



CITY OF MILWAUKIE

April 17, 2024

Land Use File(s): TFR-2024-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on April 17, 2024.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	Jerrett Daw, Parnell Engineering, Inc.
Location(s):	Vacant lot adjacent to 5606 SE Monroe St
Tax Lot(s):	12E31AB13300
Application Type(s):	Transportation Facilities Review
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Chapter 19.700 Public Improvements• MMC Section 19.1005 Type II Review Milwaukie Municipal Code: <ul style="list-style-type: none">• MMC Title 12: Streets, Sidewalks, and Public Places
Neighborhood(s):	Linwood

Appeal period closes: 5:00 p.m., May 2, 2024

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, City Hall, 10501 SE Main St. Please contact Vera Koliass, Senior Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <https://www.milwaukieoregon.gov/planning/tfr-2024-002>.

This decision may be appealed by 5:00 p.m. on May 2, 2024, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. At the time of submittal of the associated development permit application(s), the following must be resolved:
 - a. Provide a final sight distance certification on Monroe St at the access point. The sight distance shall be measured for consistency with appropriate design values in the AASHTO document *A Policy on Geometric Design of Highways and Streets, 7th Edition*.
 - b. Provide sufficient detail regarding the placement of any above-ground objects, utilities, landscaping, etc. within the entry/exit area to provide adequate sight distance for drivers ingressing/egressing the site to and from Monroe St simultaneously.
 - c. Provide the required number of ADA spaces in the parking areas applicable codes and regulations.
 - d. Provide plans that have been reviewed and approved by Clackamas Fire District #1 related to emergency vehicle and fire truck access.
 - e. The access drive must provide pedestrian access on both sides to reach Monroe St.
 - f. Prior to final inspection of the required building permit and issuance of a certificate of occupancy, the applicant must provide signage identifying parking restrictions on both sides of the access drive within 75 ft of the intersection with Monroe St.

Additional Requirements

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

1. At the time of submittal of the associated development permit application(s), the following must be resolved:

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

- a. Submit a final stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan must be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Submit full-engineered plans for construction of all required public improvements to be reviewed and approved by the City of Milwaukie Engineering Department. All utilities must conform to the Milwaukie Public Works Standards.
2. Prior to commencement of any earth-disturbing activities, the applicant must obtain a City erosion control permit.
3. Submit a Fire Access and Water Supply plan to Clackamas Fire District #1 for review and approval. Plans must meet their requirements and specifications, particularly related to emergency vehicle access and turning movements.
4. Expiration of Approval
As per MMC Subsection 19.1001.7.E, the land use approval granted with this decision will expire and become void unless the following criteria are satisfied. For proposals requiring any kind of development permit, the development must complete both of the following steps:
 - a. Obtain and pay for all necessary development permits and start construction within two years of land use approval.
 - b. Pass final inspection and/or obtain a certificate of occupancy within four years of land use approval.

Manager’s Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- Approved
- Approved with Conditions
- Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: Jerrett Daw, Parnell Engineering, Inc. (via email)
Nile Hagen (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Jeff Tolentino, Assistant City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Shawn Olson, CFD#1 (via email)
NDA(s): Linwood (via email)
Interested Persons

Land Use File(s): TFR-2024-002

ATTACHMENT 1
Findings in Support of Approval
File # TFR-2024-002 – Monroe Street Cottage Cluster Development

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

1. The applicant, Jerrett Daw, on behalf of Monroe Street Farm LLC, has applied for approval to construct a 44-unit cottage cluster development on a vacant parcel adjacent to 5606 SE Monroe St (TL ID 12E31AB13300). This site is in the R-MD Zone. The land use application primary file number is TFR-2024-002.
2. The proposal is to construct a 44-unit cottage cluster development in 5 clusters, which is an outright permitted use in the R-MD zone. The proposed development includes landscaping and bicycle and vehicular parking; the proposed vehicular parking totals 44 parking spaces. Per MMC 19.704, a development of this size and scale was determined to require a Transportation Impact Study (TIS). The evaluation of a TIS is a Transportation Facilities Review land use application, which is a Type II application.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Chapter 19.700 Public Improvements
 - MMC Section 19.1005 Type II Review

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.

4. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

- a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction.

The applicant proposes to develop a 44-unit cottage cluster in 5 different clusters. The proposed new construction triggers the requirements of MMC 19.700.

- b. MMC Section 19.703 Review Process

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

The applicant had a preapplication conference with City staff on December 22, 2022, prior to application submittal. The proposed development requires a full Transportation Impact Study

(as addressed in Finding 8-c). The proposal's compliance with MMC 19.700 has been evaluated through a concurrent Transportation Facilities Review application.

c. MMC Section 19.704 Transportation Impact Evaluation

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

The proposed development will trigger a significant increase in trip generation above the existing use on the site, therefore a full Traffic Impact Study is required. City Engineering staff and the City's on-call traffic consultant (Kittelson & Associates) provided the applicant with a scope of work for the TIS. At the time the scope was created, the original development proposal was for 80 units. Lancaster Mobley, the applicant's traffic consultant, prepared the TIS (with respect to the original proposed development of 80 units, and later provided an update with respect to the proposed 44-unit cottage cluster). Based on public comment received, City Staff tasked Kittelson & Associates with drafting a response to the applicant's TIS, and to include an evaluation of the proposed development's potential impacts on the proposed Monroe Street Neighborhood Greenway.

Per the City's Transportation System Plan (TSP), Monroe Street is designated as a neighborhood greenway, which is indicative of a low speed, low volume environment in which cyclists can share the road with motorists. Although the TSP does not provide an upper threshold for volumes, with the addition of the 44 cottages, the volumes on Monroe Street near the site are less than 2,000 vehicles per day, which is appropriate for the volume expectations of the street's classifications and the Monroe Street Neighborhood Greenway designation.

With the combination of both a two percent per year growth rate and addition of the "in-process" traffic, the 2026 analyses presented in the TIS are appropriate to forecast conditions when the proposed cottages and the in-process developments are occupied.

As submitted, and with a condition established to provide a sight distance certification, the applicant's traffic study is sufficient to meet the requirements of MMC 19.704.

d. MMC Section 19.705 Rough Proportionality

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

The proposed development will result in an increase in both AM and PM peak hour trips; however, the traffic study submitted by the applicant and subsequent review by the city's third-party traffic consultant Kittelson & Associates concluded that the increase in peak hour trips is not significant enough to warrant off-site intersection improvements.

As proposed and conditioned, mitigation for the transportation impacts of the proposed development is consistent with MMC 19.705.

e. MMC Section 19.707 Agency Notification and Coordinated Review

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

The project and its location do not meet the requirements for agency notification. This standard does not apply.

f. MMC Section 19.708 Transportation Facility Requirements

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

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

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

A condition has been established to provide a sight distance certification.

As conditioned, the development is consistent with the applicable standards of MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

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

Any required frontage improvements will be determined at the time of permit review.

As conditioned, the development is consistent with all applicable standards of MMC 19.708.2.

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

5. The application was referred to the following departments and agencies on February 23, 2024:

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

Public notice was sent to all properties within 300 ft of the site on February 23, 2024. Comments were received, and are summarized, as follows:

- **Elizabeth Start, Chair, Linwood NDA:** comments reflected concerns from the neighborhood regarding density, setbacks, emergency access, traffic, parking challenges, and pedestrian and cyclist safety.
- **Michael and Amy Sigea, 5611 SE Woodhaven St:** questions and concerns about proposed perimeter fencing and stormwater impacts, insufficient on-site parking, and impacts to the Monroe St.
- **Cathy Walter Robb and Ross Robb, 5647 SE Woodhaven St:** opposes the number of proposed dwellings, concerns about impacts to Monroe St, and stormwater impacts.
- **Kevin Magsayo, Sr, 5575 SE Monroe St:** concerns about the impacts on Monroe St and impacts to quality of life of the surrounding neighborhood.
- **Chris Kanoho, 5507 SE Park St:** opposed to the development because of impacts to safety, property values, noise pollution, aesthetics, and traffic impacts. Comments include additional intersections that should have been studied.
- **Dana Savoie, 5605 SE Monroe St:** opposed to the number of proposed dwellings and has concerns about traffic impacts.
- **Dennis Antonette, 11006 SE 55th Ave:** concerns related to increased traffic and lack of parking, privacy for neighboring properties, stormwater mitigation.
- **Mike and Elizabeth Parker, 5558 SE Monroe St:** concerns related to increased traffic, parking challenges, and pedestrian safety.
- **Kevin and Pat Austin, 5713 SE Woodhaven St:** concerns related to increased traffic, parking, and project density.
- **Shannon Salts, 5682 SE Woodhaven St:** concerns about pedestrian safety on Monroe St.
- **Mark and Donna Hinds, owners of 5644 SE Woodhaven St:** concerns about increased traffic, parking, and pedestrian safety.
- **Zac Perry:** concerns about traffic impacts to the Monroe Street Greenway and lack of available parking.
- **Warren and Donna Gray, 5624 SE Monroe St:** concerns about traffic impacts to Monroe St, speed of travel, parking impacts.
- **MeLeesa Yesashimwe, 5644 SE Woodhaven St:** concerns about traffic impacts and lack of parking.
- **Michael Bochenski, 5597 SE Monroe St:** opposes the development based on traffic and parking impacts.
- **Carol Malka, 5707 SE Monroe St:** opposes the development based on traffic impacts.