*** *The applicant is proposing to redevelop the development site with a multi-unit building and associated on site improvements. The improvements proposed include an off-street parking area. The applicant has demonstrated in the findings below that the proposal conforms to all applicable criteria.*

- B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5, when the following types of development or change in use occur:
  1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint.
  2. Changes of use, as defined in Section 19.201.

***Applicant's Findings:*** *The development site does not include any existing parking areas. The proposed parking area meets the current development standards outlined in this section. This criterion is not applicable.*

## Section 19.603 – Review Process and Submittal Requirements

### Section 19.603.1 – Review Process

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

***Applicant's Findings:*** *The applicant understands the proposal will be reviewed by the Milwaukee Planning Commission as it is a consolidated application with a quasi-judicial land use review.*

### Section 19.603.2 – Submittal Requirements

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

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

***Applicant's Findings:*** *The application plans provided includes all of the required items listed in this section. This criterion is met.*

## Section 19.604 – General Parking Standards

### Section 19.604.1 – Parking Provided with Development Activity

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

***Applicant's Findings:*** *The applicant is proposing to provide off-street parking and construct it in the manner shown on the plans provided. The applicant will develop the off-street parking area at the same time as they develop the proposed multi-dwelling building. The parking has been proposed in accordance with the provisions of this section and other applicable development codes, including landscaping requirements. Compliance with the provisions demonstrated within this narrative and on the plans provided. This criterion is met.*

### Section 19.604.2 – Parking Area Location

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

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2.
- D. Where shared parking is approved in conformance with Subsection 19.605.4.

***Applicant's Findings:*** *The applicant is applying for a lot consolidation with the development proposal. Upon approval of the lot consolidation, the development site will entirely contain the newly proposed multi-dwelling building and the associated off-street parking area. The applicant is meeting the location standards through method A listed above. This criterion is met.*

### Section 19.604.3 – Use of Parking Areas

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

***Applicant's Findings:*** *The applicant understands the off-street parking area must remain available to tenants on site. The parking stalls will not be rented, leased, sold, or otherwise used in a manner which would be inconsistent with this ordinance. The applicant does not intend for the parking to be shared through a shared parking agreement. This criterion will be met.*

#### Section 19.604.4 – Storage Prohibited

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

***Applicant's Findings:*** *The off-street parking area will not be utilized for storage. This criterion will be met.*

#### Section 19.605 – Vehicle Parking Quantity Requirements

##### Section 19.605.1 – Minimum and Maximum Requirements

- A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

***Applicant's Findings:*** *In accordance with the minimum and maximum parking requirements and allowances listed in Table 19.605.1, multi-unit dwellings must provide a minimum of 1 space per dwelling unit but shall not exceed more than 2 spaces per dwelling unit. The applicant's proposal includes 13 dwelling units. As shown on the site plan provided, there are 11 parking stalls within the parking lot, and enough space along the frontage for 2 additional parking spaces.*

- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Director may elect to assign a use category from Table 19.605.1 to determine the minimum required and maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.

***Applicant's Findings:*** *The specific use is called multi-dwelling and is identified in Table 19.605. This criterion is not applicable.*

- C. If a proposed use is not listed in Table 19.605.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.605.2.

**Applicant's Findings:** *The specific use is called multi-dwelling and is identified in Table 19.605. This criterion is not applicable.*

- D. Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number. Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.

**Applicant's Findings:** *The applicant understands the provisions for calculating parking when a fraction of a number is the result. This criterion is met.*

- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street parking spaces.

**Applicant's Findings:** *The site includes a van ADA parking space which is in compliance with ADA requirements. The site plan demonstrates compliance and is submitted with this application for review and approval by the building official. This criterion is met.*

#### Section 19.605.5 – Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

##### A. Commercial and Industrial Parking

For commercial and industrial uses that provide off-street parking, choose one of the following:

1. At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

**Applicant's Findings:** *This application does not include commercial or industrial use parking areas. These criteria are not applicable.*

B. Multi-Unit and Mixed-Use Residential Parking

For buildings with 5 or more dwelling units where off-street parking spaces are provided, choose one of the following:

1. All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

**Applicant's Findings:** *At the time of building permit submittal, the applicant will provide an electrical plan demonstrating compliance with one of the options identified above. This criterion will be met.*

Section 19.606 – Parking Area Design and Landscaping

Section 19.606.1 – Parking Space and Aisle Dimensions

- A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

**Applicant's Findings:** *Table 19.606.1, provides the dimensions for the 90 degree parking spaces proposed for the development. As demonstrated on the site plan, each space will be 9 feet wide, and 19 feet deep. This criterion is met.*

- B. The dimension of vehicle parking spaces provided for disabled persons shall be according to federal and State requirements.

**Applicant's Findings:** *As demonstrated on the site plan, the ADA parking stall and the loading area are provided in accordance with applicable federal and state requirements. This criterion is met.*

- C. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

***Applicant's Findings:*** *The combination of aisle width and small turnaround area allows vehicles enough maneuvering ability to be oriented forward when entering the street. This criterion is met.*

- D. Drive aisles shall be required in parking areas greater than 5 spaces. Drive aisles shall meet the minimum width standards of Subsection 19.606.1. Where a drive aisle or portion thereof does not abut a parking space(s), the minimum allowed width for a one-way drive aisle shall be 8 ft and the minimum allowed width for a two-way drive aisle shall be 16 ft.

***Applicant's Findings:*** *To ensure vehicles parked within the parking lot have enough room for maneuvering, a 24-foot drive aisle will be included. This criterion is met.*

### Section 19.606.2 – Landscaping

#### A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

***Applicant's Findings:*** *The applicant understands the purpose for requiring landscaping in conjunction with off-street parking. As described below and shown on the landscape plan included with this submittal, the applicable criteria are met.*

#### B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for middle housing and single detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.
2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Zone are exempt from the requirements of Subsection 19.606.2.
4. Required trees shall be species that, within 10 years of planting, will provide a minimum of 20-ft diameter shade canopy. Compliance with this standard is based on the expected growth of the selected trees.
5. Implementation of this section is in addition to, and must be coordinated with, Chapter 16.32 Tree Code.

***Applicant's Findings:*** *The applicant understands the general provisions of this section and demonstrates compliance below.*



## C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

### 1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

***Applicant's Findings:*** *The applicant is proposing landscape strips in the largest amounts feasible for the constraints on the development site. Along the west side of the parking area, a 5 and a half foot landscape strip is proposed. The prescriptive requirement for this landscape strip is 6-feet. However, given that this portion of the site is abutting the parking area of the adjacent property, the applicant is proposing a 5 and a half foot planter strip with screening. The reduced landscape strip helps to provide a larger contiguous open space area on the east side of the site. Along the south side of the parking area, the applicant is proposing a 9 and a half foot setback to the vehicle parking space. The landscape strip is proposed to be reduced to 4-feet 7-inches at the drive aisle for easier maneuverability of vehicles, ensuring they are able to exit the site forward facing. Along the northerly property line, abutting the right-of-way, for SE Lava Drive, the applicant is proposing a 6-foot 7-inch landscape planter and an onsite 5-foot sidewalk with an easement for public access. In total, the parking area is setback from the public right-of-way 11-feet 7-inches. The landscaping and screening abutting the parking area meets the intent of the code.*

### 2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include one tree planted per 30 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

***Applicant's Findings:*** *The applicant hired a professional landscape architect to design the planting and landscape plans for this site. The planting plan takes into consideration both the requirements of the development code and sustainability of the plant materials. Along the*

*perimeter buffer, two trees are proposed along with fencing and shrubbery. Should the review authority request or require additional trees along the westerly property line, the applicant can revise the proposed landscape plan. This criterion will be met.*

### 3. Additional Planting Requirements Adjacent to Residential Uses

In addition to the planting requirements of Subsection 19.606.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.606.2.C.3. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.

***Applicant's Findings:*** *The perimeter of the site is proposed to be screened with shrubbery and a sight obscuring fence to ensure impacts to abutting residential uses is minimized to the greatest extent possible. This criterion is met.*

### D. Interior Landscaping

The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.D.

#### 1. General Requirements

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.606.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.606.2.D.

***Applicant's Findings:*** *The applicant understands the interior landscape requirements are applicable to the proposed development as 11 off-street parking stalls are proposed.*

#### 2. Required Amount of Interior Landscaped Area

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

***Applicant's Findings:*** *In accordance with this section, the development requires 275 square feet of interior landscaping. Utilizing the calculation methods outlined in subsection 1 above, the proposal includes approximately 314 square feet of interior landscaping dispersed throughout the development site. This criterion is met.*

### 3. Location and Dimensions of Interior Landscaped Areas

- a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.
- b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).

***Applicant's Findings:*** *The interior landscape areas are located at the ends of the parking area and surrounding the trash enclosure. The minimum dimensional standard of 6-feet in width isn't met for the calculated portion of the interior landscape but the landscape buffers are a minimum of 6-feet in width. This criterion is met.*

### 4. Planting Requirements for Interior Landscaped Areas

- a. For divider medians, at least 1 shade or canopy tree must be planted for every 40 linear ft. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.
- b. For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.
- c. The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

***Applicant's Findings:*** *As demonstrated by the landscape plan provided, the proposal includes shade trees in all four corners of the parking area which will shade the pavement at maturity and offer buffering to adjacent areas. This criterion is met.*

## Section 19.606.3 – Additional Design Standards

### A. Paving and Striping

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

***Applicant's Findings:*** *The parking area includes 11 parking stalls which are proposed to be standard size meeting the dimensional requirements of 19-feet in depth and 9-feet in width. All stalls meet the dimensions for 90-degree parking angle standards. In no case will any vehicle be*

*forced to back out into a street. There is enough room behind all parking stalls which would allow vehicles to enter and exit the street in a forward motion. The proposed off-street parking and vehicle use areas are proposed to be paved with a hard surface material meeting the Public Works Design Standards. Details regarding the construction will be provided at the time of building permit for the director's review and approval. The off-street parking and vehicle use areas are designed, graded, and drained according to the Public Works Design Standards, or to the approval of the director. Additional details regarding the construction will be provided at the time of building permit for the director's review and approval. This criterion is met.*

#### B. Wheel Stops

Parking bumpers or wheel stops, of a minimum 4-in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

***Applicant's Findings:*** *Extended curbs are utilized to protect pedestrian and landscaped areas from vehicle overhang. This criterion is met.*

#### C. Site Access and Drive Aisles

1. Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16.
2. Drive aisles shall meet the dimensional requirements in Subsection 19.606.1.
3. Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary.
4. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right-of-way boundary where no sidewalk exists.
5. Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion.

***Applicant's Findings:*** *The development proposes one point of vehicle access onto the site. This preserves on street parking and reduced the opportunities for vehicular and pedestrian conflicts along the sidewalk, promoting alternate modes of transportation. The proposed driveway location was placed in consideration with the provisions of section 12.16. The drive aisle meets the minimum width standard for two-way traffic through the parking area. In no case will any vehicle be forced to back out into a street. There is enough room behind all parking stalls which*

would allow vehicles to enter and exit the street in a forward motion. All applicable provisions within this section are met by the proposal.

#### D. Pedestrian Access and Circulation

Subsection 19.504.9 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.9.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.9.E.

***Applicant's Findings:*** *The proposed off-street parking area is relatively small. As demonstrated, there is a wide drive aisle proposed to be double loaded with vehicle parking on each side. In no case will any parking stall exceed the distance requirement to the onsite pedestrian walkways. The walkways are continuous, free of any obstructions, no less than 5-feet in width, and will lead pedestrians to the building entrances, common open spaces, and public sidewalk. This criterion is met.*

#### E. Internal Circulation

##### 1. General Circulation

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

##### 2. Connections to Adjacent Parking Areas

Where feasible, parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

##### 3. Drive-Through Uses and Queuing Areas

The following standards apply to uses with drive-through services and uses such as gas stations and quick vehicle service facilities where vehicles queue rather

than park on the site. The Planning Director has the authority to determine when the standards apply to a proposed use.

- a. The drive-up/drive-through facility shall be along a building face that is oriented to an alley, driveway, or interior parking area, and shall not be on a building face oriented toward a street.
- b. None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 ft of the right-of-way.
- c. Queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way. Applicants may be required to submit additional information regarding the expected frequency and length of queues for a proposed use.

***Applicant's Findings:*** *The applicant understands the review authority may impose additional conditions of approval to ensure the intent of this standard is met by the development. It would not be practical for this site to connect the vehicle use area with the vehicle parking area of the adjacent property due to layout and topography. This site does not include commercial uses with a drive-up window. As applicable, these criteria are met.*

#### F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning Director may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.
4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.

***Applicant's Findings:*** *The applicant understands the off-street parking area must be lit in accordance with the provisions of this code. At the time of building permit approval, the applicant will provide a detailed lighting plan demonstrating compliance with this section. This criterion will be met.*

## Section 19.608 – Loading

### Section 19.606.2 – Number of Loading Spaces

The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

#### A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
2. All other buildings: 1 loading space.

#### B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. Less than 20,000 sq ft of total floor area: no loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

***Applicant's Findings:*** *In accordance with this section, because the development includes less than 50 dwelling units and abuts a local street, no off-street loading is required. This section is not applicable to the proposal.*

## Section 19.609 – Bicycle Parking

### Section 19.609.1 – Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, middle housing, and multi-unit residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

***Applicant's Findings:*** *The applicant is proposing a new multi-unit development which triggers the applicability of bicycle parking standards.*

### Section 19.609.2 – Quantity of Spaces

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.

1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.
2. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
3. Multi-unit residential and middle housing development with 4 or more units must provide one space per unit. Parking for cottage cluster developments is specified in Table 19.505.4.C.1.

***Applicant's Findings:*** *In accordance with the requirements of this section, one bicycle parking space is required for each dwelling unit. The proposal includes 13 units, and 13 bicycle parking spaces are required. The applicant is providing personal, wall mounted bicycle racks for one bicycle within each dwelling unit. This criterion is met.*

- B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:
  1. When 10% or more of vehicle parking is covered.
  2. If more than 10 bicycle parking spaces are required.
  3. Multifamily residential development with 4 or more units.

***Applicant's Findings:*** *The proposal provides 100 percent enclosed bicycle parking as the wall mounted racks will be placed within the dwelling units. This criterion is met.*

#### Section 19.609.3 – Space Standards and Racks

- A. The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.
- B. Lighting shall conform to the standards of Subsection 19.606.3.F.

***Applicant's Findings:*** *At the time of building permit submittal, the applicant will provide an architectural detail demonstrating the wall-mounted bicycle rack that will be provided within each dwelling unit. The racks will hold one bicycle securely to the wall. Because the racks will be secure within each dwelling unit, locks will not be necessary. As applicable, this criterion will be met.*

#### Section 19.609.4 – Location

- A. Bicycle parking facilities shall meet the following requirements:
  1. Located within 50 ft of the main building entrance.
  2. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
  3. Designed to provide direct access to a public right-of-way.



4. Dispersed for multiple entrances.
5. In a location that is visible to building occupants or from the main parking lot.
6. Designed not to impede pedestrians along sidewalks or public rights-of-way.
7. Separated from vehicle parking areas by curbing or other similar physical barriers.

***Applicant's Findings:*** For additional security reasons, the applicant is proposing to provide wall mounted bicycle racks within each dwelling unit. These racks allow residents to secure their bicycles within their homes reducing the likelihood of theft or damage.

- B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. See Figure 19.609 for illustration of space and locational standards. A right-of-way permit is required.

***Applicant's Findings:*** The applicant is proposing all on-site bicycle parking. This criterion is not applicable.

## Section 19.610 – Carpool and Vanpool Parking

### Section 19.610.1 – Applicability

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

***Applicant's Findings:*** In accordance with this section, the applicant is not required to designate any carpool and vanpool parking as the proposal does not include industrial, institutional, or commercial uses. This section is not applicable.

## Chapter 19.700 – Public Facility Improvements

### Section 19.701 – Purpose

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

#### Section 19.701.1 – For Transportation Facilities

- A. Provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation system plans.
- B. Protect the functional classification, capacity, and level of service of transportation facilities.

- C. Ensure that transportation facility improvements are provided in rough proportion to development impacts.
- D. Provide an equitable and consistent method of requiring transportation facility improvements.
- E. Ensure that transportation facility improvements accommodate multiple modes of travel, including pedestrian, bicycle, transit, and auto.

***Applicant's Findings:*** *Prior to submitting this application for review and approval, the applicant's representatives met with city staff to determine the applicability of requirements. City staff indicated a dedication along the frontage of SE Lava Drive at a width of 5-feet would be required. The public sidewalk would remain on the applicants property with an easement dedicated for public access along the new frontage. The applicant has retained a professional engineer to ensure the proposal meets the public facility requirements of the city.*

#### Section 19.701.2 – For Public Facilities

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

***Applicant's Findings:*** *The applicant's engineer has designed the proposed improvements to be consistent with the applicable Public Works and other city requirements ensuring improvements are safe, convenient, adequate, and proportional to the proposal. This criterion will be met by the proposal.*

#### Section 19.702 – Applicability

##### Section 19.702.1 – General

Chapter 19.700 applies to the following types of development in all zones:

- A. Partitions.
- B. Subdivisions.
- C. Replats.
- D. New construction.
- E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single detached residential development and development in downtown zones.

1. A new dwelling unit.
2. Any increase in gross floor area.
3. Any projected increase in vehicle trips, as determined by the City Engineer.

***Applicant's Findings:*** *The applicant understands their new multi-dwelling development is considered new construction and triggers the applicability of this section.*

## Section 19.703 – Review Process

### Section 19.703.1 – Preapplication Conference

For all proposed development that requires a land use application and is subject to Chapter 19.700 per Section 19.702, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.

***Applicant's Findings:*** *On March 3, 2023, the applicant's representatives attended a pre-application conference regarding this project. This criterion has been satisfied. The pre-application conference notes are included with the exhibits.*

### Section 19.703.2 – Application Submittal

For all proposed development that is subject to Chapter 19.700 per Section 19.702, one of the following types of applications is required.

#### A. Development Permit Application

If the proposed development does not require a land use application, compliance with Chapter 19.700 will be reviewed as part of the development permit application submittal.

***Applicant's Findings:*** *A land use application is required for this development. This criterion is not applicable.*

#### B. Transportation Facilities Review (TFR) Land Use Application

If the proposed development triggers a transportation impact study (TIS) per Section 19.704, a TFR land use application shall be required. Compliance with Chapter 19.700 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Section 19.1005. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications.

If the proposed development does not trigger a TIS per Section 19.704, but does require the submittal of other land use applications, compliance with Chapter 19.700 will be reviewed during the review of the other land use applications.

***Applicant's Findings:*** In accordance with Section 19.704, a TFR letter is not required for this application. This was confirmed by city staff in the pre-application notes included with this submittal.

## Section 19.709 – Public Utility Requirements

### Section 19.709.1 – Review Process

The Engineering Director shall review all proposed development subject to Chapter 19.700 per Section 19.702 in order to: (1) evaluate the adequacy of existing public utilities to serve the proposed development, and (2) determine whether new public utilities or an expansion of existing public utilities is warranted to ensure compliance with the City's public utility requirements and standards.

#### A. Permit Review

The Engineering Director shall make every effort to review all development permit applications for compliance with the City's public utility requirements and standards within 10 working days of application submittal. Upon completion of this review, the Engineering Director shall either approve the application, request additional information, or impose conditions on the application to ensure compliance with this chapter.

#### B. Review Standards

Review standards for public utilities shall be those standards currently in effect, or as modified, and identified in such public documents as Milwaukee's Comprehensive Plan, Wastewater Master Plan, Water Master Plan, Stormwater Master Plan, Transportation System Plan, and Public Works Standards.

***Applicant's Findings:*** The applicant understands the public utility permit review process. The applicant's civil engineer will prepare the required materials for submittal and review by the approval authority in compliance with the applicable provisions of this section.

### Section 19.709.2 – Public Utility Improvements

Public utility improvements shall be required for proposed development that would have a detrimental effect on existing public utilities, cause capacity problems for existing public utilities, or fail to meet standards in the Public Works Standards. Development shall be required to complete or otherwise provide for the completion of the required improvements.

- A. The Engineering Director shall determine which, if any, utility improvements are required. The Engineering Director's determination requiring utility improvements shall be based upon an analysis that shows the proposed development will result in one or more of the following situations:

1. Exceeds the design capacity of the utility.
2. Exceeds Public Works Standards or other generally accepted standards.
3. Creates a potential safety hazard.
4. Creates an ongoing maintenance problem.

***Applicant's Findings:*** *The applicant understands the engineering director will ensure none of the above situations will be a result of the proposal. The applicant's civil engineer has proposed a design in compliance with city requirements to mitigate any issues or negative impacts on existing city infrastructure.*

- B. The Engineering Director may approve one of the following to ensure completion of required utility improvements.
1. Formation of a reimbursement district in accordance with Chapter 13.30 for off-site public facility improvements fronting other properties.
  2. Formation of a local improvement district in accordance with Chapter 3.08 for off-site public facility improvements fronting other properties.

***Applicant's Findings:*** *It is not anticipated a reimbursement district or local improvement district will be required with this application due to the scale of the proposal. This criterion is not applicable.*

#### Section 19.709.3 – Design Standards

Public utility improvements shall be designed and improved in accordance with the requirements of this chapter, the Public Works Standards, and improvement standards and specifications identified by the City during the development review process. The applicant shall provide engineered utility plans to the Engineering Director for review and approval prior to construction to demonstrate compliance with all City standards and requirements.

***Applicant's Findings:*** *The preliminary civil plans included with this application submittal demonstrate compliance with all city standards and requirements in accordance with this section. This criterion is met.*

#### Chapter 19.900 – Land Use Applications

##### Section 19.905 – Conditional Uses

##### Section 19.905.1 – Purpose

The purpose of the conditional use regulations is to evaluate the establishment of certain uses that may be appropriately located in some zoning districts, but only if appropriate for the specific site on which they are proposed.

Conditional uses are not allowed outright. Although they may provide needed services or functions in the community, they are subject to conditional use review because they may

adversely change the character of an area or adversely impact the environment, public facilities, or adjacent properties. The conditional use review process allows for the establishment of conditional uses when they have minimal impacts or when identified impacts can be mitigated through conditions of approval. The review process also allows for denial when concerns cannot be resolved or impacts cannot be mitigated.

Approval of a conditional use shall not constitute a zone change and shall be granted only for the specific use requested. Approval is subject to such modifications, conditions, and restrictions as may be deemed appropriate by the review authority.

***Applicant's Findings:*** *The applicant understands the purpose of the conditional use permit process, including what it requires, what it allows, and what it doesn't. The application meets the applicable criteria as proposed and that is demonstrated below.*

#### Section 19.905.2 – Applicability

- A. This section applies to the establishment of a use identified as a conditional use in the base zone in Chapter 19.300 and any overlay zones or special areas in Chapter 19.400 that are applicable to the property on which the use is proposed.
- B. This section applies to the major or minor modification of existing conditional uses.
- C. This section does not apply to modification of uses that received conditional use approval at one time but are currently allowed outright by the property's base zone and any overlay zones or special areas.

***Applicant's Findings:*** *The applicant is proposing to develop a property within the Willamette Greenway overlay zone, triggering the applicability of the conditional use permit.*

#### Section 19.905.3 – Review Process

- A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be evaluated through a Type III review per Section 19.1006.
- B. Minor modification of an existing conditional use shall be evaluated through a Type I review per Section 19.1004.

***Applicant's Findings:*** *This application is for the establishment of a new conditional use permit. The applicant understands this application will be processed using Type III review procedures.*

#### Section 19.905.4 – Approval Criteria

- A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:
  - 1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

**Applicant's Findings:** *The application has demonstrated the site is suitable for a multi-unit development. Though the shape and size of the site poses some development constraints, the applicant has proposed creative solutions resulting in a project which is consistent with the purpose of the development code. This criterion is met.*

2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

**Applicant's Findings:** *The proposed use of the site is residential, as are the uses adjacent. It would be unreasonable to claim the proposed development of the site would not have any impact on surrounding uses. However, the applicant has demonstrated mitigation to these impacts to the greatest extent practicable. Some of the mitigation measures being offered are robust landscape planting and strategic placement, opaque screening, usable open space, and frontage improvements offering better pedestrian connections to the river. This criterion is met by the proposal.*

3. All identified impacts will be mitigated to the extent practicable.

**Applicant's Findings:** *The applicant has carefully and thoughtfully designed the site to minimize and mitigate impacts. Some of the mitigation measures being offered are robust landscape planting and strategic placement, opaque screening, usable open space, and frontage improvements offering better pedestrian connections to the river. Additional mitigation measures can be seen thorough the design of the building. The third floor is offset from the second floor along the south side, providing a larger setback buffer to residential uses abutting to the south. A flat roof is proposed to maintain river views for properties uphill to the east. All identified impacts have been mitigated to the greater extent practicable. This criterion is met.*

4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

**Applicant's Findings:** *With the exception of when the site is under construction, the use will not have nuisance impacts. During construction, best practices will be utilized to minimize impacts to adjacent properties including reasonable working hours and maintaining a tidy construction site. Upon completion of construction and occupancy of the building, there will not be unreasonable nuisances. This criterion is met.*

5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

**Applicant's Findings:** *The applicant has included responses to all applicable provisions within the code demonstrating compliance. This criterion is met.*

6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

**Applicant's Findings:** *The Comprehensive Plan policies applicable to the proposed use are related to the Willamette Greenway. The applicant demonstrated compliance with the applicable provisions. This criterion is met.*

7. Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

**Applicant's Findings:** *The applicant demonstrates compliance with Chapter 19.700 demonstrating adequate public transportation facilities and public utilities are available to serve the proposed use. Improvements to both transportation facilities (frontage on SE Lava Drive) and utilities are proposed in conjunction with the proposed development to ensure infrastructure is adequate. This criterion is met.*

## Section 19.906 – Development Review

### Section 19.906.1 – Purpose

The purpose of this section 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. Development review is intended to encourage quality development that is compatible with its surroundings and reflects the goals and policies of the Milwaukie Comprehensive Plan.

**Applicant's Findings:** *The applicant understands the development review process is the mechanism utilized by the review authority to ensure all applicable criteria and policies are met by the proposed development.*

### Section 19.906.2 – Applicability

#### A. Type I Review

The following development proposals must submit a development review application and are subject to the requirements of this section, unless explicitly stated otherwise in an applicable land use approval, waived by the Planning Manager at the time of development permit submittal, allowed by right, or exempted per Subsection 19.906.2.C.

1. New development and expansions or modifications of existing development that require review against standards and criteria that are either clear and objective, or that require the application of limited professional judgment.
2. A change in primary use.



3. Parking lot expansions or modifications that change the number of parking spaces by 5 spaces or more.

***Applicant's Findings:*** *The applicant is seeking a Type II Review. These criteria are not applicable.*

#### B. Type II Review

The following development proposals must submit a development review application and are subject to the requirements of this section. Type II development review does not apply to development proposals in the downtown zones as these zones have a separate design review process.

1. New development, or expansions or modifications to existing development, for which the applicant elects, where a choice is available, to have the proposal reviewed against discretionary criteria or standards.
2. New construction of over 1,000 sq ft, either: 1) in the Manufacturing Zone within 120 ft of areas zoned for residential uses, or 2) within any part of the Business Industrial Zone, or 3) within any part of the North Milwaukie Innovation Area.
3. New development or expansions, or modifications to existing development, where the Planning Director determines that the scale of development and/or the level of discretion required to evaluate applicable standards and criteria is not appropriate for a Type I development review.

***Applicant's Findings:*** *The Type II Review is applicable because the applicant designed the multi-dwelling building and site based on design guidelines, rather than design standards.*

#### C. Exemptions

The following development proposals are not required to submit a development review application and are exempt from the requirements of this section. Proposals that are exempt from this section must still comply with all applicable development and design standards. For proposals that require a development permit, compliance with standards will be reviewed during the permit review process.

1. New or expanded single detached dwelling or middle housing detached or attached residential dwellings.
2. Residential accessory uses and structures including accessory dwelling units.
3. Interior modifications to existing buildings that do not involve a change of primary use.
4. Construction of public facilities in the public right-of-way.
5. Temporary events as allowed in Chapter 11.04.

***Applicant's Findings:*** *None of these exemptions are applicable to the proposed development.*

## Section 19.906.4 – Approval Criteria

The criteria in this subsection are the approval criteria for Type I and Type II development review applications. The criteria are based on a review of development standards throughout Title 19 Zoning. Not all of 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. Though the criteria are the same for Type I and Type II development review, the standards evaluated in a Type I review will be clear and objective or require limited professional judgment, while the Type II review will involve discretionary standards and/or criteria.

An application for Type I or Type II development review shall be approved when all of the following criteria have been met:

- A. The proposal complies with all applicable base zone standards in Chapter 19.300.
- B. The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.
- C. The proposal complies with all applicable supplementary development regulations in Chapter 19.500.
- D. The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.
- E. The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.
- F. The proposal complies with all applicable conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.

***Applicant's Findings:*** *The applicant has included responses to all applicable provisions within the code demonstrating compliance. This criterion is met.*

## Section 7: Conclusion

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof and demonstrated how the proposed multi-dwelling development not only satisfies the applicable criteria but would also be a benefit to the community by providing a needed housing type in the City of Milwaukie.

## Section 8: Exhibits

Exhibit A – Clackamas County Tax Map



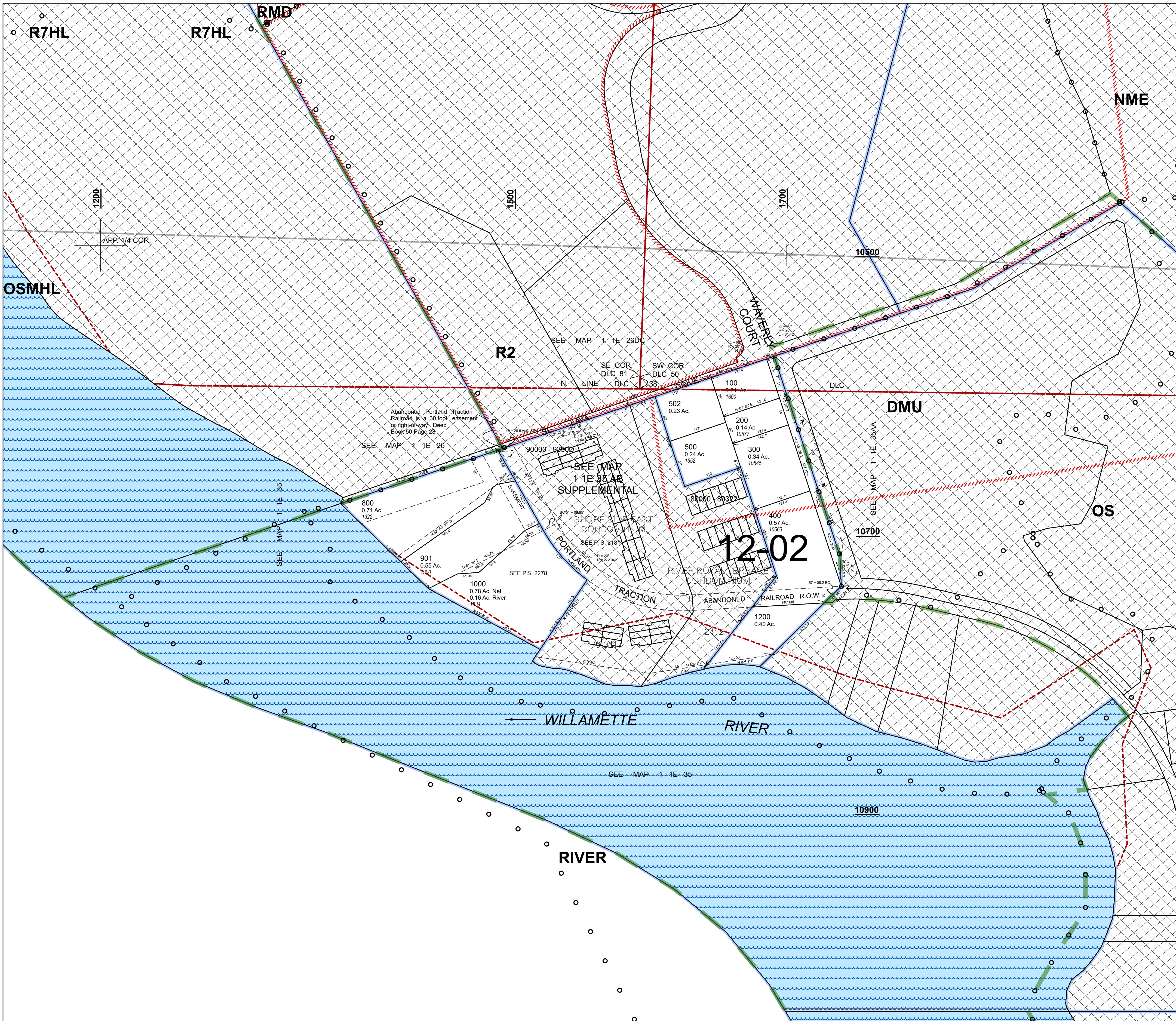
N.W.1/4 N.E.1/4 SEC. 35 T.01 S. R.01 E. W.M.  
CLACKAMAS COUNTY

1" = 100'

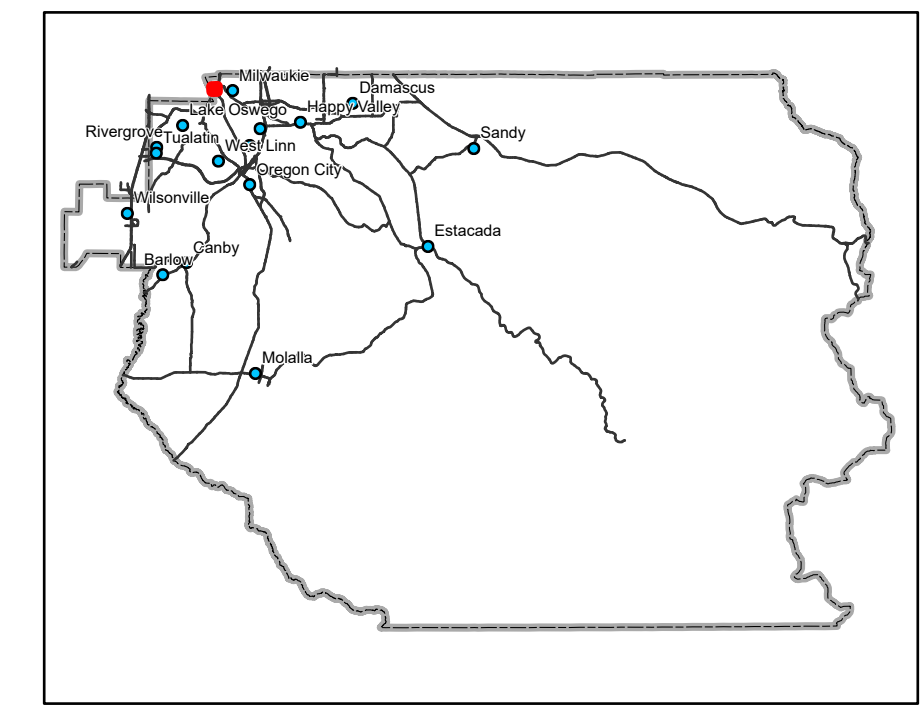
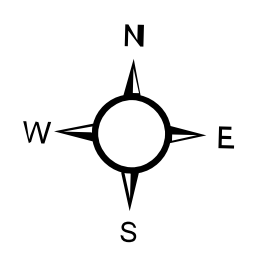
D.L.C.  
LOT WHITCOMB NO. 38  
WM. MEEK NO. 50

Cancelled

- 600
- 1100
- 700
- 900
- 501



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



Exhibit B – Neighborhood Association Contact

# BRAND

## **Neighborhood Association Contact**

1600 SE Lava Drive Milwaukie, OR

Contact with the neighborhood association is not required for the application types being sought.

Exhibit C – Deed

Clackamas County Parcel Information



**Parcel Information**

Parcel #: **00018484**  
Tax Lot: **11E35AB00502**  
Site Address:  
Milwaukie OR 97222  
Owner: Glee Pdx LLC  
Owner2:  
Owner Address: PO Box 96068  
Portland OR 97296  
Twn/Range/Section: 01S / 01E / 35 / NE  
Parcel Size: 0.23 Acres (10,019 SqFt)  
Plat/Subdivision:  
Lot: 0502  
Block:  
Map Page/Grid: 656-H2  
Census Tract/Block: 020800 / 1035  
Waterfront:  
Building Use:

**Tax Information**

Levy Code Area: 012-002  
Levy Rate: 21.4442  
Tax Year: 2022  
Annual Tax: \$1,292.06  
Exempt Description:

**Legal**

Section 35 Township 1S Range 1E Quarter AB TAX LOT 00502|Y|184,366

**Assessment Information**

Market Value Land: \$216,480.00  
Market Value Impr: \$0.00  
Market Value Total: \$216,480.00  
Assessed Value: \$60,252.00

**Land**

Cnty Land Use: 100 - Residential land, vacant  
Zoning: Milwaukie-R-HD - High Density Residential District  
Watershed: Columbia Slough-Willamette River  
Primary School: MILWAUKIE ELEMENTARY SCHOOL  
High School: MILWAUKIE HIGH SCHOOL

Land Use Std: RSFR - Single Family Residence  
Neighborhood: Historic Milwaukie  
School District: 12 - North Clackamas  
Middle School: ROWE MIDDLE SCHOOL

**Improvement**

Year Built: Stories: Fin. SqFt:  
Bedrooms: Bathrooms: Garage:  
Exterior Wall Type: Basement Fin. SqFt: Fireplace:  
Heat: Roof Type-Cover:

**Transfer Information**

Rec. Date: 10/17/2022 Sale Price: \$525,000.00 Doc Num: 2022-055187 Doc Type: Deed  
Owner: Glee Pdx LLC Grantor: HOFFMAN PAULA  
Orig. Loan Amt: Title Co: TICOR TITLE  
Finance Type: Loan Type: Lender:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



RECORDING REQUESTED BY:



111 SW Columbia St., Ste 1000  
Portland, OR 97201

Clackamas County Official Records	<b>2022-055187</b>
Sherry Hall, County Clerk	10/17/2022 10:57:02 AM
D-D                      Cnt=1 Stn=75 BRAD	
\$30.00 \$16.00 \$10.00 \$62.00	<b>\$118.00</b>

**GRANTOR'S NAME:**  
Paula Hoffman, Brianna Duncan and Lance Duncan

**GRANTEE'S NAME:**  
Glee PDX LLC, an Oregon limited liability company

**AFTER RECORDING RETURN TO:**  
Order No.: 36262204809-AS  
Glee PDX LLC, an Oregon limited liability company  
PO Box 96068  
Portland, OR 97296

**SEND TAX STATEMENTS TO:**  
Glee PDX LLC, an Oregon limited liability company  
PO Box 96068  
Portland, OR 97296

APN: 00018439  
00018484  
Map: 11E35AB00100  
11E35AB00502  
1600 SE Lava Drive, Milwaukie, OR 97222

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Paula Hoffman and Brianna Duncan and Lance Duncan, Grantor, conveys and warrants to Glee PDX LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$525,000.00). (See ORS 93.030).

**Subject to:**

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Recorded by TICOR TITLE 30262204809

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/14/22

Paula Hoffman  
Paula Hoffman

State of OREGON  
County of Washington

This instrument was acknowledged before me on 10/14/22 by Paula Hoffman.

Allison Mae Swallow  
Notary Public - State of Oregon

My Commission Expires: 2/20/23



IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/14/2022

Lance Duncan  
Lance Duncan

State of OREGON  
County of Multnomah

This instrument was acknowledged before me on 10/14/22 by Lance Duncan.

Allison Mae Swallow  
Notary Public - State of Oregon

My Commission Expires: 2/20/23



IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/14/2022  
Brianna Duncan  
Brianna Duncan

State of OREGON  
County of Multnomah  
This instrument was acknowledged before me on 10/14/22 by Brianna Duncan.  
Allison Mae Swallow  
Notary Public - State of Oregon  
My Commission Expires: 2/20/23



EXHIBIT 'A'  
Legal

Parcel I:

Part of the William Meek and the Lot Whitcomb Donation Land Claims in Township 1 South Range 1 East of the Willamette Meridian., more particularly described as follows:

BEGINNING at the Southwest corner of the William Meek Donation Land Claim and running; thence South 30° 40' West, 37.70 feet to an iron Pipe set on the South Boundary of a 15 foot Roadway and at the Northeast corner of a Tract of land conveyed to Lottle Chase Smith in Book 120, Page 430, Deed Records; thence North 69° 30' East along the Northerly Boundary of that Tract described in Deed recorded in Clackamas County Deed Book 330, Page 218, 163.50 feet to the most Northerly corner of that Tract conveyed to Celeste Barberis and Lena Barberis, husband and wife, by Deed recorded in Clackamas County Deed Book 487, Page 463, said corner being on the Southerly Boundary of a 15 foot roadway and the true point of beginning of the Tract to be described; from said true point of beginning, running; thence South 19° 36' East along the Easterly Boundary of the aforementioned Barberis Tract, 79 feet to a point; thence North 69° 30' East, 127.4 feet to a point in the Westerly Boundary of that Tract conveyed to Pendleton Woolen Mills by Deed recorded in Clackamas County Deed Book 592, Page 251, and re-recorded in Clackamas County Deed Book 593, Page 81; thence North 19° 36' West along the Westerly Boundary of said Pendleton Woolen Mills Tract, 79 feet to the Northerly Boundary of the aforementioned Tract described in Deed recorded in Clackamas County Deed Book 330, Page 218; thence South 69° 30' West along said Northerly Boundary 127.4 feet to the true point of beginning.

EXCEPTING THEREFROM the Easterly 15 feet thereof described in Dedication Deed for roadway recorded February 29, 1968 as Recorders Fee No. 68-3692, Clackamas County Records.

Parcel II:

A part of the Lot Whitcomb Donation Land Claim and the William Meek Donation Land Claim, in Section 35, Township 1 South, Range 1 East of the Willamette Meridian., described as follows:

BEGINNING at the Northeast corner of that Tract of land Deeded to Celeste Barberis, et ux, recorded October 20, 1954, in Book 487, Page 463, Deed Records; thence South 69° 30' West, 113 feet to a point; thence South 19° 44' East, 90 feet to a point; thence North 69° 30' East parallel with the North Line of said Barberis Tract a distance of 113 feet, more or less, to a point on the Northeasterly line of the said Barberis Tract; thence North 19° 44' West, 90 feet, more or less, to the point of beginning.

**EXHIBIT "B"**  
Exceptions

**Subject to:**

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Portland Gas and Coke Company, a corporation
Purpose:	Right of way for gas line and appurtenances
Recording Date:	May 3, 1915
Recording No.:	Book 139, Page 381
Affects:	Exact location not disclosed

## Clackamas County Parcel Information



### Parcel Information

Parcel #: **00018439**  
Tax Lot: **11E35AB00100**  
Site Address: 1600 SE Lava Dr  
Milwaukie OR 97222 - 3402  
Owner: Glee Pdx LLC  
Owner2:  
Owner Address: PO Box 96068  
Portland OR 97296  
Twn/Range/Section: 01S / 01E / 35 / NE  
Parcel Size: 0.21 Acres (9,148 SqFt)  
Plat/Subdivision:  
Lot: 0100  
Block:  
Map Page/Grid: 656-H2  
Census Tract/Block: 020800 / 1035  
Waterfront:  
Building Use: RS0 - Single Family



### Tax Information

Levy Code Area: 012-002  
Levy Rate: 21.4442  
Tax Year: 2022  
Annual Tax: \$2,904.98  
Exempt Description:

### Assessment Information

Market Value Land: \$240,197.00  
Market Value Impr: \$147,700.00  
Market Value Total: \$387,897.00  
Assessed Value: \$135,467.00

### Legal

Section 35 Township 1S Range 1E Quarter AB TAX LOT  
00100|Y|184,366

### Land

Cnty Land Use: 101 - Residential land improved  
Zoning: Milwaukie-R-HD - High Density Residential  
District  
Watershed: Johnson Creek-Willamette River  
Primary School: MILWAUKIE ELEMENTARY SCHOOL  
High School: MILWAUKIE HIGH SCHOOL

Land Use Std: RSFR - Single Family Residence  
Neighborhood: Historic Milwaukie  
School District: 12 - North Clackamas  
Middle School: ROWE MIDDLE SCHOOL

### Improvement

Year Built: 1920	Stories: 1	Fin. SqFt: 1,446
Bedrooms: 2	Bathrooms: 1	Garage:
Exterior Wall Type: Log	Basement Fin. SqFt:	Fireplace:
Heat: Furnace	Roof Type-Cover: Composition	

**Transfer Information**

Rec. Date: 10/17/2022

Sale Price: \$525,000.00

Doc Num: 2022-055187

Doc Type: Deed

Owner: Glee Pdx LLC

Grantor: HOFFMAN PAULA

Orig. Loan Amt:

Title Co: TICOR TITLE

Finance Type:

Loan Type:

Lender:

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



RECORDING REQUESTED BY:



111 SW Columbia St., Ste 1000  
Portland, OR 97201

Clackamas County Official Records	<b>2022-055187</b>
Sherry Hall, County Clerk	10/17/2022 10:57:02 AM
D-D                      Cnt=1 Stn=75 BRAD	
\$30.00 \$16.00 \$10.00 \$62.00	<b>\$118.00</b>

**GRANTOR'S NAME:**  
Paula Hoffman, Brianna Duncan and Lance Duncan

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PO Box 96068  
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APN: 00018439  
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1600 SE Lava Drive, Milwaukie, OR 97222

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

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SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$525,000.00). (See ORS 93.030).

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SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

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Recorded by TICOR TITLE 30262204809

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/14/22

Paula Hoffman  
Paula Hoffman

State of OREGON  
County of Washington

This instrument was acknowledged before me on 10/14/22 by Paula Hoffman.

Allison Mae Swallow  
Notary Public - State of Oregon

My Commission Expires: 2/20/23



IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/14/2022

Lance Duncan  
Lance Duncan

State of OREGON  
County of Multnomah

This instrument was acknowledged before me on 10/14/22 by Lance Duncan.

Allison Mae Swallow  
Notary Public - State of Oregon

My Commission Expires: 2/20/23



IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/14/2022

*Brianna Duncan*  
Brianna Duncan

State of OREGON  
County of MULTNOMAH

This instrument was acknowledged before me on 10/14/22 by Brianna Duncan.

*Allison Mae Swallow*  
Notary Public - State of Oregon

My Commission Expires: 2/20/23



EXHIBIT 'A'  
Legal

Parcel I:

Part of the William Meek and the Lot Whitcomb Donation Land Claims in Township 1 South Range 1 East of the Willamette Meridian., more particularly described as follows:

BEGINNING at the Southwest corner of the William Meek Donation Land Claim and running; thence South 30° 40' West, 37.70 feet to an iron Pipe set on the South Boundary of a 15 foot Roadway and at the Northeast corner of a Tract of land conveyed to Lottle Chase Smith in Book 120, Page 430, Deed Records; thence North 69° 30' East along the Northerly Boundary of that Tract described in Deed recorded in Clackamas County Deed Book 330, Page 218, 163.50 feet to the most Northerly corner of that Tract conveyed to Celeste Barberis and Lena Barberis, husband and wife, by Deed recorded in Clackamas County Deed Book 487, Page 463, said corner being on the Southerly Boundary of a 15 foot roadway and the true point of beginning of the Tract to be described; from said true point of beginning, running; thence South 19° 36' East along the Easterly Boundary of the aforementioned Barberis Tract, 79 feet to a point; thence North 69° 30' East, 127.4 feet to a point in the Westerly Boundary of that Tract conveyed to Pendleton Woolen Mills by Deed recorded in Clackamas County Deed Book 592, Page 251, and re-recorded in Clackamas County Deed Book 593, Page 81; thence North 19° 36' West along the Westerly Boundary of said Pendleton Woolen Mills Tract, 79 feet to the Northerly Boundary of the aforementioned Tract described in Deed recorded in Clackamas County Deed Book 330, Page 218; thence South 69° 30' West along said Northerly Boundary 127.4 feet to the true point of beginning.

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**EXHIBIT "B"**  
Exceptions

**Subject to:**

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Portland Gas and Coke Company, a corporation
Purpose:	Right of way for gas line and appurtenances
Recording Date:	May 3, 1915
Recording No.:	Book 139, Page 381
Affects:	Exact location not disclosed

Exhibit D – Articles of Organization

# AMENDED ANNUAL REPORT



Corporation Division  
[www.filinginoregon.com](http://www.filinginoregon.com)

**E-FILED**  
Aug 15, 2022  
OREGON SECRETARY OF STATE

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**REGISTRY NUMBER**

124370396

**REGISTRATION DATE**

08/23/2016

**BUSINESS NAME**

GLEE PDX LLC

**BUSINESS**

REAL ESTATE HOLDING

**MAILING ADDRESS**

1211 SW FIFTH AVE STE 1900  
PORTLAND OR 97204 USA

**TYPE**

DOMESTIC LIMITED LIABILITY COMPANY

**PRIMARY PLACE OF BUSINESS**

2234 NW 24TH AVE  
PORTLAND OR 97210 USA

**JURISDICTION**

OREGON

**REGISTERED AGENT**

74556284 - SW&W REGISTERED AGENTS, INC.

1211 SW FIFTH AVE STE 1900  
PORTLAND OR 97204 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

**MANAGER**

THE MARK R MADDEN REVOCABLE LIVING TRUST DATED 10/29/02

MARK R MADDEN TRUSTEE  
PO BOX 96068  
PORTLAND OR 97296 USA





I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

**ELECTRONIC SIGNATURE**

**NAME**

CINDEE L. GANNON

**TITLE**

AUTHORIZED AGENT

**DATE**

08-15-2022

Exhibit N – Pre-Application Conference Notes



**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: 23-002PA

This report is provided as a follow-up to the meeting that was held on 3/3/2023 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>	Frank Stock	<b>Applicant Role:</b> Property Owner/Developer
<b>Applicant Address:</b>	WDC Properties, PO Box 96068, Portland, OR 97296	
<b>Company:</b>	WDC Properties	
<b>Project Name:</b>	11-lot townhouse development; multi-unit development	
<b>Project Address:</b>	1600 SE Lava Dr.	<b>Zone:</b> HDR
<b>Project Description:</b>	Subdivide existing 2 lots into 11 townhouse lots with one townhouse on each lot; OR a 14-unit multi-unit development	
<b>Current Use:</b>	Vacant	
<b>Applicants Present:</b>	Gene Bolante (Studio 3 Architecture); Britany Randall (Brand Land Use)	
<b>Staff Present:</b>	Vera Kalias (Senior Planner); Jennifer Backhaus (Engineering Tech III); Jennifer Garbely (Assistant City Engineer); Eanna Zaya (Engineering Tech I); Courtney Wilson (Urban Forester); Shawn Olson (Clackamas Fire Marshall)	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory)</b>	The property is zoned High Density Residential (HDR), which allows a variety of residential housing types, including single-unit detached dwellings, multi-unit development, duplexes, triplexes, quadplexes, townhouses, and cottage cluster development.
<input checked="" type="checkbox"/>	<b>Dimensional Standards</b>	Dimensional standards for the HDR zone are provided in Milwaukie Municipal Code (MMC) Section 19.302 (specifically in MMC Subsection 19.302.4). Townhouse lots have a lot size range of 1,500 sq ft – 2,999 sq ft. Multi-unit development requires a minimum lot size of 5,000 sq ft.  The following minimum setbacks apply to each townhouse lot (and to the overall site as well):  Front yard: 20 ft Side yard: 5 ft Rear yard: 15 ft

		<p>Street side yard: 15 ft</p> <p>Maximum lot coverage is 50% and minimum vegetation is 15%.</p> <p>Maximum building height in the HDR is 45 ft and that there is a side yard height plane standard to regulate bulk at the side property line (25 ft/45 degrees).</p>
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**Land Use Review Process**

<input checked="" type="checkbox"/>	<b>Applications Needed, Fees, and Review Type</b>	<p>The proposal is for an 11-lot subdivision for townhouses. <b>NOTE:</b> applicant subsequently requested information on a 14-unit multi-unit apartment development as well.</p> <p><u>Townhouse development</u></p> <ul style="list-style-type: none"> <li>• Subdivision (Type III review) = \$4,400 plus \$100 per lot over four lots</li> <li>• Willamette Greenway (Type III review) = \$2,000</li> <li>• Variance to driveway spacing if needed (Type III) = \$2,000</li> <li>• Final Plat (Type I review) = \$200 (processed after the preliminary plat approval)</li> </ul> <p><u>Multi-unit development</u></p> <ul style="list-style-type: none"> <li>• Willamette Greenway (Type III review) = \$2,000</li> <li>• Variance if needed (Type III) = \$2,000</li> <li>• Lot Consolidation (Type I review) = \$200</li> <li>• Multi-unit design review (Type I or Type II): \$200 or \$1,000</li> </ul> <p>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><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>• The applicant could choose to not subdivide the site and keep the two existing parcels as is. Each of those lots could have a quadplex, which could then be divided in a later application as a middle housing land division (Type II review). Each lot would still be considered a quadplex with 4 tax lots.</li> </ul> <p>Please note that the city does not approve final plats until all public improvements have been designed, constructed, bonded, and inspected.</p>
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<input checked="" type="checkbox"/>	<b>Application Process</b>	<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>
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	Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.  <b>NOTE:</b> Please refer to the Engineering Department notes regarding any required transportation impact review and analysis.
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**Overlay Zones (MMC 19.400)**

<input checked="" type="checkbox"/>	<b>Willamette Greenway</b>	The entire site falls within the Willamette Greenway overlay.  Land use actions and development within the Willamette Greenway overlay zone are conditional uses and so are subject to the provisions of MMC 19.905. Note that a conditional use permit will be provided upon approval and must be recorded with Clackamas County.  In addition to the approval criteria for conditional uses that must be addressed (MMC 19.905.4.A), the Willamette Greenway criteria established in MMC 19.401.6 must also be addressed.  There are no specific lighting requirements in the WG overlay.
<input type="checkbox"/>	<b>Natural Resources</b>	
<input type="checkbox"/>	<b>Historic Preservation</b>	
<input type="checkbox"/>	<b>Flex Space Overlay</b>	

**Site Improvements/Site Context**

<input checked="" type="checkbox"/>	<b>Landscaping Requirements</b>	In the HDR zone, the minimum vegetation requirement is 15%, which would apply to each townhouse lot.  If the applicant elects to move forward with a multi-unit development, then the landscaping requirements are found in the multi-unit design standards/guidelines established in MMC Subsection 19.505.3.  With the multi-unit option, the standards include the following: one tree planted or preserved for every 2,000 sq ft of site area; trees planted to provide canopy coverage (within five years) of at least one-third of any common open space.  Alternately, the applicant could choose to address the multi-unit guideline for landscaping, which includes landscaping to provide a canopy for open spaces and courtyards and a buffer from adjacent properties; water-conservation strategies for landscaping; and shading of hardscapes.
<input checked="" type="checkbox"/>	<b>Onsite Pedestrian/Bike Improvements (MMC 19.505.4)</b>	MMC Subsection 19.504.9 establishes standards for on-site pedestrian walkways, but they would only apply directly to this project if the applicant elects not to address the standards/guidelines provided in MMC Subsection 19.505.3 for multi-unit projects. MMC 19.504.9 requires walkways to link the site with the public sidewalk system as well as between parts of a site where the public is invited to walk. Walkways must be constructed with a hard surface material, permeable for stormwater, no less than 5 ft in width, and lighted to a minimum average of 0.5 footcandles.  MMC Section 19.609 establishes general standards for bicycle parking. For multi-unit development, a minimum of 1 space per unit is required, and a minimum of 50% of the spaces must be covered and/or enclosed (in lockers or a secure room). Bike parking spaces must be at least 2 ft wide and 6 ft deep, with a 5-ft-wide access aisle, with 7 ft of overhead clearance for covered spaces. Bike racks must be securely anchored and designed to allow the frame and one wheel to be locked to the rack with a U-shaped shackle lock.  If the applicant opts to address the multi-unit standards of MMC 19.505.3, note that those standards for pedestrian circulation are essentially the same as those established in MMC 19.504.9. For bicycle parking, there are specific standards for the required covered parking, including that the entrance to the parking area be secured and accessible for residents

		only, have minimum stall dimensions of 2.5 ft by 6.5 ft, illuminated at least to a 1.0-footcandle level, and located 30 ft or less from the main entrance to the dwelling structure.  If the applicant chooses to address the multi-unit design guidelines, the pedestrian circulation should provide safe, direct, and usable pedestrian facilities and connections throughout the development. The bicycle parking should be secure, sheltered, and conveniently located.
<input type="checkbox"/>	<b>Connectivity to surrounding properties</b>	
<input type="checkbox"/>	<b>Flag Lot Design Standards (MMC 19.504.7)</b>	
<input checked="" type="checkbox"/>	<b>Building Design Standards (MMC 19.505)</b>	<p>MMC 19.505.1 includes specific minimum building design standards for middle housing and MMC 19.505.5 includes specific design standards for townhouses, including transition area and driveway access/parking.</p> <p>Review of compliance with design standards for the townhomes will occur during permit review. Design standards apply to street-facing facades within 50 ft of a front or street side lot line or that face a common green or courtyard.</p> <p>The townhouse design standards worksheet, which is required to be submitted with the building permit applications, can be found here:  <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/123753/design_standards_form_townhouses_revised_feb2023.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/123753/design_standards_form_townhouses_revised_feb2023.pdf</a>.</p> <p>If the applicant elects to consolidate the lots and construct multi-unit housing, then the multi-unit design standards and development review process would apply (MMC 19.505.3):  <a href="https://library.gcode.us/lib/milwaukie_or/pub/municipal_code/item/title_19-chapter_19_500-19_505">https://library.gcode.us/lib/milwaukie_or/pub/municipal_code/item/title_19-chapter_19_500-19_505</a>. MMC 19.505.3 includes information about the design standards and review process for multi-unit developments. This is done via a land use review process: Type I for multi-unit design standards process or Type II for multi-unit design guidelines. Building elevations and a narrative showing how the proposed design meets the required standards or guidelines are required.</p>
<input type="checkbox"/>	<b>Downtown Design Standards (MMC 19.508)</b>	
<b>Parking Standards (MMC 19.600)</b>		
<input checked="" type="checkbox"/>	<b>Off-Street Parking Requirements (MMC 19.600)</b>	<p>As of Jan. 1, 2023, the city can no longer require minimum parking for this site. MMC Table 19.605.1 establishes maximum parking quantity requirements.</p> <p>If new off-street parking is provided, it must meet MMC 19.600 regulations, including the provision of electric vehicle charging (MMC 19.605.5) and parking area design and landscaping (MC 19.606).</p> <p>MMC 19.609 requires that bicycle parking be provided for all middle housing developments – in no case can there be fewer than 2 bicycle parking spaces per lot.</p> <p>Bicycle parking for multi-unit developments was referenced above.</p>
<input checked="" type="checkbox"/>	<b>Multi-Family/Commercial Parking Requirements</b>	See above.
<b>Approval Criteria (MMC 19.900)</b>		
<input type="checkbox"/>	<b>Community Service Use (CSU) (MMC 19.904)</b>	

<input checked="" type="checkbox"/>	<b>Conditional Use (MMC 19.905)</b>	Willamette Greenway review is a conditional use subject to the approval criteria in MMC 19.905.4: <a href="https://library.gcode.us/lib/milwaukie_or/pub/municipal_code/item/title_19-chapter_19_900-19_905">https://library.gcode.us/lib/milwaukie_or/pub/municipal_code/item/title_19-chapter_19_900-19_905</a> .
<input type="checkbox"/>	<b>Development Review (MMC 19.906)</b>	
<input checked="" type="checkbox"/>	<b>Variance (MMC 19.911)</b>	<p>It is possible that the applicant will require a variance to the MMC 12.16 driveway spacing standards.</p> <p>MMC Subsection 19.911.4.B establishes the approval criteria for Type III variances, which is the type of variance that would be needed if the applicant opts to adjust some of the standards noted above in this report. (Type II variances are limited to very specific numerical adjustments for a short list of particular standards.) There are two sets of criteria, one for general discretionary relief and one for economic hardship.</p> <p>The discretionary relief track is the more commonly chosen one, as it is usually difficult to show that unusual site characteristics preclude any reasonable economic use of the property. The discretionary relief criteria include the requirement to provide an alternatives analysis of, at a minimum, the impacts and benefits of the proposed variance as compared to the baseline code requirements. In addition, the applicant must show that the proposed variance is reasonable and appropriate and that it meets at least one of three sub-criteria (avoid or minimize impacts to surrounding properties, have desirable public benefits, or respond to the existing built or natural environment in a creative or sensitive manner). Finally, the applicant must show that impacts from the proposed variance will be mitigated to the extent practicable.</p> <p>Up to three distinct variance requests may be included in a single variance application (a fourth would require a separate variance application), but the applicant must address the approval criteria for each individual variance separately.</p>
<b>Land Division (MMC Title 17)</b>		
<input checked="" type="checkbox"/>	<b>Design Standards</b>	<p>MMC Section 17.28.040 establishes general standards for lot design, including a requirement for rectilinear lots (as practicable) and limits on compound lot line segments. As per MMC 17.28.040.C, cumulative lateral changes in direction of a side or rear property line that exceed 10% of the distance between opposing lot corners along that line require a variance.</p> <p><b>NOTE:</b> Other than townhouses, which are, by definition, on their own lots, once/if middle housing is developed (or approved for development) on any lots, the lots can be divided to place each middle housing unit on its own lot. These divisions do not require that each new middle housing lot comply with the same development and design standards as the "parent" lot, but the resulting lots cannot be further divided. The middle housing land division process is an expedited one and is handled with Type II review; the final decision (including an appeal, if necessary) must be issued within 63 days of the application being deemed complete.</p>
<input checked="" type="checkbox"/>	<b>Preliminary Plat Requirements</b>	<p><u>Multi-unit development</u></p> <p>Lot consolidation (MMC 17.12.030):  <a href="https://library.gcode.us/lib/milwaukie_or/pub/municipal_code/item/title_17-17_12_030">https://library.gcode.us/lib/milwaukie_or/pub/municipal_code/item/title_17-17_12_030</a></p> <p><u>Townhouse development – subdivision</u></p> <p>MMC Section 17.16.060 provides application requirements and procedures for preliminary plats, including a reference to the City's preliminary plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for preliminary plat established in MMC Chapter 17.20.</p>

		<p>MMC Section 17.12.040 establishes approval criteria for preliminary plats. The application must include a narrative description demonstrating that the proposal meets all applicable code requirements and design standards, and it must meet the following criteria:</p> <p>(1) the proposed plat complies with Title 19 and other applicable regulations and standards;</p> <p>(2) the proposed land division allows for reasonable development and does not create the need for a variance;</p> <p>(3) the proposed subdivision plat name is not duplicative and satisfies all applicable standards of ORS 92.090(1); and</p> <p>(4) the streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street pattern.</p> <p><b>NOTE:</b> MMC 17.20.030.C requires that a vicinity map be provided showing all existing subdivisions, streets, and unsubdivided land between the proposed subdivision and the nearest existing arterial or collector streets, and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property. The proposed subdivision may not preclude future connections and land division of surrounding properties.</p> <p>MMC 17.20 Preliminary Plat: <a href="http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_20&amp;showAll=1&amp;frames=off">http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_20&amp;showAll=1&amp;frames=off</a></p> <p>Preliminary plat checklist: <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/preliminaryplatchecklist.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/preliminaryplatchecklist.pdf</a></p> <p>MMC 17.12.040 Approval criteria for preliminary plat: <a href="http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_12-17_12_040&amp;frames=off">http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_12-17_12_040&amp;frames=off</a></p>
<input checked="" type="checkbox"/>	<p><b>Final Plat Requirements (See also Engineering Section of this Report)</b></p>	<p>Final plat not required for lot consolidation.</p> <p>MMC Section 17.16.070 provides application requirements and procedures for final plats, with a reference to the City's final plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for final plat established in MMC Chapter 17.24.</p> <p>MMC Section 17.12.050 establishes the following approval criteria for final plats:</p> <p>(1) Compliance with the preliminary plat approved by the approval authority, with all conditions of approval satisfied.</p> <p>(2) The preliminary plat approval has not lapsed.</p> <p>(3) The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities.</p> <p>(4) The plat contains a donation to the public of all common improvements, including streets, roads, parks, sewage disposal, and water supply systems.</p> <p>(5) All common improvements required as conditions of approval have been described and referenced on the plat, and where appropriate, instruments to be recorded have been submitted.</p> <p>(6) The plat complies with the Zoning Ordinance and other applicable ordinances and regulations.</p> <p>(7) Submission of signed deeds when access control strips are shown on the plat.</p> <p>(8) The plat contains an affidavit by the land surveyor who surveyed that the land represented on the plat was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92.060. The plat must indicate the initial point of the survey and</p>



		<p>give the dimensions and kind of such monument and its reference to some corner established by the U.S. Survey or giving two or more objects for identifying its location.</p> <p>Note that construction of all required public improvements must be completed, inspected, and accepted by the City prior to the City's sign-off on the final plat, unless an arrangement for bonding or other interim measure is made and agreed upon by the City.</p> <p>MMC 17.24 Final Plat: <a href="http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_24&amp;frames=off">http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_24&amp;frames=off</a></p> <p>Final plat checklist: <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/finalplatchecklist.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/finalplatchecklist.pdf</a></p> <p>MMC 17.12.050 Approval criteria for final plat: <a href="http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_12-17_12_050&amp;frames=off">http://www.qcode.us/codes/milwaukie/view.php?topic=17-17_12-17_12_050&amp;frames=off</a></p>
<b>Sign Code Compliance (MMC Title 14)</b>		
<input checked="" type="checkbox"/>	<b>Sign Requirements</b>	Although no signage has been proposed at this point, note that MMC Section 14.16.020 provides the standards and limitations for signage proposed in the high density residential zone.
<b>Noise (MMC Title 16)</b>		
<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>	
<b>Neighborhood District Associations</b>		
<input checked="" type="checkbox"/>	<b>Historic Milwaukie</b>	<p>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.</p> <p>Applicants are encouraged to meet with the NDA prior to application submittal: <a href="https://www.milwaukieoregon.gov/citymanager/historic-milwaukie-nda">https://www.milwaukieoregon.gov/citymanager/historic-milwaukie-nda</a>.</p>
	Choose an item.	
	Choose an item.	
<b>Other Permits/Registration</b>		
<input type="checkbox"/>	<b>Business Registration</b>	
<input type="checkbox"/>	<b>Home Occupation Compliance (MMC 19.507)</b>	
<b>Additional Planning Notes</b>		
<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>	MMC 19.702 establishes the applicability of MMC 19.700, including to partitions, subdivisions, replats, 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.

		The proposed development is to subdivide the existing property into 11 new lots, or to create multi-unit housing that would result in 14 new units. In both cases, MMC 19.700 applies.
<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 type="checkbox"/>	<b>Agency Notification (MMC 19.707)</b>	No public agency notifications are required.
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	<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 developments subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24.</p> <p>The intersection at Riverway Lane, Lava Drive, and Waverly Court shall be realigned such that the stop bar and stop sign for eastbound traffic on Lava Drive shall be relocated to better align with Waverly Ct.</p> <p>A 5-ft wide Right-of-Way dedication and 5-ft wide sidewalk easement will be required on Lava Drive.</p> <p>Street improvement design is subject to plan review and approval. Improvements for the right-of-way along Lava Drive will include (but are not limited to): 3-5-ft wide landscape strips, 5-ft wide setback sidewalk (in an easement) and new curb and gutter. Street trees are required to be planted at a minimum of every 40 feet in accordance with the Public Works Standards and the Milwaukie Street Tree List and Planting Guidelines.</p> <p>A Fee In Lieu of Construction (FILOC) will be required for the Riverway Ln frontage. The rate of this fee is \$89/LF.</p> <p>The applicant must provide engineered plans for review and approval prior to permit issuance and construction. A Right-of-Way permit is required to construct all new right-of-way improvements, accessways, and utility connections.</p>
<input checked="" type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	<p>A 10-ft public utility easement (PUE) will be required along the Lava Drive frontage of each lot.</p> <p>For each new lot created, individual utility connections are required. If the Multi-Unit housing option is constructed, a single water and sewer connection is acceptable.</p> <p>The applicant must provide engineered plans for review and approval prior to permit issuance and construction. A Right-of-Way Permit is required to construct these improvements.</p>
<b>Flood Hazard Area (MMC 18)</b>		
<input type="checkbox"/>	<b>Development Permit (MMC 18.16.030)</b>	The subject property is not in a flood hazard zone.
<input type="checkbox"/>	<b>General Standards (MMC 18.04.150)</b>	
<input type="checkbox"/>	<b>Compensatory Storage (MMC 18.20.020)</b>	
<input type="checkbox"/>	<b>Floodways (MMC 18.20.010.B)</b>	

**Environmental Protection (MMC 16)**

<input type="checkbox"/>	<b>Weak Foundation Soils (MMC 16.16)</b>	
<input checked="" type="checkbox"/>	<b>Erosion Control (MMC 16.28)</b>	<p>Erosion control and prevention is required as outlined in MMC16.28</p> <p>Projects that disturb more than 500 square feet within the City of Milwaukie limits require an <a href="#">Erosion Control Permit</a> from the City's Building Department. Even projects that are less than 500 square feet may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.</p> <p>Please review the City's <a href="#">Erosion Control Permit Program Handout</a> for city processes, requirements, and example erosion control plans. The applicant is encouraged to use the City's adopted <a href="#">Erosion Prevention and Sediment Control Planning &amp; Design Manual (2020)</a> for assistance in designing an erosion control plan.</p> <p>Development sites between 1 acre and 5 acres should apply for a 1200-CN permit as outlined on <a href="https://www.milwaukieoregon.gov/publicworks/1200cn">https://www.milwaukieoregon.gov/publicworks/1200cn</a>. 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 <a href="https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx">https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx</a>. Applicants do not need to submit a permit to DEQ if under 5 acres in site size.</p> <p>For more information, please visit <a href="https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control">https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control</a> or contact <a href="mailto:erosioncontrol@milwaukieoregon.gov">erosioncontrol@milwaukieoregon.gov</a>.</p>
<input checked="" type="checkbox"/>	<b>Tree Code (MMC 16.32)</b>	<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.</p> <p>Public trees require a permit for planting (free) – visit <a href="http://milwaukieoregon.gov/trees">milwaukieoregon.gov/trees</a> to learn more.</p> <p>Frontage improvements include tree replanting requirements in the ROW following the public works standards. Public trees may count for partial credit in the development tree code as described in MMC 16.32.042.</p> <p>The tax lot included in the development site will be subject to the development tree code (MMC 16.32.042 A-H). If dividing the existing lot, the development tree code and the included standards apply to each tax lot independently. If the applicant consolidates tax lots, the final consolidated tax lot would be subject to the development tree code.</p> <p>The development tree code requires for this development compliance and/or mitigation associated with the following standards:</p> <ul style="list-style-type: none"> <li>- Preservation standard</li> <li>- Planting Standard</li> <li>- Protection Standard</li> <li>- Soil volume standard.</li> </ul> <p>For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage <a href="#">here</a>. Mitigation fees are outlined in the <a href="#">Master Fee Schedule</a>. The applicant may seek a variance for one or more of these standards through a Type III variance process (MMC 16.32.042.E)</p> <p>Bonds are required for tree protection and post development warranties as outlined in the Master Fee Schedule.</p> <p>Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional</p>

	<p>supportive documentation, including canopy lists and tree protection and planting guidance are available at <a href="http://www.milwaukieoregon.gov/trees">www.milwaukieoregon.gov/trees</a>.</p> <p>The development tree code application is due at time of building permit application unless a variance is being requested through the land use application process. Building permits will not be approved without completion and approval of the development tree code application.</p> <p>For more information, please contact <a href="mailto:urbanforest@milwaukieoregon.gov">urbanforest@milwaukieoregon.gov</a> or call 503-786-7655.</p>
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### Public Services (MMC 13)

<input checked="" type="checkbox"/>	<b>Water System (MMC 13.04)</b>	<p>For the 11-lot townhouse option, all newly created lots will require new water connections. For the single lot 14-unit multi-unit housing option, a single water connection and meter is acceptable. An existing 10-in water main in Lava Drive is available.</p> <p>New water meters must be provided for each new lot. Connection to City utilities is subject to plan and application review. Applications for city utility billing connections shall be made on approved forms: <a href="https://www.milwaukieoregon.gov/building/water-connection-application">https://www.milwaukieoregon.gov/building/water-connection-application</a></p> <p>A system development charge and a water service connection fee must be paid prior to any increase in service size or new connection to city water.</p>
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	<p>For the 11-lot townhouse option, all newly created lots will require new sewer connections. For the single lot 14-unit multi-unit housing option, a single appropriately sized sewer connection is acceptable. An existing 8-in concrete pipe in Lava Drive is available.</p> <p>Connection to City utilities is subject to plan and application review.</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"/>	<b>Stormwater Management (MMC 13.14)</b>	<p>Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual.</p> <p>All new impervious surface area more than 500 square feet is required to be treated on site. Stormwater facilities are subject to plan review.</p> <p>A system development charge must be paid prior to building permit issuance.</p>
<input checked="" type="checkbox"/>	<b>System Development Charge (MMC 13.28.040)</b>	<p>All new development or intensification of use shall be subject to system development charges.</p> <p>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></p> <p>An SDC estimate for both options has been provided as part of this report.</p>
<input checked="" type="checkbox"/>	<b>Fee in Lieu of Construction (MMC 13.32)</b>	<p>A Fee in Lieu of Construction will be required for the frontage along Riverway Lane. This fee is calculated at \$89/LF.</p>

### Public Places (MMC 12)

<input checked="" type="checkbox"/>	<b>Right of Way Permit (MMC 12.08.020)</b>	<p>A Right-of-Way Permit will be required for all frontage improvements, utility work within the right-of-way, and accessway construction.</p> <p>For the 11-lot townhouse option, Individual right-of-way permits will be required to construct any driveway approaches and utility connections for the newly created lots.</p>
<input checked="" type="checkbox"/>	<b>Access Requirements (MMC 12.16.040)</b>	<p>Per MMC 12.16.040, private property must be provided street access via accessways (driveways). These driveways must be constructed under a right-of-way permit in accordance with the current Milwaukie Public Works Standards and are subject to plan review. For residential uses of four or fewer units accessing local or neighborhood streets (as</p>

		found in the 11-lot townhouse option), the accessways must be at least 45 feet from the nearest intersecting street face of curb. For multi-unit residential properties of 5 or more units, accessways must be at least 100 feet from the nearest intersecting street face of curb.  This measurement is taken from the face of curb on Waverly Ct. As currently designed, the 11-lot townhouse option does not meet this standard, and a variance or re-design would be required. As currently designed, the 14-unit multi-unit residential option meets this standard with the single driveway on the west edge of the property.
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<input checked="" type="checkbox"/>	<b>Clear Vision (MMC 12.24)</b>	A clear vision area shall be maintained at all driveways and accessways.
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**Additional Engineering & Public Works Notes**

SDC estimates have been provided for both options. See estimates for assumptions. Actual SDC costs are dependent on final plan review.

**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 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 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).

**If you are building the middle housing building, the building must meet the Oregon Structural Specialty Code (OSSC) and fire sprinklers will be required. Multiple structural permits may be required depending on construction.**

**If you are building the townhomes on individual lots, the buildings must meet the Oregon Residential Specialty Code (ORSC). Each unit will require their own permits.**

**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.	<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.	<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)
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**FIRE DISTRICT COMMENTS**

For a type V-B, 14,100 sq.ft. building the minimum fire flow will be 1,500 GPM with fire sprinklers. Fire sprinklers allow for a reduction in fire flow. When the applicant has the nearest fire hydrant tested, this is the mark they need to meet.

Please also 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	
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**Other Right-of-Way Permits**

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

<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>	
<input type="checkbox"/>	<b>Tree Removal Permit:</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**

Patrick McLeod	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 Kolias	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
(vacant)	Housing & Econ. Dev. Prog. Mgr.	503-786-7627
Emilie Bushlen	Administrative Specialist II	503-786-7600
(vacant)	Administrative Specialist II	503-786-7600

**SUSTAINABILTY DEPARTMENT**

Natalie Rogers	Climate & Natural Resources Mgr.	503-786-7668
Courtney Wilson	Urban Forester	503-786-7655
Galen Hoshovsky	Environmental Services Coordinator	503-786-7660

**CLACKAMAS FIRE DISTRICT**

Shawn Olson	Lieutenant Deputy Fire Marshal	<a href="mailto:shawn.olson@ClackamasFire.com">shawn.olson@ClackamasFire.com</a>
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# Clackamas Fire District #1



## Pre-Application Comments:

**To:** Vera Koliass, Senior Planner, City of Milwaukie  
**From:** Shawn Olson, Fire Marshal, Clackamas Fire District #1  
**Date:** 3-9-2023  
**Re:** 23-002PA Townhomes, 1600 SE Lava Rd.

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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](http://clackamasfire.com) once complete. Call with any questions regarding design requirements and submittal process. 503-742-2663.
- 2) Provide address numbering that is clearly visible from the street.
- 3) Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.
- 4) All new buildings shall have a firefighting water supply that meets the fire flow requirements of the Fire Code Appendix B.
- 5) A third-party agency will need to conduct a fire flow test on existing fire hydrants. Provide a copy of the test report when you submit the fire access and water supply plan.

- 6) Maximum spacing between hydrants on street frontage shall not exceed 500 feet. Additional private on-site fire hydrants may be required for larger buildings. Fire sprinklers may reduce the water supply requirements.
- 7) Prior to the start of combustible construction required fire hydrants shall be operational and accessible.
- 8) 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.
  - a. When ready, submit all fire apparatus access and water supply plans to:  
[Fire Apparatus Access/Water Supply Plan Submittal](#)
- 9) Please see our design guide at:  
<https://clackamasfire.com/fire-prevention/new-construction-resources/>

If you have questions please contact Clackamas Fire District @503-742-2663 or email at [shawn.olson@clackamasfire.com](mailto:shawn.olson@clackamasfire.com)



Permit Record: 23-002PA - 14 Multi-Unit Option SDCs

Street Address: 1600 Lava Drive

Prepared By: JMB

Date: 3/23/2023

SDC	Reimbursement	Improvement	Administration	Total
Parks	\$ 46,527.00	\$ -	\$ -	\$ 46,527.00
Transportation	\$ 946.94	\$ 18,846.62	\$ -	\$ 19,793.56
Storm Drainage	\$ -	\$ 2,743.02	\$ -	\$ 2,743.02
Water	\$ 36,085.00	\$ 29,954.00	\$ 5,054.00	\$ 71,093.00
Sewer	\$ 7,999.20	\$ 1,179.20	\$ -	\$ 9,178.40
Water Meter Set Fee	\$ 6,100.00	\$ -	\$ -	\$ 6,100.00
Review Fee	\$ -	\$ -	\$ 165.00	\$ 165.00
Wastewater Treatment	\$ 87,720.00	\$ -	\$ -	\$ 87,720.00
			Total	\$ 243,319.98

Fees subject to change until final plans and permit issuance

**Assumptions:** 14 units (500 - 800 sf), single 1.5" water meter, 9,850 sf new impervious surface.



Permit Record: 23-002PA - 11 Townhouse OpticSDCs

Street Address: 1600 Lava Drive

Prepared By: JMB

Date: 3/23/2023

SDC	Reimbursement	Improvement	Administration	Total
Parks	\$ 35,703.00	\$ -	\$ -	\$ 35,703.00
Transportation	\$ 694.95	\$ 13,831.35	\$ -	\$ 14,526.30
Storm Drainage	\$ -	\$ 3,338.16	\$ -	\$ 3,338.16
Water	\$ 11,150.00	\$ 9,260.00	\$ 1,560.00	\$ 21,970.00
Sewer	\$ 8,908.20	\$ 1,313.20	\$ -	\$ 10,221.40
Water Meter Set Fee	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00
Review Fee	\$ -	\$ -	\$ 165.00	\$ 165.00
Wastewater Treatment	\$ 67,080.00	\$ -	\$ -	\$ 67,080.00
			Total	\$ 155,503.86

Fees subject to change until final plans and permit issuance

**Assumptions:** 11,400 sf of new impervious area, new 3/4" meters for each unit (10 new).