



MILWAUKIE PLANNING
10501 SE Main St.
Milwaukie OR 97222
503-784-7630
planning@milwaukieoregon.gov

Application for Land Use Action

Primary File #: CSU-2025-002

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|---|
| <input type="checkbox"/> Amendment to Maps and/or | <input type="checkbox"/> Land Division: | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Comprehensive Plan Map | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Residential Dwelling |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Manufactured Dwelling Frame |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Partition | <input type="checkbox"/> Manufactured Dwelling |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Temporary Dwelling Unit |
| <input type="checkbox"/> Code Interpretation | <input type="checkbox"/> Replat | <input type="checkbox"/> Transportation Facilities Review** |
| <input checked="" type="checkbox"/> Community Service Use | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Variance: |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Mixed Use Overlay Review | <input type="checkbox"/> Use Exception |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Director Determination | <input type="checkbox"/> Natural Resource Review** | <input type="checkbox"/> Willamette Greenway Review |
| <input type="checkbox"/> Downtown Design Review | <input type="checkbox"/> Nonconforming Use Alteration | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Parking: | <input type="checkbox"/> Use separate application forms for: |
| <input checked="" type="checkbox"/> Historic Resource | <input type="checkbox"/> Quantity Determination | <input type="checkbox"/> Annexation and/or Boundary Change |
| <input checked="" type="checkbox"/> Alteration | <input type="checkbox"/> Quantity Modification | <input type="checkbox"/> Compensation for Reduction in Property |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Shared Parking | <input type="checkbox"/> Value (Measure 37) |
| <input type="checkbox"/> Status Designation | <input type="checkbox"/> Structured Parking | <input type="checkbox"/> Daily Display Sign |
| <input type="checkbox"/> Status Deletion | | <input type="checkbox"/> Appeal |

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): Owner, Andrew Mason
Mailing address: 8835 SE 42nd Ave, Milwaukie State/Zip: OR/97222
Phone(s): 503.780.3399 Email: andrewmason.pdx@gmail.com
Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above):
Mailing address: State/Zip:
Phone(s): Email:

SITE INFORMATION:

Address: 8835 SE 42nd Ave, Milwaukie Map & Tax Lot(s): 11E25m09501, 11E25m09500
Comprehensive Plan Designation: Historic Resource Zoning: R-MD Size of property: .73 acre

PROPOSAL (describe briefly):

Please see attached

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Andrew Mason Date:

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.8.1.
** 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	CSU-2025-002	\$ 2,000			Materials submitted 4/16/2025 Payment received 5/02/2025
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,000			RECEIPT #:		RCD BY: BK
Associated application file #s (appeals, modifications, previous approvals, etc.): HR-2025-001					
Neighborhood District Association(s): Ardenwald-Johnson Creek (adjacent to Lewelling)					
Notes: Establish a meditation center at the site as a new community service use. Improvements to the existing historic house are being reviewed under file #HR-2025-001 in conjunction with the associated building permit.					

City of Milwaukie, Community Service Use ~~and Historic Resource Alteration~~ Permit Application

Ring of Moss, 8835 SE 42nd Ave.



Applicant

Andrew Mason
8835 SE 42nd Ave.
Milwaukie, Oregon 97222
503.780.3399

Property Owner (See Exhibit A: Copy of Deed)

Kerns Fourplex LLC
(Co-owned by Andrew and Lori Mason)
3406 SE Johnson Creek Blvd
Portland, Oregon 97222
503.780.3399

Map number: 11E25aa09501
11E25aa09500

Parcel 1: The East 136 feet of Lot 1, Block 1 MASONMEAD, in the City of Milwaukie
EXCEPT the North 11 feet of the East 100 feet of said Lot 1

Parcel 2: Lot 1, Block 1, MASONMEAD, in the City of Milwaukie

Comprehensive Plan designations

- The house on Parcel 2 is designated as a **Historic Resource** on the City's Comprehensive Plan. Consistent with this designation, this application contemplates two changes to the house exterior specified below. The owner-occupant anticipates additional "minor" upgrades allowable under City code, such as repairs to degraded siding.
- There are no additional relevant Comprehensive Plan designations.

Zoning

The property is zoned **R-MD**. It is located immediately across Roswell St from a parcel zoned **SMU**.

SECTION 1: Detailed Statement

Overview

8835 SE 42nd Ave, “The Mason Farm” is a 1916, two-story Farmhouse construction, originally built by Florence and Jelmer Mason on their 10-acre apple orchard, near their parents’ 100-acre plot (Mason Lane & Fieldcrest area). The Historic Resource Survey dedicates the bulk of its narrative to the background of the Masons, Florence and Jelmer, who lived at the Mason Farm; as well as providing background on their parents, who lived down the street at what is now 9405 SE 42nd Ave. Florence Mason was from the prominent Jennings family (of Jennings Lodge).

Ring of Moss (“ROM”) is a Zen Buddhist meditation group affiliated with the [Diamond Sangha](#). The mission of the group is to provide community-connected Zen practice for interested lay Zen practitioners. This includes meditation, study, and community work that supports a stronger, healthier community and world.

What Ring of Moss Does

ROM’s current schedule includes regular weekly meditation sessions and twice annual 6-week intensive training periods.

- Weekly meditation is Sunday mornings 7:30 – 9:00 am and Wednesday evenings 7:00 – 8:30 pm. We also conduct Tuesday 6:00 – 7:00 am Zoom sessions.
- 6-week intensive sessions include, in addition to the schedule above, Monday evening sessions 7:00 – 8:30 pm, Thursday 6:00 – 7:00 am Zoom, and each 6-week period concludes with a multi-day 5-7 retreat (“sesshin”) - intensive multiday, residential all-day (4:00 am – 9:00 pm) meditation training.
- ROM also provides weekly classes at Lewis & Clark College and Reed College.

Background

ROM got started in SE Portland in 1993 as an informal meditation group. Meeting at various member houses over the years our group has grown to include a current mailing list of 30 members. Approximately 20 are active (participate 1x/month) and about 10 participate at least 1x/week. Since 2018, the group has met in a combination of donated facilities, rental spaces, and member homes, most recently meeting at 3525 SE Floss St in Milwaukie at the invitation of the residents living there.

The group is formalizing, having developed an informal governance structure with plans to incorporate as a 501(c)3 in the very near future with Jane Lawson as the leader of the organization and Andrew Mason as its resident teacher.

Our Plan

ROM is seeking a **Community Service Use Permit** from the City of Milwaukie to use the property at 8835 SE 42nd Avenue as a formal home for the growing group. Growth would not exceed more than 30 participants/event; events may expand to 4x/weekly and 6x/weekly during intensive periods. ROM could also hold up to 20 days in residential retreats (“sesshin”).

Kerns Fourplex LLC (“Kerns LLC”) is an LLC owned by Andrew and Lori Mason (spouse) that purchased the “Mason Farm” property at 8835 SE 42nd Ave in Milwaukie to serve as a home for the Ring of Moss group. The residence will be a primary residence to a group member and a temporary home for Ring of Moss practice while we develop the barn on the adjacent lot (also owned by Kerns LLC). Current plans for the barn contemplate maintaining the existing footprint and renovating the existing barn structure. Upon completing a renovation, Ring of Moss will function out of the barn alone while the residence will continue to serve as a primary residence.

ROM is composed primarily of people from the Ardenwald neighborhood and SE Portland. The Mason Farm includes three points of street access with ample parking for the group and provides sufficient meditation and sleeping space for 16 people. Renovation to the barn will be required to expand to 30 retreatants. Located on a feeder street immediately across from a convenience store (zoned-C) makes this activity consistent with the neighborhood. The Mason Farm is attractive physically, landscaped with beautiful old trees, and protected by a municipal historic overlay. It is a good fit for ROM. Excited to be stewards of this lovely natural resource and municipal historic asset, ROM’s plans described in this application do not involve substantial changes to the current buildings’ footprints, exterior appearance, or the surrounding landscape.

Zoned R-MD, the residence (parcel 1) is listed as a “Significant” municipal historic resource; proposed exterior alterations also require **a historic review** per city code. Parcel 2 is not listed as a municipal historic resource.

Traffic and Parking: Our proposed use could increase the number of trips on SE 42nd by as many as 20/day (RT) 6 days/week (maximum); Average would likely be 10/day (RT), 3 days/week. Some people walk and ride bicycles, reducing auto use. The site would accommodate all vehicles except on the busiest of events.

Proposed Alterations to the Residence:

- ***Removing 1990-style sliding door and replacing with a period-consistent window –***
Propose replacing the contemporary-looking sliding glass door that accesses the kitchen on the south exterior wall with an energy-efficient window with wood exterior veneer that matches the visual qualities of other original windows (see **Exhibit E: Proposed Sliding Door Replacement**).

- **Adding hand railings, front (east) and side (north) porch** – Propose adding appropriate wrought-iron hand railings to front and side porches (see **Exhibit F: Hand Railing Detail**).

The Barn: It is our hope in the future to renovate the adjacent barn once ROM secures sufficient funding. The planned renovation (in addition to utilities) would consist primarily of structural upgrades, within the existing building footprint and envelope, as would be required by the building's non-conforming development status. Completion of these developments are contingent on securing future funding.

SECTION 2: 19.904.7-11 Community Service Use Standards

19.904.8 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards

- A. *Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.*

Response: With typical community service use limited to 2 events/weekly and 2 retreats/annually, never to exceed more than 30 people, improvements to surrounding streets, and the sewer and water main to the house will not be necessary at this time. Future improvements to the barn will be noted in a subsequent building permit application, likely to include new water and sewer connections, provided by ROM. Existing city streets and utilities are adequate for the proposed use. As a result, this standard is met.

- B. *When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration or a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than 20 trips per day are exempted from this subsection.*

Response: As noted in the above section, our proposed community service use could increase the number of trips on SE 42nd by as many as 20/day (RT) 6 days/week (maximum); Average would likely be 10/day (RT), 3 days/week. Some people walk and ride bicycles, reducing auto use. The site would accommodate all vehicles except on the busiest of events. 42nd Ave is a Collector street, Roswell is a Neighborhood Route, and 41st Ave is a local street. Some access will come on each of these access points. The types of traffic associated with the proposed use will be those associated with the existing land use which will predominately consist of passenger vehicles. This standard is met.

- C. *When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of 2/3 the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.*

Response: The community service use proposed involves no changes to the footprint of the existing building. Building height and setbacks will not be impacted. This standard is not applicable.

- D. *The height limitation of a zone may be exceeded to a maximum height of 50 ft provided Subsection 19.904.8.C of this subsection is met.*

Response: The community service use proposed involves no changes to existing building heights. This standard is not applicable.

- E. *Noise-generating equipment shall be sound-buffered when adjacent to residential areas.*

Response: No permanent noise generating equipment is proposed at the site. The site is not expected to generate any excessive noise. Noise generating activity typically associated with daily meditation includes bells, drums, percussive wooden clappers – none of which will be audible outside the buildings. This standard is met.

- F. *Lighting shall be designed to avoid glare on adjacent residential uses and public streets.*

Response: There are no contemplated changes in exterior lighting. Any changes will be designed to avoid glare on adjacent streets and properties. This standard is met.

- G. *Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.*

Response: Community Service Use functions for ROM are described in detail in Section 1 above and limited primarily to twice weekly. All activity involving any vehicular traffic will take place between the hours of 7:30 am – 9:00 pm, compatible with surrounding uses, and within the current 7:30 am – 10:30 pm operating hours of the adjacent Roswell Market. Retreats involving morning activity beginning at 4:00 am are residential (involving only people spending the night) and will not involve any early morning vehicular traffic from off-site arrivals; activity at this hour

will be meditation only, a very quiet level of operation that is compatible with sleeping neighbors. Residential retreats begin at 3:00 pm on the first day of the retreat; arriving traffic would be at this hour. As a result, all ambient noise from any ROM activity will take place at reasonable hours compatible with surrounding uses. This standard is met.

H. *A spire on a religious institution may exceed the maximum height limitation. For purposes of this subsection, "spire" means a small portion of a structure that extends above the rest of the roofline, or a separate structure that is substantially smaller than the main structure and extends above the roofline of the main structure. "Spire" includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.*

Response: We are not proposing spires. This criterion does not apply.

I. *The minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.*

Response: We are not proposing major modifications to the landscaping. We are submitting permit applications to remove three English Holly trees, listed on the City's *Nuisance Plant List*. These three trees will be replaced with mature English Yew bushes. Other landscaping will be maintained. This criterion is met.

J. *Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.*

Response: The Mason Farm property is a residence. Its large driveway could be utilized for a very limited number cars in a Park-and-ride capacity, though this may not be consistent with the neighborhood use. We are open to conversation on this subject. The standard is met.

19.904.4 Approval Criteria

An application for a community service use may be allowed if the following criteria are met:

A. *The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;*

Response: The site is conforming with respect to the various development standards of the underlying R-MD zone (subsection 19.301.4, for setbacks, building height, lot coverage, minimum vegetation) and the proposed community service use includes no modifications to building setbacks, heights. No additional off-street parking is proposed given that the site can accommodate as many as 10 cars, total participants will be limited to 30, many are expected to access ROM by walking or bicycling, and on-street parking is available on Roswell Street. As a result, this approval criterion is met.

B. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;

Response: As shown in **Section 2** of this application above, all standards for the Community Service Use are met and this approval criterion is met.

C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

Response: Community Service Use functions described in **Section 1** are repeated here – ROM's current schedule includes regular weekly meditation sessions and twice annual 6-week intensive training periods.

- Weekly meditation is Sunday mornings 7:30 – 9:00 am and Wednesday evenings 7:00 – 8:30 pm. We also conduct Tuesday 6:00 – 7:00 am Zoom sessions.
- 6-week intensive sessions include (1 - 3 annually), in addition to the schedule above, Monday evening sessions 7:00 – 8:30 pm, Thursday 6:00 – 7:00 am Zoom, and each 6-week period concludes with a multi-day 5-7 retreat ("sesshin") - intensive multiday, residential all-day (4:00 am – 9:00 pm) meditation training.

For most of the year Community Service Use functions are limited primarily to twice weekly.

All activity involving any vehicular traffic will take place between the hours of 7:30 am – 9:00 pm, compatible with surrounding uses and within the 7:30 am – 10:30 pm operating hours of the adjacent Roswell Market. Retreats with morning activity beginning at 4:00 am are residential and will not involve any early morning vehicular traffic. Residential retreats begin at 3:00 pm on the first day of the retreat; arriving traffic would be at this hour. As a result, all ambient noise from any ROM activity will take place at reasonable hours compatible with surrounding uses and this approval criterion is met.

D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood;

Response: No negative neighborhood impacts anticipated from this project and the nature of the area will be improved as the building will be occupied and maintained, and the planned barn renovation will upgrade neighborhood community use infrastructure. This project provides mental health and community-building activities that strengthen neighborhood safety and relationships. The level of use and associated traffic, noise and other impacts will be similar to and compatible with surrounding residential uses and will enhance the overall safety, character, and livability of the surrounding neighborhood. As a result, this approval criterion is met.

E. The location is appropriate for the type of use proposed.

Response: The Mason Farm is located on a feeder street immediately across from a convenience store (zoned SMU) making ROM community service use activity consistent with surrounding neighborhood uses. 42nd Ave is a Collector street, Roswell is a Neighborhood Route, and 41st Ave is a local street. The types of traffic associated with the proposed use will be those associated with the existing land use which will predominately consist of passenger vehicles. The Mason Farm is attractive physically, protected by a municipal historic overlay and landscaped with an exceptional variety of beautiful old trees. ROM's plans described in this application do not involve substantial changes to the current buildings' footprints, exterior appearance, or the surrounding landscaping, or current activity level. As a result, this approval criterion is met.

SECTION 3: 19.403.5.E 1-10 Historic Resource Alteration Standards and Approval Criteria

Note: The historic resource (HR) portion of the project involves a minor alteration to the structure that is being processed with administrative (Type I) review in conjunction with the associated building permit (permit #601-25-000605-STR). The HR review is not part of the community service use (CSU) review that is going to the Planning Commission.

Pages 9-11 are associated with the HR review and have been removed from the CSU narrative (along with the accompanying exhibits) to minimize confusion for the CSU review process.

- Brett Kelter, AICP, Senior Planner

SECTION 4

Additional drawings, surveys or other material necessary to understand the proposed use.

Please see Attached Exhibits –

- **Exhibit A: Copy of Deed for 8835 SE 42nd Ave. (Proof of ownership)**
- **Exhibit B: Vicinity Map**
- **Exhibit C: Existing Uses Map and Site Plan**
- ~~**Exhibit D: Existing Floor Plan, Renovation, South Elevation**~~
- ~~**Exhibit E: Proposed Sliding Door Replacement with period appropriate window**~~
- ~~**Exhibit F: Proposed Hand Railing Detail**~~
- ~~**Exhibit G: 1991 Historic Resource Survey Form**~~

Exhibit A

RECORDING REQUESTED BY:



650 NE Holladay Street, Ste 850
Portland, OR 97232

Clackamas County Official Records
Catherine McMullen, County Clerk

2025-003184

01/29/2025 11:36:01 AM

D-D Cnt=1 Stn=110 LILLIE
\$20.00 \$16.00 \$10.00 \$20.00 \$62.00

\$128.00

AFTER RECORDING RETURN TO:

Order No.: 472524003824-CC

Andrew Dyke Mason
Kerns Fourplex LLC, an Oregon limited liability
company
3406 SE Johnson Creek Blvd
Milwaukie, OR 97222

SEND TAX STATEMENTS TO:

Kerns Fourplex LLC, an Oregon limited liability
company
3406 SE Johnson Creek Blvd
Milwaukie, OR 97222

APN:00001027

00001018

Map: 11E25aa09501

11E25aa09500

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Cheryl A. Butcher-Doty and Christopher B. Butcher, Trustees of The Geraldine D. Butcher Trust dated September 6, 2018, Grantor, conveys and warrants to Kerns Fourplex LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

PARCEL I:

The East 136 feet of Lot 1, Block 1, MASONMEAD, in the City of Milwaukie, County of Clackamas and State of Oregon, as cut off by a line drawn parallel with the West Boundary line thereof,

EXCEPT the North 11 feet of the East 100 feet of said Lot 1.

PARCEL II:

All of Lot 1, Block 1, MASONMEAD, in the City of Milwaukie, County of Clackamas and State of Oregon.

CHICAGO TITLE 472524003824-CC

STATUTORY WARRANTY DEED
(continued)

State of Oregon.

EXCEPT the East 136 feet thereof as cut off by a line drawn parallel with the West Boundary line thereof.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS EIGHT HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS (\$820,000.00). (See ORS 93.030).

Subject to:

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

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

STATUTORY WARRANTY DEED
(continued)

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

Dated: 1/28/25

The Geraldine D. Butcher Trust dated September 6, 2018

BY: Cheryl A. Butcher-Doty
Cheryl A. Butcher-Doty
Co- Trustee

BY: Chris Butcher
Christopher B. Butcher
Co- Trustee

State of Oregon
County of Clatsop

This instrument was acknowledged before me on 1/28/25 by Cheryl A. Butcher-Doty, as Co- Trustee for The Geraldine D. Butcher Trust dated September 6, 2018 and Christopher B. Butcher, as Co- Trustee for The Geraldine D. Butcher Trust dated September 6, 2018.

Tonya Rae Weaver
Notary Public - State of Oregon

My Commission Expires: 1/03/2026

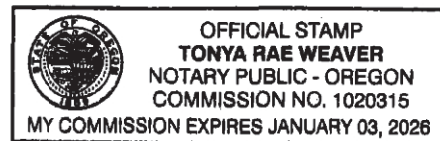


EXHIBIT "A"
Exceptions

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

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

Granted to: The City of Milwaukie, Oregon, a municipal corporation
Purpose: Street, sidewalk and utilities
Recording Date: July 26, 2000
Recording No: 2000-048329
Affects: Reference is hereby made to said document for full particulars

Exhibit B: Vicinity Map for Mason Farm, 8835 SE 42nd. Barn is unnumbered structure immediately west of 8835.



Exhibit C

RESIDENTIAL ZONE R-MD
-ENTIRE AREA SHOWN EXCEPT
AREA NOTED BELOW.

ALL STRUCTURES SHOWN
ARE EXISTING.

WATER SERVICE LINE
SEWER MAIN
EDGE OF ASPHALT

LOT 9500 HOLDS NO HISTORICAL
RESOURCE DESIGNATIONS

LOT 9501 HOLDS A "SIGNIFICANT
HISTORICAL RESOURCE"
DESIGNATION

LOT 9500

LOT 9501

8835 SE 42nd AVE.

ACCESSORY BLDG. (BARN)
-FUTURE RENOV. OF EXISTING
STRUCTURE.
-NO CHANGE OF FOOTPRINT
PROPOSED
-RENOVATION WOULD INCLUDE
CHANGE OF OCCUPANCY AND
BLDG WOULD BE CONSIDERED
PRIMARY STRUCTURE ON
LOT 9500. RENOVATION WOULD BE
SUBJECT TO NON-CONFORMING
DEVELOPEMENT REQUIREMENTS

SINGLE FAMILY RESIDENCE
-NO EXTERIOR
DEVELOPEMENT OR
EXPANSION PROPOSED

SEWER MANHOLE

SE ROSWELL ST.

SE 42nd AVE

SE ROSWELL ST.

CONVENIENCE
STORE

ZONE: SMU



EXISTING SITE PLAN FOR
COMMUNITY SERVICE USE PERMIT APPLICATION
02/05/2025
TELFORD+BROWN STUDIO ARCHITECTURE



CITY OF MILWAUKIE

January 30, 2025

Andrew Mason
3406 SE Johnson Creek Blvd.
Portland, OR 97222

Re: Preapplication Report

Dear Andrew:

Enclosed is the Preapplication Report Summary from your meeting with the City on 01/16/2025, concerning your proposal for action on property located at 8835 SE 42nd Ave.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Manager may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Manager may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Petra Johnson
Administrative Specialist II



CITY OF MILWAUKIE
10501 SE Main St
Milwaukie OR 97222
503.786.7555
planning@milwaukieoregon.gov
building@milwaukieoregon.gov
engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 25-001PA

This report is provided as a follow-up to the meeting that was held on 1/16/2025 at 10:00 AM.

The Milwaukie Municipal Code is available here: <https://ecode360.com/MI4969>.

APPLICANT AND PROJECT INFORMATION

Applicant:	Andrew Mason	Applicant Role: Potential Owner/Operator
Applicant Address:	3406 SE Johnson Creek Blvd, Portland, OR 97222	
Company:	Ring of Moss	
Project Name:	Meditation center	
Project Address:	8835 SE 42 nd Ave (1S1E25AA, lots 9500 & 9501)	Zone: R-MD (Moderate Density Residential)
Project Description:	Establish the site as a home for the Ring of Moss zendo, a center for meditation activities ranging from daily sessions to weekly and longer retreats.	
Current Use:	Residential (single-unit dwelling)	
Applicants Present:	Andrew Mason (lead applicant, Ring of Moss), Jane Lawson (Ring of Moss moderator), Jay Didion (architect, Telford + Brown)	
Staff Present:	Patrick McLeod (Building Official), Harmony Drake (Permit Coordinator), Jeff Tolentino (Assistant City Engineer), Chris Benn (Engineering Tech II), Courtney Wilson (Urban Forester), Brett Kelter (Senior Planner)	

PLANNING COMMENTS

Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	The property is zoned Moderate Density Residential (R-MD), which allows a variety of residential housing types, including single-unit detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster development. The R-MD zone also allows community service uses (CSUs) subject to land use review.
<input checked="" type="checkbox"/>	Dimensional Standards	<p>The subject property is comprised of two tax lots that encompass the majority of Lot 1 (minus an 11-ft by 100-ft strip in the northeast corner) from Block 1 of the Mason Mead subdivision, platted in 1927. It is approximately 31,800 sq ft in size (0.73 acres) and is currently developed with a single-unit house and large accessory barn-type structure. The property has frontage on three public streets—200 ft of frontage on Roswell Street, approximately 154 ft on 42nd Avenue, and 165 ft on 41st Avenue.</p> <p>Dimensional standards for the R-MD zone vary based on the lot size and are provided in Milwaukie Municipal Code (MMC) Table 19.301.4. Setback requirements for lots 7,000 sq ft and larger are as follows:</p>

		<p>Front yard = 20 ft Side yard = 5 ft & 10 ft Street-side yard = 20 ft Rear yard = 20 ft</p> <p>Side yard height plane = At minimum setback, at the 20-ft height mark the structure must start sloping away from the side property line at no steeper an angle of 45°.</p> <p>MMC Subsection 19.501.2.B allows eaves and overhangs to extend up to 3 ft into a front or rear yard and up to 2 ft into a side yard.</p>
Land Use Review Process		
<input checked="" type="checkbox"/>	Applications Needed, Fees, and Review Type	<p>The proposed project will require the following application(s) for land use review:</p> <p>Community Service Use (Type III) = \$2,000 Property Line Adjustment (Type I) = \$650 <i>(if proposed by applicant)</i> Historic Resource review (Type I or III) = \$200 or \$2,000 <i>(if needed, depending on proposal)</i></p> <p><i>Note: For multiple applications processed concurrently, the full price is collected for the most expensive application, with a 25% discount offered for each other application.</i></p>
<input checked="" type="checkbox"/>	Application Process	<p>The applicant must submit a complete electronic copy of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.</p> <p>For Type III review, a public hearing with the Planning Commission will be scheduled once the application is deemed complete. Meetings are conducted in a hybrid format, with the option of participating in person at City Hall or online via Zoom. Public notice of the hearing will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. The application will also be referred to other relevant departments and agencies for review and comment. At least 14 days before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. Staff will coordinate with the applicant to provide the necessary sign(s).</p> <p>Staff will prepare a report with analysis of the proposal and a recommendation that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission for a decision.</p> <p>Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. If no appeal is received within the 15-day window, the decision becomes final. Any appeal would be heard by the City Council to establish a final local decision.</p> <p>Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p> <p>Note that the state requires land use decisions to be issued within 120 days of being deemed complete, unless the applicant opts to extend the clock (such as to allow more time to address questions raised in the hearing, for example).</p> <p>The 2025 schedule for Planning Commission hearings is attached for reference if needed. It includes dates by which an application must be deemed complete to be eligible for a particular hearing date.</p>
Overlay Zones (MMC 19.400)		
<input type="checkbox"/>	Willamette Greenway	
<input type="checkbox"/>	Natural Resources	

<input checked="" type="checkbox"/>	Historic Preservation	<p>The existing house is designated as a "significant" historic resource and is subject to the applicable provisions of Milwaukie Municipal Code (MMC) Section 19.403. In particular, MMC Subsection 19.403.5 establishes provisions for altering a "significant" historic resource. There is a short list of minor alterations that are exempt from review; the Planning Manager can approve other minor alterations with Type I administrative review if there is no change in appearance and materials or if the alteration duplicates the affected exterior features. Other alterations are considered major and require Type III review by the Planning Commission.</p> <p>ADA-required alterations are not necessarily exempt from review; depending on the nature and scale of such improvements, some land use review may be required.</p>
<input type="checkbox"/>	Flex Space Overlay	
Site Improvements/Site Context		
<input checked="" type="checkbox"/>	Landscaping Requirements	For lots 7,000 sq ft and above, the R-MD zone requires a minimum of 30% of the site to be vegetated. A maximum of 30% of the lot area can be covered with structures taller than 18 inches or more above grade, not including eaves and overhangs.
<input type="checkbox"/>	Onsite Pedestrian/Bike Improvements	
<input type="checkbox"/>	Connectivity to surrounding properties	
<input type="checkbox"/>	Circulation	
<input type="checkbox"/>	Building Design Standards (MMC 19.505)	
<input type="checkbox"/>	Downtown Design Standards (MMC 19.508)	
Parking Standards (MMC 19.600)		
<input checked="" type="checkbox"/>	Residential Off-Street Parking Requirements	<p>There is no minimum quantity of parking spaces required for the proposed development, but there is a requirement not to exceed a maximum. MMC Table 19.605.1 does not specifically list a maximum parking quantity for "meditation center," so the Planning Manager will likely determine a similar comparable use to apply to this proposal (e.g., "Meeting room, club, lodge, or association" or "Indoor recreation").</p> <p>MMC Section 19.606 provides standards for parking area design, landscaping, and other aspects in the event that any new parking is added to the site.</p> <p>MMC Subsection 19.607.1 provides standards for residential driveways and vehicle parking areas. MMC Subsection 19.607.1.D establishes some limitations on off-street parking, including that no more than 50% of a front yard area or 30% of a street-side yard area can be used for parking or maneuvering.</p> <p>MMC Section 19.609 provides standards for bicycle parking.</p> <p>Note that the limit for parking improvements that the City can require for existing nonconforming parking areas is 10% of the permit value (as per MMC Subsection 19.602.5).</p>
<input type="checkbox"/>	Multi-Family/Commercial Parking Requirements	
Approval Criteria (MMC 19.900)		

<input checked="" type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	<p>The proposal to use the subject property as a meditation center requires review as a community service use (CSU). MMC Section 19.904 establishes the process and standards for establishing new CSUs, including a requirement for Type III review, with a public hearing and decision by the Planning Commission.</p> <p>Approval criteria are provided in MMC Subsection 19.904.4. Specific standards for institutions are provided in MMC Subsection 19.904.8.</p>
<input type="checkbox"/>	Conditional Use (MMC 19.905)	
<input type="checkbox"/>	Development Review (MMC 19.906)	
<input type="checkbox"/>	Variance (MMC 19.911)	
Land Division (MMC Title 17)		
<input type="checkbox"/>	Design Standards	
<input type="checkbox"/>	Preliminary Plat Requirements	
<input type="checkbox"/>	Final Plat Requirements (See Engineering Section of this Report)	
<input checked="" type="checkbox"/>	Other Requirements	<p>If the applicant wishes, a Type I Property Line Adjustment process can be used to move the property line between the two underlying lots. The boundary adjustment can be recorded with the County Surveyor using a survey and new deeds.</p> <p>Even if the applicant proposes to use both the house and the existing barn structure for the meditation center activities, it will not be necessary to consolidate the two underlying lots, although the applicant may choose to do that if an issue arises with any construction that would cross the shared boundary.</p>
Sign Code Compliance (MMC Title 14)		
<input checked="" type="checkbox"/>	Sign Requirements	<p>Signage in residential zones is limited. MMC Section 14.12.010 provides a list of exempt signs, including one small, non-illuminated sign up to 4 sq ft in area. MMC Section 14.08.090 establishes standards for CSU signs: smaller signs (up to 16 sq ft) can be approved with Type I review; larger signs (up to 40 sq ft) require Type III review.</p>
Noise (MMC Title 16)		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
Neighborhood District Associations		
<input checked="" type="checkbox"/>	<div> <div>Historic Milwaukie</div> <div>Lake Road</div> <div>Choose an item.</div> </div>	<p>Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Ardenwald-Johnson Creek NDA.</p> <p><u>Ardenwald-Johnson Creek NDA</u> Chris Holle-Bailey (Chair) = chrisinardenwald@gmail.com</p> <p>Regular meeting is the fourth Monday of most months at 6:30pm at Milwaukie Café and Bottle Shop (9401 SE 32nd Ave), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.</p>

		<p>Note that 42nd Avenue separates the site from the jurisdiction of the Lewelling NDA. The applicant is encouraged to approach this neighboring NDA as well.</p> <p>Lewelling NDA Camden McKone (Chair) = lewellingndachair@gmail.com</p> <p>Regular meeting is the second Wednesday of most months at 6:30pm at Kairos-Milwaukie UCC (4790 SE Logus Rd), but please check the City calendar for the latest information.</p>
Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
ENGINEERING & PUBLIC WORKS COMMENTS		
Public Facility Improvements (MMC 19.700)		
<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	<p>MMC 19.702 establishes the applicability of MMC 19.700, including to partitions, subdivisions, replats, new construction, and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.</p> <p>The proposed development is to modify or expand up to two structures. MMC 19.700 applies.</p>
<input type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	Per MMC 19.703.2, because the proposed development does not trigger a Transportation Impact Study (TIS), a Transportation Facilities Review (TFR) application is not required.
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)	The proposed development does not trigger a Transportation Impact Study.
<input checked="" type="checkbox"/>	Agency Notification (MMC 19.707)	<p>The City must provide notification to Metro and Clackamas County whenever a proposed development is within 200 ft of a designated arterial or collector roadway. Notice must be provided to TriMet whenever a proposed development is within 200 ft of an existing or proposed transit route on the current TriMet service map and/or Figure 7-3 of the Transportation System Plan (TSP).</p> <p>The subject property has frontage on 42nd Avenue, which is a collector roadway, so Metro and Clackamas County will be notified. The site is not within 200 ft of a transit route as shown on Figure 7-3 of the TSP, so TriMet will not be notified.</p>
<input checked="" type="checkbox"/>	Transportation Requirements (MMC 19.708)	<p>Access Management: All development subject to MMC 19.700 must comply with access management standards contained in MMC 12.16.</p> <p>Clear Vision: All developments subject to MMC 19.700 must comply with clear vision standards contained in MMC 12.24.</p> <p>Existing roadway and sidewalk condition on 41st Avenue, 42nd Avenue, and Roswell Street is acceptable and no roadway improvements are required.</p>
<input checked="" type="checkbox"/>	Utility Requirements (MMC 19.709)	<p>Sewer utilities are available from 41st Avenue and 42nd Avenue. Water utilities are available from 41st Avenue, 42nd Avenue, and Roswell Street.</p> <p>A right-of-way (ROW) permit will be required to perform any work within the ROW.</p>

		<p>Milwaukie only provides Storm, Sewer, and Water utilities. Any other utilities (e.g., PGE, NW Natural, etc.) are all managed under Franchise Utility Operators, and the owner/developer team will need to coordinate those utility connections separately. A Franchise Utility Permit will need to be filed by the Operator with the City of Milwaukie in order to conduct work in the ROW.</p> <p>There is a street moratorium on 41st Avenue, expiring Sept 2028. As of January 2025, the roadway is in the second year of moratorium. Second year moratorium streets have a \$200 per sq ft surcharge for surface restoration. 42nd Avenue is scheduled for resurfacing in the summer of 2025, which will put it on the 5-year street moratorium list until 2030. Roadways in their first year of moratorium have a \$250 per sq ft surcharge for surface restoration. A \$3,000 minimum deposit is also required to ensure any restoration is constructed to City standards. See the Fee Schedule for more information.</p>
Flood Hazard Area (MMC 18)		
<input type="checkbox"/>	Floodplain Development Permit (MMC 18.16.030)	The project area is not within the Federal Emergency Management Agency (FEMA) 1% annual chance flood area (i.e., 100-year floodplain) and is not subject to the flood hazard requirements of Title 18.
<input type="checkbox"/>	General Standards (MMC 18.04.150)	
<input type="checkbox"/>	Compensatory Storage (MMC 18.20.020)	
<input type="checkbox"/>	Floodways (MMC 18.20.010.B)	
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	
<input checked="" type="checkbox"/>	Erosion Control (MMC 16.28)	<p>Common EC measures will be required: gravel construction entrance/exit, perimeter sediment controls, and proper storage materials.</p> <p>Exposed soil must be covered nightly during rainy season (Sept 1 – April 30).</p> <p>Eight catch basin inlets near the site will require protection from sediment pollution.</p> <p>Erosion control and prevention is required as outlined in MMC 16.28.</p> <p>Standard Erosion Prevention and Sediment Control notes</p> <p>Projects that disturb more than 500 sq ft within the City of Milwaukie limits require an Erosion Control Permit from the City's Building Department. Even projects that are less than 500 sq ft may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.</p> <p>Please review the City's Erosion Prevention and Sediment Control requirements. The applicant is encouraged to use the City's adopted Erosion Prevention and Sediment Control Planning & Design Manual (2020) for assistance in designing an erosion control plan.</p> <p>For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control or contact erosioncontrol@milwaukieoregon.gov.</p>
<input checked="" type="checkbox"/>	Tree Code (MMC 16.32)	<p>If no new primary dwelling units are proposed, the tax lots included in the development site will not be subject to the development tree code (MMC 16.32.042 A-H.)</p> <p>However, if a new primary dwelling unit is proposed, the development tree code requires compliance and/or mitigation associated with the following standards:</p> <ul style="list-style-type: none"> - Preservation standard

		<ul style="list-style-type: none"> - Planting standard - Protection standard - Soil volume standard <p>For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage here. Mitigation fees are outlined in the city's fee schedule. The applicant may seek a variance for one or more of these standards through a Type III variance process (MMC 16.32.042.E).</p> <p>Note that there is no preservation mitigation fee assessed for trees removed above the 30% canopy cover threshold. The lot must provide a minimum of 40% canopy, either by planting or by paying a mitigation fee of \$5 per sq ft of needed canopy. Trees 12" DBH or greater receive bonus canopy multipliers depending on their size.</p> <p>Bonds are required for tree protection and tree planting as outlined in the fee schedule.</p> <p>Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional supportive documentation, including canopy lists and tree protection and planting guidance are available at www.milwaukieoregon.gov/trees.</p> <p>The development tree code application is due at time of building permit application unless a variance is being requested through the land use application process. Building permits will not be approved without completion and approval of the development tree code application.</p> <p>For more information, please contact urbanforest@milwaukieoregon.gov or call 503-786-7655.</p>
Public Services (MMC 13)		
<input checked="" type="checkbox"/>	Water System (MMC 13.04)	<p>Tax lot 11E25AA09501 has an existing 3/4" water utility connection on 42nd Avenue. No existing water utility connection was identified for tax lot 11E25AA09500. A new water utility connection for tax lot 11E25AA09500 must be on a separate utility connection with a separate meter from the one on tax lot 11E25AA09501. If both tax lots are consolidated in the future, the entire lot can be serviced from the same utility connection.</p> <p>A new for tax lot 11E25AA09500 or upsized connection for 11E25AA09501 to City utilities is subject to plan and application review. Applications for City utility billing connections shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application</p> <p>A system development charge (SDC) and a water service connection fee must be paid prior to any new or upsized connections to city water.</p> <p>A Right-of-Way (ROW) Permit is required to complete any work in the public ROW, including any water utility connections performed in the ROW.</p>
<input checked="" type="checkbox"/>	Sewer System (MMC 13.12)	<p>Tax lot 11E25AA09501 has an existing 4" wastewater utility connection. No existing wastewater utility connection was identified for tax lot 11E25AA09500. A wastewater utility connection for tax lot 11E25AA09500 must be on a separate utility connection tax lot 11E25AA09501. If both tax lots are consolidated in the future, the entire lot can be serviced from the same utility connection.</p> <p>A new connection for tax lot 11E25AA09500 or upsized connection for 11E25AA09501 to City utilities is subject to plan and application review.</p> <p>A City of Milwaukie system development charge (SDC) and a Clackamas County wastewater treatment SDC must be paid prior to any new or upsized connections to city sewer.</p> <p>8" wastewater mains are available for connection on 41st Avenue, Roswell Street, and 42nd Avenue.</p> <p>A ROW Permit is required to complete this work.</p>

<input checked="" type="checkbox"/>	Stormwater Management (MMC 13.14)	<p>Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual.</p> <p>All new impervious surface area greater than 500 sq ft must be treated on site. Stormwater treatment is evaluated at the time of building permit review. A completed and notarized Operations and Maintenance Packet is required prior to final occupancy and as part of the Final Engineering Inspection.</p> <p>An SDC must be paid prior to building permit issuance.</p>
<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	<p>All new development or intensification of use shall be subject to SDCs.</p> <p>Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges</p> <p>An estimate is provided in the Additional Engineering & Public Works Notes.</p>
<input type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	

Public Places (MMC 12)

<input checked="" type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	<p>A ROW Permit will be required for any frontage improvements, utility work within the ROW, extension of public utilities, and/or driveway construction for the development.</p> <p>A full set of engineered civil plans is required as part of the ROW permit review process. An approved Engineer's Estimate is required and will be used to determine the Performance and Maintenance bonds required to complete this work.</p> <p>An Engineer's Estimate for all public improvements is required prior to permit issuance. An initial ROW permit fee of 1.5% of the initial estimate is due prior to permit review.</p> <p>A performance bond for 130% of the final Engineer's Estimate and a ROW permit fee of 5.5% (less the original permit review fee) is required prior to permit issuance. A maintenance bond for 10% of the Engineer's Estimate is required at the end of construction pending final as-built approval. Review fee includes:</p> <ul style="list-style-type: none"> • Plan Review • Review Submittals • Invoicing Utility fees <ul style="list-style-type: none"> ◦ Water meter service installation fees (see fee schedule) ◦ \$1500 street opening deposit • Inspection will be assigned as pending by the engineering tech. Inspection shall be scheduled the evening before and we do not complete them on Fridays. <ul style="list-style-type: none"> ◦ Proof roll – verify subgrade ◦ Sewer <ul style="list-style-type: none"> ▪ Connection ◦ Water <ul style="list-style-type: none"> ▪ Water Main Testing – pressure and chlorination ▪ Main connection to existing infrastructure
<input checked="" type="checkbox"/>	Access Requirements (MMC 12.16.040)	<p>Per MMC 12.16.040, private property must be provided with street access via accessways (driveways). These driveways must be constructed under a ROW permit in accordance with the current Milwaukie Public Works Standards.</p> <p>Tax lot 11E25AA09501 has frontages on 42nd Avenue and Roswell Street, and both frontages have an existing accessway. Tax lot 11E25AA09500 has frontages on 41st Avenue and Roswell Street, and an existing accessway is present on 41st Avenue. No changes are proposed for any of the existing accessways.</p> <p>Requirements and standards for new accessways or modifications to existing accessways are detailed in MMC Subsection 12.16.040. Establishing a new accessway or performing modifications to existing accessways require a permit from the City as detailed in MMC Subsection 12.16.030.</p>

<input checked="" type="checkbox"/>	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.
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Additional Engineering & Public Works Notes

SDC estimate is as follows (**Fees subject to change until final plans and permit issuance**):

- Parks
 - Reimbursement: \$7,216.00
- Transportation
 - Reimbursement: \$299.16
 - Improvement: \$5,956.56
 - **Total: \$6,264.72**
- Storm Drainage
 - For any net increase in impervious surface, a Stormwater SDC of \$0.42 per sq ft will be assessed.
- Water
 - Assuming no changes are made to the existing 3/4" water service to tax lot 11E25AA09501 and no water connection is made to tax lot 11E25AA09500, no additional water SDC will be assessed.
 - Assuming the existing 3/4" water service to tax lot 11E25AA09501 will be upgraded to a 1" water service, and no changes are made to tax lot 11E25AA09500 a \$9,339 SDC would be assessed, along with a non-refundable credit of \$5,603 for the existing service, for a combined total of \$4,186 for water SDC. A \$450 equipment fee would also be assessed for change in meter size.
 - Assuming a new 3/4" service will be added to tax lot 11E25AA09500, and no changes are made to the existing connection on tax lot 11E25AA09501, a \$5,603 water SDC will be assessed. A \$300 equipment fee would also be assessed for the new 3/4" meter.
- Sewer
 - Wastewater SDCs for the City's Wastewater collection system are based on the number of fixtures in a given building. In general, the City assumes an average of 16 fixture units comprise a single residential EDU, and currently charges \$1,176.79 for Single family homes, (or \$73.55 per fixture). A non-refundable credit may be provided for fixtures removed.
- Review Fee
 - Administration: \$165.00
- Wastewater Treatment (Clackamas County)

County Wastewater SDCs fund wastewater treatment by Water Environment Services (WES). County wastewater SDCs are based on total living area (TLA), modified by type of land use. For the proposed project, the change in land use from single family residential to church, with no increase in TLA, yields no SDC's for County Wastewater. It is not anticipated that the applicant will owe SDC for county wastewater (WES); however, if the applicant doubles their total living area they may accrue. Submittals required for work in the ROW (likely only sewer and water connections) will likely include concrete mix design, pipe and appurtenance materials, trench backfill materials, roadway base material, and asphalt.

BUILDING COMMENTS

All drawings must be submitted electronically through www.buildingpermits.oregon.gov

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at www.buildingpermits.oregon.gov. Each permit type and sub-permit type are separate permits and are subject to the same time review times and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows. The 2022 OSSC (Oregon Structural Specialty Code) will apply to this project

If you have any building related questions, please email us at building@milwaukieoregon.gov.

Please provide as much information about the existing building as possible for the plan review process. By providing the occupancy, square footage, type of construction, and if fire sprinklers are provided in the existing structure will help determine a code-compliant path.

OTHER FEES

<input checked="" type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *12% (.12)
<input checked="" type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.82 per sq ft Residential = \$1.63 per sq ft (not including garages)

FIRE DISTRICT COMMENTS

Please contact the Clackamas Fire District for any questions about fire-related issues.

COORDINATION WITH OTHER AGENCIES

Applicant may need to communicate directly with outside agencies, including the following:

- Metro
- TriMet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS

State or County Approvals Needed

<input type="checkbox"/>	Boiler Approval (State)	
<input type="checkbox"/>	Elevator Approval (State)	
<input type="checkbox"/>	Health Department Approval (County)	

Arts Tax

<input type="checkbox"/>	Neighborhood Office Permit	
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Other Right-of-Way Permits

<input type="checkbox"/>	Major:	
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<input type="checkbox"/>	Minor:	
<input type="checkbox"/>	Painted Intersection Program Permits:	
<input type="checkbox"/>	artMOB Application	
<input type="checkbox"/>	Traffic Control Plan (Engineering)	
<input type="checkbox"/>	Parklet:	
<input type="checkbox"/>	Parklet Application/ Planning Approval	
<input type="checkbox"/>	Engineering Approval	
<input type="checkbox"/>	Building Approval	
<input type="checkbox"/>	Sidewalk Café:	
<input type="checkbox"/>	Tree Removal Permit:	

Infrastructure/Utilities

Applicant must communicate directly with utility providers. These may include the following:

- PGE
- NW Natural
- Clackamas River Water (CRW)
- Telecomm (Comcast, Century Link)
- Water Environmental Services (WES)
- Garbage Collection (Waste Management, Hoodview Disposal and Recycling)

Economic Development/Incentives

<input type="checkbox"/>	Enterprise Zone:	
<input type="checkbox"/>	Vertical Housing Tax Credit:	
<input type="checkbox"/>	New Market Tax Credits:	
<input type="checkbox"/>	Housing Resources:	

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Patrick McLeod	Building Official	503-786-7611
Harmony Drake	Permit Coordinator	503-786-7638
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636
Emilie Bushlen	Building Permit Technician	503-786-7669

ENGINEERING DEPARTMENT

Jennifer Garbely	City Engineer	503-786-7534
Jeff Tolentino	Assistant City Engineer	503-786-7644
Chris Benn	Engineering Technician II	503-786-7617
Michael Groome	Engineering Technician II	503-786-7671

PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Kolias	Senior Planner	503-786-7653
Brett Kelter	Senior Planner	503-786-7657
Adam Heroux	Associate Planner	503-786-7658
Ryan Dyar	Associate Planner	503-786-7661

COMMUNITY DEVELOPMENT DEPARTMENT

Joseph Briglio	Community Development Director	503-786-7616
Mandy Byrd	Development Programs Manager	503-786-7692
(vacant)	Housing & Econ. Dev. Prog. Mgr.	503-786-7627
Petra Johnson	Administrative Specialist II	503-786-7600

SUSTAINABILITY DEPARTMENT

Katie Gavares	Climate & Natural Resources Mgr.	503-786-7668
Courtney Wilson	Urban Forester	503-786-7655
Riley Gill	Environmental Services Coordinator	503-786-7660

CLACKAMAS FIRE DISTRICT

Shawn Olson	Fire Marshal	shawn.olson@ClackamasFire.com
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MILWAUKIE PLANNING
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 Milwaukie OR 97222
 503.786.7630
planning@milwaukieoregon.gov

2025 Planning Commission Hearing Schedule

About the Deadlines

- Applications can be submitted at any time.
- The City must deem an application complete on or before the **COMPLETE APPLICATION DEADLINE** in order for the application to be eligible for the **FIRST POTENTIAL HEARING DATE**.²
- Since applications are rarely complete upon first submission, the City recommends application submission 2 weeks in advance of the **COMPLETE APPLICATION DEADLINE** to allow time for you to make the application complete.³
- New information submitted after the **NEW INFORMATION DEADLINE** could cause your hearing date be continued.

About the Scheduling Process

- Complete applications are scheduled for hearing in the order in which they are deemed complete.
- There is no guarantee of any particular hearing date.⁴ However, City staff can provide you with up-to-date hearing date availability and scheduling information upon request.
- There are things over which neither you nor the City has control that may prevent your application from being heard on a specific date.
(For example, the hearing schedule may already be full or a previous hearing may need to be continued to the next available hearing date.)
- The City reserves the right to schedule City business items on the Planning Commission agenda as needed and to cancel any scheduled Planning Commission meeting.
- Some applications require a hearing before the Planning Commission and City Council. Check with staff for City Council hearing schedule information.
- Hearing schedule is subject to change.⁵

2025 Planning Commission Hearing Schedule		
Complete Application Deadline ¹	New Information Deadline	First Potential Hearing Date
Nov 29, 2024	Dec 16, 2024	Jan 14
Dec 13, 2024	Dec 30, 2024	Jan 28
Dec 27, 2024	Jan 13	Feb 11
Jan 10	Jan 27	Feb 25
Jan 24	Feb 10	Mar 11
Feb 07	Feb 24	Mar 25
Feb 21	Mar 10	Apr 08
Mar 07	Mar 24	Apr 22
Mar 28	Apr 14	May 13
Apr 11	Apr 28	May 27
Apr 25	May 12	Jun 10
May 09	May 23	Jun 24
May 23	Jun 09	Jul 08
Jun 06	Jun 23	Jul 22
Jun 27	Jul 14	Aug 12
Jul 11	Jul 28	Aug 26
Jul 25	Aug 11	Sep 09
Aug 08	Aug 25	Sep 23
Aug 29	Sep 15	Oct 14
Sep 12	Sep 29	Oct 28
No Meeting November 11, 2025		
Oct 10	Oct 27	Nov 25
Oct 24	Nov 10	Dec 09
Nov 07	Nov 24	Dec 23
Nov 26	Dec 15	Jan 13, 2026
Bold green-shaded dates indicate adjustments to accommodate holidays.		

¹ City staff needs a minimum of 46 days to prepare an application for hearing.

² Items needed for application completeness vary by application type and project complexity. If a preapplication conference is required for an application and/or for a related traffic impact study, the City will not accept the application until the required conferences are held.

³ Under Oregon law, the City has 30 days to review an application for completeness.

⁴ As required by Oregon law, the City will issue a decision within 120 days of the deemed complete date, unless you grant a waiver.

⁵ For most current info, see Planning Commission page: <https://www.milwaukieoregon.gov/bc-pc>