



CITY OF MILWAUKIE

July 10, 2024

Land Use File(s): MHLD-2024-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on July 10, 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):	Jahnee Dragoo, Wolf Industries
Location(s):	2908 SE Olsen St
Tax Lot(s):	11E25CA00100
Application Type(s):	Middle Housing Land Division
Decision:	Approved with Conditions
Review Criteria:	<p>Milwaukie Zoning Ordinance:</p> <ul style="list-style-type: none">• MMC Section 19.301 Moderate Density Residential Zone• MMC Chapter 19.600 Off-Street Parking and Loading• MMC Chapter 19.700 Public Improvements• MMC Section 19.1005 Type II Review <p>Milwaukie Municipal Code:</p> <ul style="list-style-type: none">• MMC Chapter 12.16 Access Management• MMC Section 17.26.010 Middle Housing Land Divisions
Neighborhood(s):	Ardenwald-Johnson Creek

Appeal period closes: 5:00 p.m., July 25, 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 Kolias, Senior Planner, at

503-786-7653 or koliasv@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <https://www.milwaukieoregon.gov/planning/mhld-2024-001>.

This decision may be appealed by 5:00 p.m. on July 25, 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. The applicant's final plat application must include the items listed on the City of Milwaukie Final Plat Checklist. The following specific items and changes are required as part of the application:
 - a. A written narrative describing all changes made to the final plat that are not related to these conditions of approval.
 - b. A final plat that substantially conforms to the plans received by the Planning Department on June 4, 2024 and approved by this action, except as modified by these conditions of approval.
 - c. The final plat must include spaces for signatures by the Milwaukie Planning Manager and Milwaukie City Engineer, and a note indicating that this partition is subject to the requirements of City of Milwaukie Land Use Application MHLD-2024-001.
 - d. The final plat must include the following notation:
 - (1) The sublots shown were created pursuant to a middle housing land division and may not be further divided.
 - (2) The middle housing developed on the sublots shown on the preliminary plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.
 - (3) Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.
 - (4) This plat was approved as a middle housing land division per ORS 92.031.

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.

- e. The final plat must include appropriate access easements for the benefit of all affected parcels as applicable, including responsibilities for maintenance of the easement areas. A declaration of maintenance agreement must be recorded and noted on the final plat.
 - f. The plat must include a 10-ft Public Utility Easement (PUE) on both the Olsen Street and 29th Avenue frontages.
2. Prior to approval of the final plat, the following shall be resolved:
 - a. Obtain a right-of-way permit for construction of all required public improvements as noted in Finding 8-e, or pay a Fee In Lieu of Construction.
 - b. For construction with over 500 square feet of disturbance, provide an erosion control plan and obtain an erosion control permit.
 - c. Provide a final approved set of electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
 - d. Remove all signs, structures, or vegetation between three ft and eight ft in height located in “clear vision areas” at intersections of streets, driveways, and alleys fronting the proposed development. Prior to the removal of any vegetation, applicant shall confirm with the Engineering department the location of clear vision areas and if the vegetation removal is required to comply with clear vision standards.
 - e. Applicant must record a maintenance agreement that commits the property owner as the designee to maintain the utility easement. The maintenance agreement, upon approval by the city, must be recorded prior to the approval of the final plat.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process. They are included for the applicant's convenience and do not necessarily represent all standards or requirements that may be applicable.

1. The Time Limit on Approval established in MMC 19.1001.7.E applies to this proposed partition.
 - a. MMC 19.1001.7.E.1.c: For boundary adjustments and land divisions approved under Title 17 Land Division, evidence of recording of the required instruments must be provided to the city within two years of the original approval.
 - b. MMC 19.1001.7.E.2.a: Approvals may be extended pursuant to MMC 19.908.
2. MMC Section 17.04.120 Recording

As per MMC Section 17.04.120, partition plats must be recorded by plat. An application for final plat must be submitted to both the City Planning Department and the County

Surveyor. Once approved by the County Surveyor, a copy of the recorded final plat must be submitted to the City Planning Department.

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: Jahnee Dragoo, Wolf Industries (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): Ardenwald-Johnson Creek (via email)
Interested Persons

Land Use File(s): MHLD-2024-001

EXHIBIT 1
Findings in Support of Approval
Primary File #MHLD-2024-001 (2908 SE Olsen St)

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, Jahnee Dragoo, on behalf of the property owners, has applied for approval to partition existing property to create three new parcels: one new parcel with the existing house, a new parcel containing an existing detached dwelling unit, and a new parcel to contain a third detached dwelling currently in permit review. The subject property is addressed as 2908 and 2914 SE Olsen St and is zoned Moderate Density Residential (R-MD). The primary land use application file number is MHLD-2024-001.
2. The subject property is approximately 11,160 sq ft and is developed with a single detached dwelling and one detached dwelling unit. The proposed development would add a third detached dwelling for a detached triplex development. Oregon Senate Bill 458 was adopted by the Oregon State Legislature in 2021. The bill is a follow-up to House Bill 2001 (HB 2001) and allows lot divisions for middle housing that enable them to be sold or owned individually. The legislation requires cities to allow land divisions for any HB 2001 middle housing type (duplexes, triplexes, fourplexes, townhomes, and cottage clusters) built in accordance with the cities' middle housing code provisions adopted under ORS 197.758. The legislation is very specific that communities cannot require the sublots to meet standards such as lot size, dimensions, lot coverage, setbacks, etc. Those standards must be met on the "parent" lot. To partition the property as a middle housing land division, the partition must comply with all aspects of ORS 92.031 as administered in MMC 17.26.

As proposed, Parcel 1 will include the existing house and will be approximately 5,971 sq ft in area. Parcel 2 to the south has an existing detached dwelling unit and will be approximately 2,696 sq ft. Parcel 3 is vacant and will be developed with a third detached dwelling very similar to the one on Parcel 2 and will be approximately 2,479 sq ft.

3. The proposed land division constitutes a middle housing land division as per the definitions in Milwaukie Municipal Code (MMC) Chapter 17.08 and ORS 92.031. The proposal is subject to the following provisions of the MMC:
 - MMC Chapter 12.16 Access Management
 - MMC Title 17 Land Division
 - MMC Chapter 17.26 Middle Housing and Expedited Land Divisions
 - MMC Section 19.301 Moderate Density Residential zone (R-MD)
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.1005 Type II Review

The application was submitted on June 4, 2024, and deemed complete on June 6, 2024. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review as required by law, with a decision by the Planning Manager.

4. MMC Chapter 12.16 Access Management

MMC 12.16 regulates access from private property onto public streets, with specific requirements and standards provided in MMC Section 12.16.040, including for access spacing, location, number, design, and size. For example, MMC Subsection 12.16.040.B.4 requires that the nearest edge of the driveway apron must be at least 5 ft from the side property line in residential districts, and MMC Subsection 12.16.040.E requires that accessways for detached dwelling units have a minimum driveway apron width of 12 ft and a maximum width of 20 ft. The City Engineer has the authority to restrict the location of accessways.

The subject property is located on the southeast corner of 29th Avenue and Olsen Street. The property currently has one existing accessway on Olsen Street. The accessway is located as far from the intersection as possible while still maintaining at least 5 ft separation from the side property line. No additional accessways are proposed for this development.

The Planning Manager finds that the applicable standards of MMC 12.16 are met.

5. MMC Title 17 Land Division

MMC Title 17 establishes the standards and procedures for land division and property boundary changes.

a. MMC Chapter 17.24 Requirements for Tracts and Easements

(1) Ownership of Tracts

(a) Tracts must be owned as follows unless otherwise specified in this title or the land use decision:

- 1) The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;
- 2) The Homeowners' Association, or similar entity, for the area served by the tract;
- 3) A public or private non-profit organization; or
- 4) The City or other jurisdiction.

No tracts are proposed in the proposed land division.

(2) Maintenance Agreement

The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate

maintenance agreement. The maintenance agreement must be approved by the City in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat.

As conditioned, the applicant will record a maintenance agreement that commits the property owner as the designee to maintain the easement. A maintenance agreement, upon approval by the city, will be recorded prior to the approval of the final plat.

b. MMC Chapter 17.26 Middle Housing and Expedited Land Divisions

MMC 17.26 specifies the process, procedures, and approval criteria for middle housing and expedited land divisions.

The subject property is an 11,160-sq ft lot with an existing home, a detached dwelling unit, and a proposed detached dwelling unit, for a total of three detached dwellings. The proposed land division will create a total of three new parcels for a detached triplex development. Following the land division, the units of land created in a middle housing land division, the sublots or subparcels, will be collectively considered a single lot or parcel for all but platting and property transfer purposes under City code and state rules and statutes. This action constitutes a middle housing land division and is subject to Type II review as per the guidance of MMC Table 17.26.010.

MMC Section 17.26.010.D establishes the approval criteria for a middle housing land division. The proposed partition meets these criteria as described below.

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

As demonstrated by the applicant's submittal materials and evidenced by these findings, the proposed replat complies with all applicable standards of MMC Titles 17 and 19. As proposed, this criterion is met.

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

The proposed partition will establish three parcels—one that will accommodate the existing house, one that will accommodate the existing additional detached dwelling, and a third parcel for another detached dwelling currently in permit review. The proposed partition does not create the need for any variances. As proposed, this criterion is met.

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

The proposed partition will be assigned a filing number by the Clackamas County Surveyor and does not require a plat name. As required for the final plat submittal, the plat will meet all applicable provisions of the ORS. As proposed, this criterion is met.

- (4) The streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in

all other respects unless the City determines it is in the public interest to modify the street or road pattern.

No new streets or roads are included in the proposed partition. This standard is not applicable.

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

The applicant's submittal materials include a narrative that addresses all applicable code sections and design standards.

- (6) Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:

- (a) The middle housing development complies with the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19;

The proposed partition includes two existing detached homes, with a third in permit review. The Building Department has approved the permit application; site review approval is pending. This standard is met.

- (b) The middle housing development is in compliance with the land use regulations applicable to the parent lot allowed under ORS 197.758(5);

The proposed partition will result in three parcels, each with one dwelling unit, for a detached triplex development. Middle housing is an outright permitted use in the R-MD zone. This standard is met.

- (c) Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit;

As discussed in Finding 8-f, the proposed partition includes a utility easement to allow for sewer and water utilities to be provided for Parcel 3.

Public water and public sanitary sewer connections will be provided for each lot. This standard is met.

- (d) Easements will be provided as necessary for each dwelling unit on the site for:

- 1) Locating, accessing, replacing, and servicing all utilities;
- 2) Pedestrian access from each dwelling unit to a private or public road;
- 3) Any common use areas or shared building elements;
- 4) Any dedicated driveways or parking; and

5) Any dedicated common area.

The proposed partition will include utility easements for all three parcels. There are no dedicated common areas or shared building elements for the detached triplex. This standard is met.

- (e) Exactly one dwelling unit will be located on each subplot except for lots or tracts used as common areas, on which no dwelling units will be permitted.

As proposed, the partition will result in three parcels; each parcel will have one dwelling unit.

This standard is met.

- (f) Buildings or structures on a subplot will comply with applicable building code provisions relating to new property lines.

Two dwellings are existing on the property. The third parcel is in permit review and the building department has already approved the structural permit for the third dwelling.

This standard is met.

- (g) Structures or buildings located on the sublots will comply with the Oregon Residential Specialty Code.

All dwelling units on sublots have been approved under the Oregon Residential Specialty Code.

This standard is met.

- (h) Where a resulting lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to Chapter 19.700.

As discussed in Finding 8-e, street improvements in the form of new curb, gutter, sidewalk, and street trees are required. Rather than constructing improvements, the City Engineer is recommending the applicant pay a Fee In Lieu of Construction for the entire 29th Avenue frontage.

- (i) The proposed middle housing land division will not cause any existing improvements on the sublots to be inconsistent with applicable standards in this land use code.

The proposed partition will result in three sublots that are consistent with the applicable standards.

The criteria for middle housing land division are met.

As proposed, and as conditioned, the Planning Manager finds that the preliminary plat meets the applicable criteria.

c. MMC Chapter 17.28 Design Standards

MMC 17.28, particularly MMC Section 17.28.040, establishes standards for lot design for land divisions and boundary changes. These standards do not apply to units of land that are created for purposes other than land development, including parks and natural areas.

As discussed above, lot design standards are not applicable to the sublots created in a middle housing land division. The parent lot is rectilinear in shape and no changes are proposed as part of the proposed partition.

As proposed, the Planning Manager finds that the design standards established in MMC 17.28 do not apply to the proposed partition.

d. MMC Chapter 17.32 Improvements

MMC 17.32 establishes procedures for public improvements, including a requirement that work will not begin until plans have been approved by the City.

As per the provisions of MMC Chapter 19.700, discussed in Finding 8-e, the City Engineer is recommending the applicant pay a Fee In Lieu of Construction for the entire 29th Avenue frontage, rather than construct the required curb, gutter, and sidewalk improvements. If the applicant instead chooses to construct the required improvements, construction cannot begin until a Right of Way permit has been approved and issued. As proposed, the Planning Manager finds that the applicable standards of MMC 17.32 are met.

The Planning Manager finds that the proposed partition meets all applicable standards of MMC Title 17.

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

MMC 19.301 establishes standards for the Moderate Density Residential (R-MD) zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed in the R-MD zone, including single detached dwellings, middle housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters), accessory dwelling units (ADUs), and residential homes as outright permitted uses.

The subject property is currently developed with a single-unit dwelling that will be retained on Parcel 1. Parcel 2 is currently developed with a detached dwelling unit and Parcel 3 will be developed with another detached dwelling unit. The overall development will be a detached triplex, which is permitted as an allowed use in the R-MD zone.

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-MD zone. For a middle housing land division, the standards apply to the parent lot as a whole, not to the individual sublots. For the parent lot, the applicable standards are addressed and met as described in Table 6-b below.

Table 6.b Applicable standards in the R-MD zone – MMC 19.301		
Standard	R-MD Requirement – Parent lot	Proposed
Lot Area	7,000 sq ft & up	11,325 sq ft (existing)
Minimum Lot Width	60 ft	72 ft
Lot Depth	80 ft	155 ft
Public Street Frontage (for standard lot)	35 ft	72 ft
Front Yard	20 ft	23.75 ft
Side Yard (interior)	5 ft & 10 ft	5 ft
Street Side Yard	20 ft	18.67 ft (existing house) 20 ft (third dwelling)
Rear Yard	20 ft	20 ft
Side Yard Height Plane	20 ft / 45°	Not applicable (existing single-story house)
Maximum lot coverage	30%	25%
Minimum vegetation	30%	61%
Front Yard Minimum Vegetation	40%	No change (existing house)
Density requirements (Note: Maximum density does not apply to duplexes and other middle housing development.)	N/A – middle housing proposed.	

As reflected in Table 6-b above, the proposed partition meets all applicable development standards of this subsection.

The Planning Manager finds that the proposed partition meets all applicable development standards of MMC 19.301.

7. MMC Chapter 19.600 Off Street Parking & Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space

for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600. Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements on sites within a half mile of a frequent transit corridor or within three quarters of a mile of a rail transit stop. However, all other provisions of MMC 19.600 may still apply.

As per MMC Subsection 19.602.3.B, existing off-street parking areas must be brought closer to conformance when new development or changes of use occur; conversely, new development cannot cause existing parking areas to fall out of compliance (or farther out of conformance).

The subject property is within a half mile of a TriMet frequent transit corridor on 32nd Ave so minimum off-street parking is not required.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. As per the CFEC-related limitations noted above, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to frequent transit provided by TriMet. Maximum off-street vehicular parking limitations still apply, although there is no maximum parking quantity restriction for single detached dwellings (as per MMC Table 19.605.1).

The subject property includes an existing house, with a driveway that provides several off-street parking spaces. The proposal to establish Parcel 1 to include the existing house and driveway does not change the situation with respect to maximum parking. No additional parking for the site is proposed.

The Planning Manager finds that the proposed partition is compliant with the applicable standards of MMC 19.605.

c. MMC Section 19.607 Off-Street Parking Standards for Residential Areas

MMC Subsection 19.607.1 establishes standards for residential driveways and vehicle parking areas, including a requirement that off-street parking spaces be a durable, dust-free surface and at least 9 ft wide by 18 ft deep. No more than 50% of the front yard area can be used for parking, with no more than three parking spaces allowed in the required front yard.

The proposed partition will establish three lots where there is currently only one, retaining the existing house on Parcel 1, the existing detached dwelling on Parcel 3, and establishing Parcel 2 for the third dwelling currently in permit review. No changes are proposed to Parcel 1 and

the existing home and no additional parking is proposed to be provided for the other two dwellings.

The Planning Manager finds that the proposed partition is consistent with the applicable residential parking standards of this section.

As proposed, the Planning Manager finds that the proposed partition meets the applicable off-street parking standards of MMC 19.600.

8. MMC Chapter 19.700 Public Facility Improvements

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

a. MMC Section 19.702 Applicability

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

The applicant proposes to partition the subject property to create two new lots establishing a detached triplex. The proposed partition is subject to 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 establishing approval criteria.

A preapplication meeting for this proposal was held with City staff on April 11th, 2023. As noted in Finding 8-c, a transportation impact study (TIS) is not required; therefore, an application for transportation facilities review is not necessary.

This standard is met.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

The City Engineer has determined that a TIS is not required, as the development will not create a significant increase in trips.

This standard is met.

d. MMC Section 19.705 Rough Proportionality

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

As discussed in Finding 8-e, the required transportation facility improvements for the proposed partition include new frontage improvements along 29th Avenue. Parcels 1 and 2 are already developed with a single detached dwelling each, and Parcel 3 is in the process of adding a new detached dwelling. This will result in an increase in trips and the City Engineer has determined that frontage improvements along 29th Avenue are proportional to the development impacts. A Fee In Lieu of Construction may be paid rather than constructing frontage improvements on 29th Avenue, as noted in Finding 8-e.

This standard is met.

e. 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. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications, including for arterial and neighborhood routes. All streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public ROW and abutting the development site must be adequate at the time of development or must be made adequate in a timely manner. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

The subject property has a double frontage on 29th Avenue and Olsen Street. Both frontages are unimproved. Parcel 1 is already developed with a single detached dwelling and has an existing asphalt accessway on Olsen Street. Parcels 2 and 3 will take primary access from 29th Avenue, although no accessways are currently proposed.

The required frontage improvements for this development consist of new curb, gutter, setback sidewalk, landscape strips, and street trees along the entire 29th Avenue frontage.

The City Engineer has recommended that paying a Fee In Lieu of Construction would be an acceptable alternative to constructing improvements.

As conditioned, this standard is met.

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

The proposed development does not present significant new impacts to existing public utilities, which are adequate to serve the proposed use. To ensure there is sufficient room to accommodate future utility needs, a condition has been established to require a 10-ft public

utility easement (PUE) along the subject property's frontages on Olsen Street and 29th Avenue.

New utility connections are required for each new lot. A sanitary sewer and water line easement are required to provide utility connections to Parcel 3.

As conditioned, this standard is met.

As conditioned, the Planning Manager finds that the applicable standards of MMC 19.700 are met.

9. The application was referred to the following departments and agencies on June 10, 2024:

- Milwaukie Community Development Department
- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Public Works Department
- Clackamas Fire District #1 (CFD#1)
- Ardenwald-Johnson Creek Neighborhood District Association (NDA) and Land Use Committee (LUC)
- NW Natural

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on June 10, 2024.

The comments received are summarized as follows:

- Michele Lukowski: questions about parking and frontage improvements.
- Terry Burlingame and Beatrice MacLeod: comments about potential stormwater impacts and parking