

**MILWAUKIE PLANNING** 10501 SE Main St. Milwaukie OR 97222 503-786-7630 planning@milwaukieoregon.gov

# **Application for** Land Use Action

Primary File #: MHLD-2025-003

Review type\*: □ I 🛛 II □ III □ IV □ V

CHECK ALL APPLICATION TYPES THAT APPLY:						
Amendment to Maps and/or	🛛 Land Division:	Planned Development				
Comprehensive Plan Map	Final Plat	Residential Dwelling				
Amendment	Lot Consolidation	Manufactured Dwelling Park				
Zoning Text Amendment	A Partition	Manufactured Dwelling				
Zoning Map Amendment	Property Line Adjustment	Temporary Dwelling Unit				
Code Interpretation	🗖 Replat	Transportation Facilities Review**				
Community Service Use	Subdivision	□ Variance:				
Conditional Use	Mixed Use Overlay Review	Use Exception				
Development Review	Modification to Existing Approval	Variance				
Director Determination	Natural Resource Review**	Willamette Greenway Review				
Downtown Design Review	Nonconforming Use Alteration	Other:				
Extension to Expiring Approval	Parking:	Use separate application forms for:				
Historic Resource:	Quantity Determination	Annexation and/or Boundary Change				
Alteration	Quantity Modification	Compensation for Reduction in Property				
	Shared Parking	Value (Measure 37)				
Status Designation	<ul> <li>Structured Parking</li> </ul>	Daily Display Sign				
Status Deletion		<ul> <li>Appeal</li> </ul>				
RESPONSIBLE PARTIES:						
APPLICANT (owner or other eligible c	applicant—see reverse): Integrit	ty Homes NW Inc.				
Mailing address: 7505 NE 53rd Ave	е.	State/Zip: Vancouver, WA 98661				
Phone(s): 503-522-1055	Email: office	e@integrityhomesnw.com				
Please note: The information submitt						
APPLICANT'S REPRESENTATIVE (if diffe	rent than above):					
Mailing address:		State/Zip:				
	Emaile					
Phone(s):	Email:					
SITE INFORMATION:						
Address: 10905-10911 SE Home A	ve. Map & Tax Lo	bt(s):				
Comprehensive Plan Designation:	Zoning: R-MD	Size of property: 11,883				
PROPOSAL (describe briefly):						
Middle Housing Land Division to create 4 townhome lots.						

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. Eduard Shtogrin

Submitted by:

Date: 4/3/2025

# 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

#### **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	MHLD-2025-003	\$ 2,000			Initial materials	
Concurrent application files		\$			received 4/3/25. Additional materials received 4/9/25.	
		\$				
		\$			Payment received 4/X/25.	
		\$			-17720.	
Deposit (NR/TFR only)				🗌 Deposit Autho	orization Form received	
TOTAL AMOUNT RE	CEIVED: \$		RECEIPT #:		RCD BY:	
Associated appli	cation file #s (ap	peals, modificat	ions, previous a	oprovals, etc.):	R-2022-005; VR-2022-012	
Neighborhood District Association(s): Hector Campbell						
Notes:						

# Middle Housing Land Division PARTITION PLAT 2023-018 PARCEL 2 Integrity Homes NW Inc.

<b>Owner/Applicant:</b>	Eduard Shtogrin, Integrity Homes NW Inc.			
Location(s):	SE Home Ave. PARTITION PLAT 2023-018 PARCEL 2			
Tax Lot:	12E31BA10901			
Application Type:	Middle Housing Land Division			
<b>Review Criteria:</b>	Milwaukie Zoning Ordinance:			
	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 Milwaukie Municipal Code:
- MMC Chapter 12.16 Access Management
- MMC Section 17.26.010 Middle Housing Land Divisions

The applicant, Integrity Homes NW Inc., is applying for approval of a Middle Housing Land Division (MHLD) to divide the subject property to create a total of four lots. The subject property is located at on Home Ave behind 10903 SE Home Ave and is zoned Moderate Density Residential (R-MD).

The subject property is approximately 11,883 sq ft and is vacant. The proposed development would create four attached townhome units on individual lots. These dwellings would be accessed via a shared driveway off Home Ave. The proposed lots vary from 1,708 to 5,494 sq. ft. in area.

This application is being submitted pursuant to Milwaukie Municipal Code (MMC) Chapter 17.08 and 17.26 and ORS 92.031, a state statute approved to implement Oregon Senate Bill 458 and House Bill 2001 (HB 2001). The adopted MMC provisions and state statute allow lot divisions for middle housing that enable them to be sold or owned individually.

The proposed MHLD 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

These provisions are addressed in the following sections of this narrative as well as in the plans and exhibits submitted with our application. Note that pursuant to MMC 17.26.010, "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:

- 1. Lot standards such as size, setback, lot coverage, and lot width and depth;
- 2. Definition of unit types (e.g., a detached quadplex development where each unit is on its own lot through a middle housing land division would still be considered a detached quadplex development rather than four lots with single detached units);
- 3. Allowed number of dwelling units and accessory dwelling units; and
- 4. Compliance with middle housing rules and statutes in ORS 197 and OAR 660-046."

# MMC Chapter 12.16 Access Management

MMC 12.16 regulates access to public streets from private property and establishes standards in MMC Section 12.16.040, 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 dwelling units have a minimum driveway apron width of 12 ft and a maximum width of 20 ft. The driveway approach on the preliminary plan meets the minimum distance from side property lines of 5 ft. The apron width at the sidewalk is 12 feet. There are no double frontage lots. There are no collector or arterial streets that would affect proposed accesses. The nearest intersection street, SE

Ada Ln., is a local street and is approximately 90 feet from the proposed driveway approach. The proposed access will be shared, as permitted for MHLD.

## MMC Title 17 Land Division

MMC Title 17 establishes the standards and procedures for land divisions, including Middle Housing Land Divisions.

## 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:
    - 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.

Applicant Response: 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.

Applicant Response: Not applicable as no tracts are proposed.

# 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 a 11,883 sq ft lot that is presently vacant. The proposed land division will create a total of four new lots for a 4 unit townhome development. This action constitutes a middle housing land division and is subject to Type II review as set forth in 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.

Applicant Response: As demonstrated by this narrative and other supporting plans and documents in the applicant's submittal materials, 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.

Applicant Response: The proposed subdivision will establish four lots, one for each of the attached townhome units. The proposed subdivision 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).

Applicant Response: The proposed subdivision name will be reviewed by the Clackamas County Surveyor to meet this criterion. 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. Applicant Response: 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.

Applicant Response: This narrative complies with the requirements of this subsection in that it 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;

Applicant Response: The proposed detached quadplex units are presently under review by the City of Milwaukie. The Building Department permits will be obtained prior to commencement of construction. This standard will be 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);

Applicant Response: The proposed subdivision will result in four lots, each with one dwelling unit, for a attached townhome 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;

Applicant Response: As shown on the Preliminary Plan, the subdivision proposes utility easements to provide for sewer, water, and storm drainage to 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.

Applicant Response: The proposed subdivision will include utility easements for all four lots. Shared access easements are provided. There are no dedicated common areas or shared building elements for the attached townhome units. This standard is met.

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

Applicant Response: As proposed, the subdivision will result in four lots; each containing one dwelling unit. This standard is met.

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

Applicant Response: Permits for four attached townhome units will be obtained prior to final plat approval. This standard will be met.

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

Applicant Response: All dwelling units will be reviewed for approval under the Oregon Residential Specialty Code as a part of the City's building permit approval. This standard will be 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-ofway will be dedicated, pursuant to Chapter 19.700.

Applicant Response: Not applicable. Street improvements and right-of-way dedication required to meet City standards were conditioned as a part of the previously approved and platted PARTITION PLAT 2023-018 PARCEL 2 subdivision that created the subject property. These improvements have been constructed.

 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.

Applicant Response: The proposed subdivision will result in four sublots that are consistent with the applicable standards.

# c. MMC Chapter 17.28 Design Standards

Applicant Response: 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. In the four subunits of land are being created to allow for individual ownership of the townhome units. The development of those units and associated improvements will be authorized by the pending Building Permit applications. No changes to the dimensional characteristics of the parent lot will be changed in this subdivision process. For these reasons, the design standards established in MMC 17.28 do not apply to the proposed subdivision.

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. In this instance, the public improvements are being reviewed in conjunction with the pending Design Review application. For this reason, the provisions of MMC 17.32 do not apply to the proposed subdivision.

# 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

Applicant Response: This subsection lists 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 proposed development will be four attached townhome units, 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 below.

Table 19.301.4 Moderate Density Residential Development Standards				
Standard	R-MD Requirement- Parent lot	Proposed (Existing)		
Lot Area	7,000 sq ft and up	11,883 sq ft		
Minimum Lot Width	60 ft	104.82 ft		
Lot Depth	80 ft	199.93 ft		
Public Street Frontage (for flag lot)	25 ft	25.27 ft		
Front Yard	20 ft	25.67 ft		
Side Yard	5/10 ft	10 ft and 15 ft		
Street Side Yard	20 ft	N/A No Street Side Yard Exist or are Proposed		
Rear Yard	20 ft	20 ft		
Side Yard Height Plane	20 ft / 45 Degree	20 ft / 45 Degree		
Maximum lot coverage	30%	29%		
Minimum vegetation	30%	39.5%		
Front Yard Minimum Vegetation	40%	40%		
Density requirements (Note: Maximum density does not apply to townhomes and other middle housing development.)	N/ A - middle housing proposed.	N/A		

# 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.

MMC 19.602 establishes the applicability of the provisions of MMC 19.600. The proposed subdivision simply creates four sub-parcels for attached townhome units that will be authorized through the pending Design Review application. No change of use or site development is directly connected with the subdivision application so Chapter 19.600 does not apply in its entirety. Please refer to the Design Review application for parking requirements.

## MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions requiring development to provide public facilities that are consistent with City standards.

#### MMC Section 19.702 Applicability

This section requires that land divisions, as well as other types of development, provide public facilities and improvements consistent with MMC 19.700. This application proposes to divide the subject property into a total of 4 parcels, one for each of the four townhome units. The proposed subdivision is subject to the requirements of MMC 19.700.

#### 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 Design Review application has already been prepared based on staff information. The applicant requests that the pre-application conference requirement be waived as nothing new is proposed in this application other than to create the individual lots for the attached townhome units.

MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 says that the City Engineer will determine whether a proposed development has sufficient impacts on the transportation system to require a Traffic

Impact Study (TIS). The City Engineer did not require a TIS for the Design Review application as the development will not create a significant increase in trips. The subdivision application does not create any additional transportation impacts since it only creates four lots for attached townhome units approved through the Design Review application.

#### MMC Section 19.705 Rough Proportionality

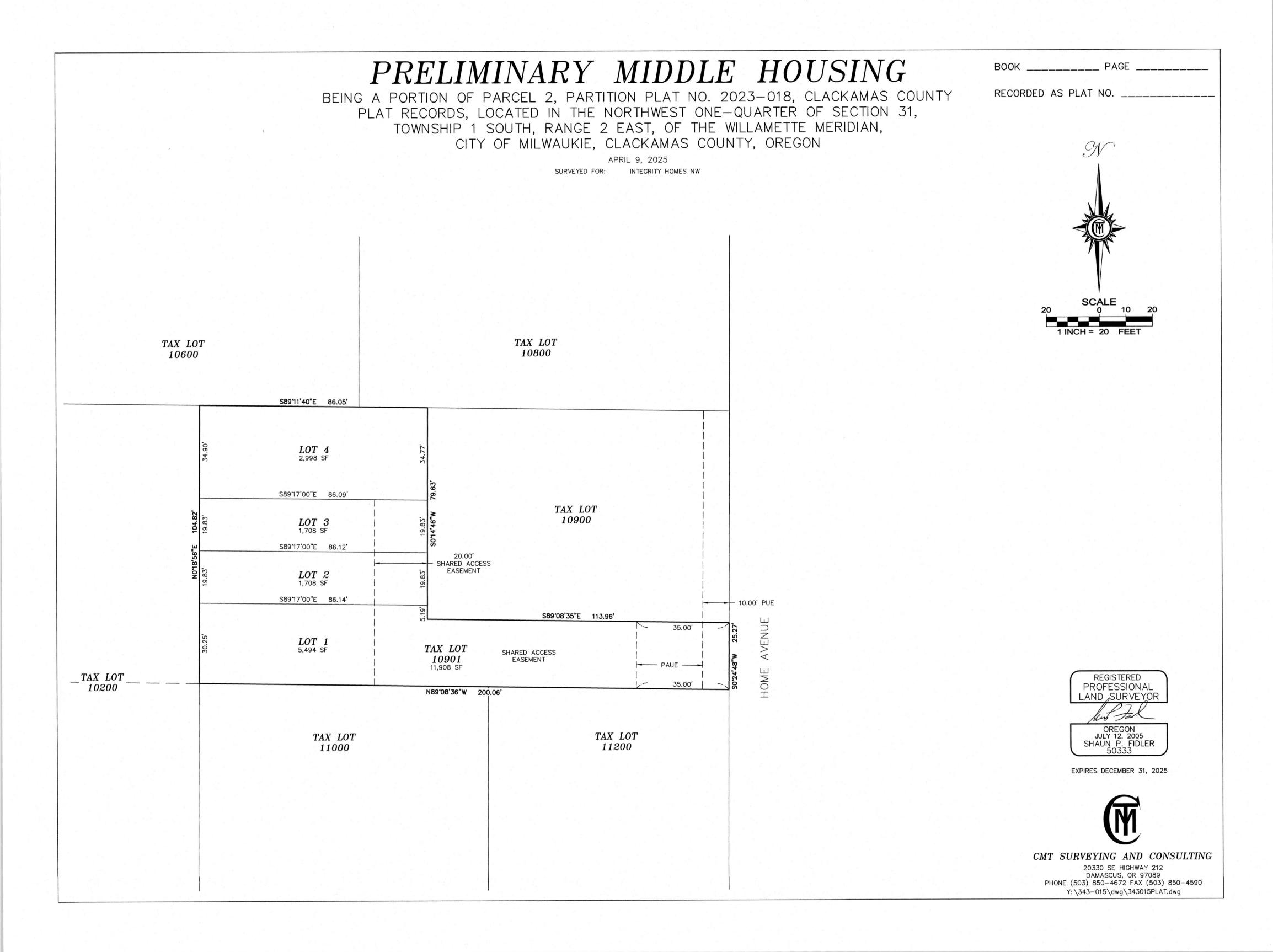
MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts. In this instance, frontage improvements to SE Home Ave have already been done in conjunction with the PARTITION PLAT 2023-018 PARCEL 2 subdivision. No further improvements are required so this standard is met.

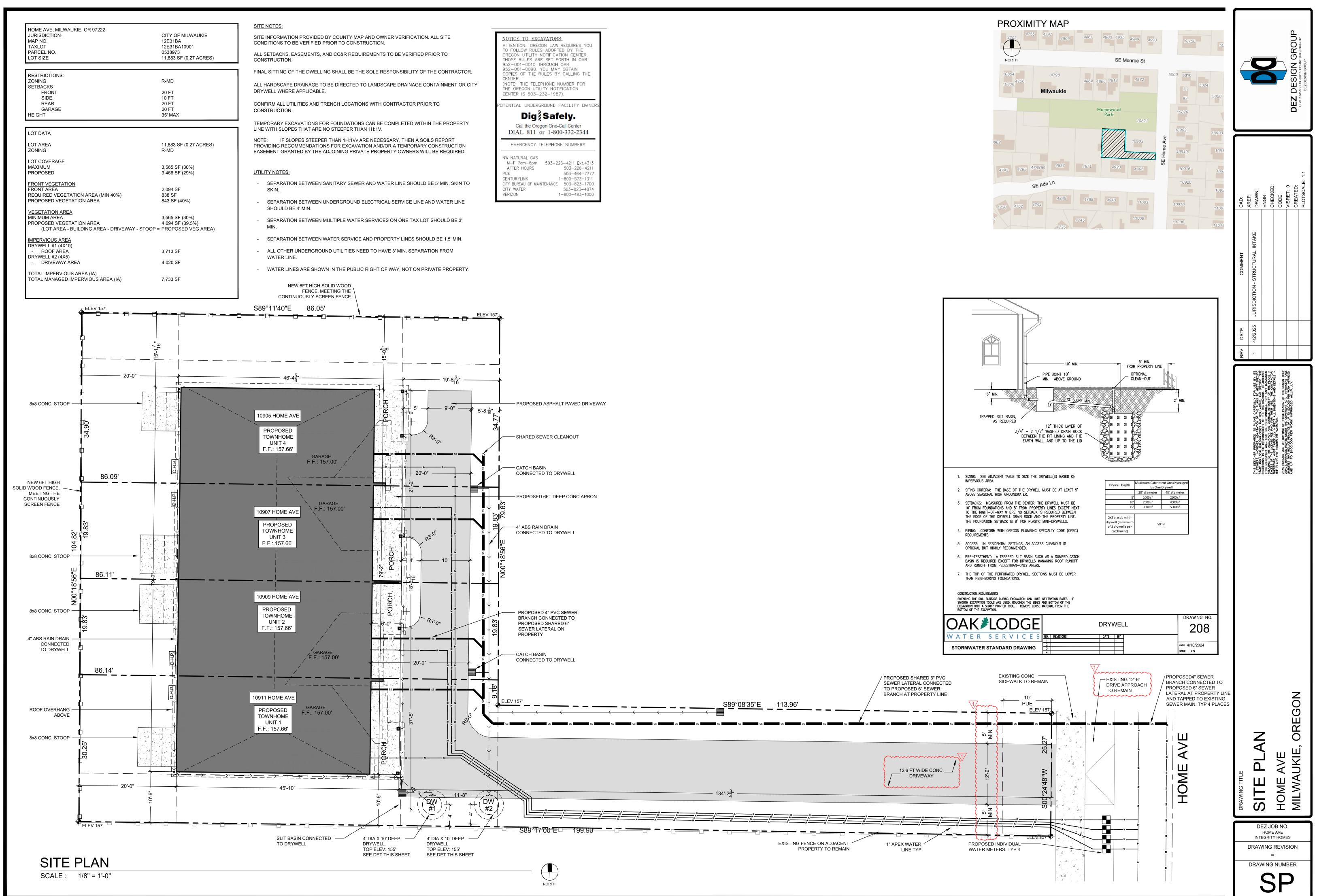
#### MMC Section 19.708 Transportation Facility Requirements

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. All of these requirements were reviewed with the PARTITION PLAT 2023-018 PARCEL 2 subdivision. No further street improvements are required so this standard is met.

#### 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 a proposed development. The proposed development does not present any new impacts to existing public utilities as it simply creates lots for 4 attached townhome units. All required sewer, water and storm sewer services are available to serve the proposed four lots.





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ONTRACTOR.	