



# CITY OF MILWAUKIE

April 8, 2025

Land Use File(s): MHL D-2025-001

Permit(s): 601-24-001662-STR-CC, 601-24-001663-STR-CC,  
601-24-001664-STR-CC, 601-24-001665-STR-CC

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on April 8, 2025.

*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](mailto:espanol@milwaukieoregon.gov).*

<b>Applicant(s):</b>	Alec Shah (Shah Housing Solutions, LLC)
<b>Location(s):</b>	5026 SE Harrison St
<b>Tax ID:</b>	1S2E30CD, tax lot 11200
<b>Application Type(s):</b>	Middle Housing Land Division
<b>Decision:</b>	Approved with Conditions
<b>Review Criteria:</b>	Milwaukie Municipal Code (MMC): <ul style="list-style-type: none"><li>• MMC Chapter 12.16 Access Management</li><li>• MMC Title 17 Land Division, including:<ul style="list-style-type: none"><li>○ MMC Chapter 17.24 Requirements for Tracts &amp; Easements</li><li>○ MMC Chapter 17.26 Middle Housing &amp; Expedited Land Divisions</li><li>○ MMC Chapter 17.28 Design Standards</li><li>○ MMC Chapter 17.32 Improvements</li></ul></li><li>• MMC Section 19.301 Moderate Density Residential Zone (R-MD)</li><li>• MMC Subsection 19.505.1 Building Design—One- to Four-Unit Residential Development</li><li>• MMC Chapter 19.600 Off-Street Parking &amp; Loading</li><li>• MMC Chapter 19.700 Public Facility Improvements</li><li>• MMC Section 19.1005 Type II Review</li></ul>
<b>Neighborhood(s)</b>	Hector Campbell

**Appeal period closes: 5:00 p.m., April 23, 2025**

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 Brett Kelter, Senior Planner, at

503-786-7657 or [kelverb@milwaukieoregon.gov](mailto:kelverb@milwaukieoregon.gov), if you wish to view this case file or visit the project webpage at [www.milwaukieoregon.gov/planning/mhld-2025-001](http://www.milwaukieoregon.gov/planning/mhld-2025-001).

**This decision may be appealed by 5:00 p.m. on April 23, 2025, which is 15 days from the date of this decision.**<sup>1</sup> (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](mailto:planning@milwaukieoregon.gov).

### **Expiration**

Per MMC Subsection 17.24.010.E.1.b, the preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three (3) years of the tentative approval. As per MMC Subsections 17.04.050.B, 19.1001.7.E.2, and 19.908.3, an extension may be approved up to two years, with additional extensions available.

### **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 February 26, 2025, 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 File #MHLD-2025-001.
  - d. The final plat name must not be duplicative and must satisfy all other applicable requirements of the Clackamas County Surveyor and Oregon Revised Statutes.
  - e. 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.

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<sup>1</sup> As per MMC Section 19.1010, if the 15<sup>th</sup> 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.

- (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.
- f. The final plat must include appropriate utility and access easements for the benefit of all affected sublots as applicable, including responsibilities for maintenance of the easement areas. A declaration of maintenance agreement must be recorded and noted on the final plat.
2. Prior to approval of the final plat, the following must be resolved:
- a. Remove all signs, structures, or vegetation between 3 ft and 8 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, the 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.
  - b. The applicant must record a maintenance agreement that commits the property owner(s) as the designee(s) to maintain the utility and access easements. The maintenance agreement, upon approval by the City, must be recorded prior to the approval of the final plat.

### **Other requirements**

1. MMC Section 17.04.120 Recording

As per MMC 17.04.120, partitions and subdivisions 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.

### **Findings in Support of Approval**

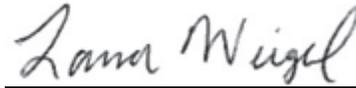
The Findings for this application are included as Exhibit 1.

### **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



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Laura Weigel, AICP  
Planning Manager

**Exhibits**

1. Findings in support of approval
2. Preliminary partition plat

cc: Alec Shah, owner/applicant (via email)  
Rick Givens, planning consultant, applicant's representative (via email)  
Planning Commission (via email)  
Joseph Briglio, Acting 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 Coordinator (via email)  
Emilie Bushlen, Building Permit Technician (via email)  
Shawn Olson, Fire Marshal, Clackamas Fire District #1 (via email)  
Interested Persons (via email)  
NDA(s): Hector Campbell (via email)  
Land Use File(s): MHLD-2025-001  
Address File(s): 5026 SE Harrison St

**EXHIBIT 1**  
**Findings in Support of Approval**  
**File #MLP-2025-001 (5026 SE Harrison 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, Alec Shah of Shah Housing Solutions, LLC, has applied for approval to divide the subject property to create four sublots using the middle housing land division process. The subject property is addressed as 5026 SE Harrison St and is zoned Moderate Density Residential (R-MD). The land use application file number is MHL-2025-001.
2. The subject property is approximately 5,580 sq ft (0.13 acres) and is currently vacant. The property is approximately 50 ft by 110 ft deep, with a single frontage on Harrison Street to the north. The applicant has submitted permits to develop a detached quadplex (i.e., four detached dwelling units) on the site and proposes to divide the subject property to place each quadplex unit on its own subplot. Two sublots would have direct frontage on Harrison Street (approximately 1,450 and 1,480 sq ft each) and two other sublots would be behind them with no street frontage (approximately 1,325 sq ft each).

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 land divisions for middle housing units that enable them to be sold or owned individually. The legislation requires cities to allow such land divisions for any HB 2001 middle housing type (i.e., duplexes, triplexes, fourplexes, townhomes, and cottage clusters) that is built in accordance with the middle housing code provisions adopted by local jurisdictions under Oregon Revised Statutes (ORS) 197.758. The legislation is very specific that communities cannot require the sublots to individually meet standards such as lot size, dimensions, lot coverage, setbacks, etc. Rather, the applicable standards must be met for the larger “parent” lot. To divide the property as a middle housing land division, the division must comply with all aspects of ORS 92.031 as administered in Milwaukie Municipal Code (MMC) Chapter 17.26.

3. The proposed land division constitutes a middle housing land division as per the definitions in 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, including:
    - MMC Chapter 17.24 Requirements for Tracts & Easements
    - MMC Chapter 17.26 Middle Housing & Expedited Land Divisions
    - MMC Chapter 17.28 Design Standards
    - MMC Chapter 17.32 Improvements
  - MMC Section 19.301 Moderate Density Residential zone (R-MD)
  - MMC Subsection 19.505.1 Building Design—One- to Four-Unit Residential Development

- MMC Chapter 19.600 Off-Street Parking & Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.1005 Type II Review

As allowed by MMC Subsection 19.1002.2.B.1, the requirement for a preapplication conference was waived by the Planning Manager. The application was submitted on March 7, 2025, and was deemed complete on March 11, 2025. 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. MMC Subsection 12.16.040.C limits the number of accessways for plex development on local streets to one per property. MMC Subsection 12.16.040.E requires that accessways for plex development on local streets must have a minimum driveway apron width of 12 ft and a maximum of 20 ft. The City Engineer has the authority to restrict the location of accessways.

*The subject property has frontage on Harrison Street (designated as a local street) along its northern boundary. The applicant has proposed a single accessway that would be shared by the two front sublots, 20 ft wide and at least 10 ft from each side lot line. The two rear sublots would not have a vehicle accessway.*

*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 & Easements

MMC 17.24 establishes the requirements for the tracts and easements that may be necessary for a proposed land division. Specifically, MMC Section 17.24.010 establishes requirements for the ownership of tracts and for accompanying maintenance agreements.

##### (1) Ownership of Tracts

Unless otherwise specified in this title or the land use decision, tracts must be owned by either the property owners served by the tract, a homeowners' association, a non-profit organization, or 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. 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.

*The proposed land division includes utility and access easements for the four sublots as needed. A condition has been established to require the recording of a maintenance agreement that commits the property owner(s) as the designee(s) to maintain the shared easements. A maintenance agreement, upon approval by the City, will be recorded prior to approval of the final plat. As conditioned, this standard is met.*

*As conditioned, the Planning Manager finds that the proposed middle housing land division meets the applicable standards of MMC 17.24.*

b. MMC Chapter 17.26 Middle Housing and Expedited Land Divisions

MMC Section 17.26.010 specifies the process, procedures, and approval criteria for middle housing and expedited land divisions.

MMC Subsection 17.26.010.A establishes that middle housing land division is a partition or subdivision of a lot or parcel on which a middle housing project has been developed or approved for development under the provisions of this code and ORS 197.758. 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; including for lot standards (e.g., size, setback, lot coverage, lot width and depth), definition of unit type, allowed number of dwelling units and accessory dwelling units, and compliance with middle housing rules and statutes in ORS 197 and Oregon Administrative Rules (OAR) 660-046.

MMC Subsection 17.26.010.B requires that applications for any land division affecting middle housing as provided in ORS 197.758(2) must be processed as an expedited land division process as outlined in ORS 197.360 to 197.380. Pursuant to the expedited land division process, a middle housing land division will be processed according to MMC Section 19.1005 Type II review. Further division of the resulting sublots or subparcels in an approved middle housing land division is prohibited.

MMC Subsection 17.26.010.C requires a two-step process for middle housing land division: a preliminary plat and a final plat. The preliminary plat is processed through an expedited Type II procedure as per MMC Section 19.1005. The preliminary plat must be approved before the final plat can be submitted for approval. The final plat must satisfy all conditions of approval imposed as part of the preliminary plat approval.

*The applicant has submitted permits to develop a detached quadplex (i.e., four detached dwelling units) on the subject property and proposes to subdivide the lot to place each dwelling unit on its own subplot. This action constitutes a middle housing land division and is subject to Type II review. The proposed middle housing land division is being processed with an expedited Type II procedure for the preliminary plat as outlined in MMC 19.1005. An application for final plat will be accepted once the preliminary plat has been approved.*

MMC Subsection 17.26.010.D establishes the approval criteria for the preliminary plat for a middle housing land division.

- (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 land division 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 land division will establish four sublots, each accommodating an individual unit from the detached quadplex that is allowed outright in the underlying R-MD zone. The proposed land division 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).

*A condition has been established to ensure that the subdivision plat name is not duplicative and that the plat satisfies any other applicable requirements of the Clackamas County Surveyor and ORS. As conditioned, 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 land division. This criterion 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 land division involves the development of a detached quadplex, which is currently in permit review. The permits for all four units have been deemed approvable with respect to all applicable criteria. 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 subject of the proposed land division is a detached quadplex development, which is an outright permitted use in the underlying R-MD zone. The parent lot's compliance with the applicable land use regulations is addressed throughout these findings. This standard is met.*

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

*Public water and public sanitary sewer connections will be provided for each dwelling unit in the detached quadplex. As discussed in Finding 9-f, the proposed land division includes utility easements as needed to allow for sewer and water utilities to be provided for each of the resulting sublots. This standard is met.*

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

- (i) Locating, accessing, replacing, and servicing all utilities;
- (ii) Pedestrian access from each dwelling unit to a private or public road;
- (iii) Any common use areas or shared building elements;
- (iv) Any dedicated driveways or parking; and
- (v) Any dedicated common area.

*The proposed land division includes utility easements for all four sublots as needed, as well as easements for pedestrian access to the rear sublots. There are no dedicated common areas or shared building elements for the detached quadplex. A condition has been established to ensure that the necessary easements will be recorded. As conditioned, 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 land division will result in four sublots, with one dwelling unit located on each subplot. This standard is met.*

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

*The subject property is vacant and the proposed detached quadplex is currently in permit review. The permits for all four units have been deemed approvable, including with respect to the requirement of at least 3 ft of separation between each structure and new property lines. This standard is met.*

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

*All dwelling units on the proposed sublots have been deemed approvable 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 (ROW) will be dedicated, pursuant to Chapter 19.700.

*As discussed in Finding 9-e, the required street improvements on Harrison Street were constructed in conjunction with the subdivision plat that produced the subject property (primary file #R-2021-004 and final plat file #FP-2022-004). No additional improvements or ROW dedication are necessary. This standard is met.*

- (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.

*There are no existing improvements on the subject property. This standard is met.*

*As proposed and conditioned, the specific criteria for middle housing land division are met.*

*As proposed and conditioned, the Planning Manager finds that the proposed preliminary plat for middle housing land division 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.

*The lot design standards were applied to the original subdivision that created the subject property (primary file #R-2021-004 and final plat file #FP-2022-004) but are not applicable to the sublots created with a middle housing land division. The parent lot is rectilinear in shape and no changes are proposed as part of the proposed land division.*

*As proposed, the Planning Manager finds that the design standards established in MMC 17.28 are not applicable to the proposed land division.*

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 discussed in Finding 9, no frontage improvements are required in conjunction with the proposed land division. The requirements for physical public facility improvements were addressed and constructed in conjunction with the subdivision plat that created the subject property (primary file #R-2021-004 and final plat file #FP-2022-004).*

*As proposed, the Planning Manager finds that the applicable standards of MMC 17.32 are met.*

*The Planning Manager finds that the proposed middle housing land division 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 outright in the R-MD zone, including single detached dwellings, middle housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters), accessory dwelling units (ADUs), and adult foster/care homes.

*Permits have been submitted and reviewed for a detached quadplex development on the subject property, which is currently vacant.*

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 the proposed middle housing land division, the applicable standards are addressed for the parent lot in the context of the detached quadplex under permit review, as described in Table 6-b below.

<b>Table 6-b Applicable Development Standards for the R-MD zone</b>		
<b>Standard</b>	<b>R-MD Requirement</b>	<b>Parent Lot</b>
Lot Area	5,000 sq ft to 6,999 sq ft	c. 5,580 sq ft
Minimum Lot Width	50 ft	50 ft
Lot Depth	80 ft	109-111 ft (width varies due to slight curve along frontage)
Public Street Frontage (for standard lot)	35 ft	50 ft

Front Yard	20 ft	20 ft
Side Yard (interior)	5 ft	5 ft (east side) 5 ft (west side)
Rear Yard	20 ft	20 ft
Building Height	35 ft	28 ft (front units) 22 ft (back units)
Side Yard Height Plane	20 ft / 45°	At 5-ft side setback, portions of the approved structures above 20 ft are below the 45°-height-plane angle.
Maximum lot coverage	35%	35%
Minimum vegetation	25%	39%
Front Yard Minimum Vegetation	40%	44%
Density requirements <small>(Note: Maximum density does not apply to middle housing development.)</small>	Minimum density = 7.0 units/acre	(for subject property = 1 unit required) Density with detached quadplex = 4 units

*As reflected in Table 6-b above, the proposed land division meets all applicable development standards of these subsections.*

*As proposed, the Planning Manager finds that the proposed middle housing land division meets all applicable development standards of MMC 19.301.*

7. MMC Subsection 19.505.1 Building Design—One- to Four-Unit Residential Development

MMC Subsection 19.505.1 establishes design standards for one- to four-unit development to ensure a minimum level of design for every dwelling. The building design standards of MMC Subsection 19.505.1.C apply to the development of one to four units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space or a pedestrian path. The building design standards address such elements as articulation, eyes on the street, main entrance, and detailed design features. The site design standards of MMC 19.505.1 apply to plex developments (i.e., two to four units, not to single detached dwellings), and address such elements as building separation, pedestrian circulation, privacy and screening, sustainability, and recycling areas.

*The applicant has submitted permits for a detached quadplex development on the subject property, with all four structures in a group and all street-facing façades within 50 ft of the front lot line. Compliance with the applicable building and site design standards has been conducted by Planning staff as part of the building permit review, and all four structures have been found to be compliant.*

*The Planning Manager finds that the middle housing development presented in conjunction with the proposed land division meets the applicable design standards of MMC 19.505.1.*

8. 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. 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 and has amended the City's zoning code accordingly. However, all other provisions of MMC 19.600 may still apply.

a. MMC Section 19.605 Vehicle Parking Quantity Requirements

As per the CFEC-related limitations noted above, MMC 19.605 does not mandate minimum off-street vehicular parking quantity requirements but establishes maximum vehicular parking quantity limitations. For middle housing development, MMC Table 19.605.1 limits off-street parking to one vehicle per dwelling unit.

*The subject property is proposed to be developed with a detached quadplex, configured with two units close to the frontage on Harrison Street and two other units behind them. The two front units share an accessway onto the street, with shared pedestrian access for the two rear units. The driveways for the front units are sized to allow off-street parking for one vehicle each; no other off-street parking is proposed, for a total of two parking spaces for the quadplex development. The proposed land division will not affect off-street parking for the subject property.*

*The Planning Manager finds that the middle housing development presented in conjunction with the proposed land division is consistent with the applicable standards of MMC 19.605.*

b. 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 development is a detached quadplex, with the front two units sharing an accessway onto Harrison Street and each providing one off-street parking space (approximately 12 ft by 20 ft) in a driveway in front of each dwelling. Approximately 45% of the front yard area will be developed as parking or maneuvering area, with a total of only two off-street parking spaces.*

*The Planning Manager finds that the middle housing development presented in conjunction with the proposed land division is consistent with the applicable standards of MMC 19.607.*

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

9. 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 a middle housing land division to create four sublots for a detached quadplex. The proposed land division 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.

*The requirement for a preapplication conference for this proposal was waived by the Planning Manager in accordance with the allowances of MMC Subsection 19.1002.2.B.1. As noted in Finding 9-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 proposed land division involves a local street and the development of a detached quadplex in accordance with the applicable standards of the underlying R-MD zone and other applicable provisions of the municipal code.*

*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 9-e, the required transportation facility improvements have already been constructed in conjunction with the original subdivision that created the subject property (primary file #R-2021-004 and final plat #FP-2022-004).*

*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 local streets) based on the street classification system described in the City's Transportation System Plan (TSP). All streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way (ROW) and abutting the development site must be adequate at the time of development or must be made adequate in a timely manner.

*The subject property is a single lot with frontage on a section of Harrison Street that is classified as a local street. For the detached quadplex being developed at the site, access from Harrison Street is provided through a shared driveway that meets the applicable standards of MMC 12.16 for access management. The current width of the Harrison Street ROW varies but is approximately 48 ft. The street was improved in conjunction with the subdivision plat that created the subject property (primary file #R-2021-004 and final plat file #FP-2022-004). No additional ROW dedication or improvements along the frontage of the subject property are necessary.*

*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 land division and associated middle housing development do not present significant new impacts to existing public utilities, which are adequate to serve the proposed use. A 10-ft public utility easement (PUE) along the subject property's frontage on Harrison Street, which was established in conjunction with the original subdivision (primary file #R-2021-004 and final plat file #FP-2022-004), ensures that there is sufficient room to accommodate future utility needs.*

*New utility connections are required for each new subplot. Easements for utility connections to sanitary sewer and water lines are required for the four sublots as needed, and a condition has been established accordingly. As conditioned, this standard is met.*

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

10. The application was referred to the following departments and agencies on March 13, 2025:
- Milwaukie Community Development Department
  - Milwaukie Building Department
  - Milwaukie Engineering Department

- Milwaukie Public Works Department
- Milwaukie Police Department
- Milwaukie City Manager
- Milwaukie City Attorney
- Clackamas Fire District #1
- Hector Campbell Neighborhood District Association (NDA) and Land Use Committee
- North Clackamas School District
- 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 March 13, 2025.

Numerous comments were received in response to the mailed notice, most of which expressed concerns about the provision of less than one off-street parking space per dwelling unit and/or the density of the associated quadplex development. The quadplex development is allowed outright in the underlying R-MD zone (MMC Section 19.301) and off-street parking is not required as per MMC Chapter 19.600. The comments received are not related to the approval criteria for middle housing land divisions (established in MMC Subsection 17.26.010.D), but their receipt is acknowledged here for the record.

- **Bruce Lindner, owner/resident at 10603 SE Home Ave:** Inadequate off-street parking for the new units, impacts to on-street parking.
- **Michael Majeski, owner/resident at 5016 SE Llewellyn St:** Inadequate off-street parking for the new units.
- **Cameron McKillop, owner/resident at 5048 SE Harrison St:** Safety concerns for the new extension of Harrison Street to Home Avenue (illegal parking on sidewalk, lack of bollards).
- **Cameron Pelles, resident at 10610 SE Home Ave:** Concerns about construction noise.
- **Amaya Blanco Chapin, owner/resident at 10402 SE 51<sup>st</sup> Ave:** Inadequate off-street parking for the new units, insufficient notice to affected owners/residents.
- **Mamma Mia (unidentified emailer):** Increase in density that contradicts the existing neighborhood character, impacts to traffic, lack of sufficient off-street parking, inadequate turnaround and access for emergency vehicles, impacts to property values.
- **Chris McKillop, owner/resident at 5101 SE Jackson St:** Inadequate off-street parking for the new units, safety concerns for the new extension of Harrison Street (illegal parking on sidewalk, lack of bollards), increase in housing density from the 2022 subdivision approval, reduction of neighborhood livability, improper notice.
- **Sandy Conley, owner/resident at 10434 SE 51<sup>st</sup> Ave:** Inadequate off-street parking for the new units, impacts to already limited on-street parking.

