



CITY OF MILWAUKIE

June 25, 2025

Land Use File(s): CSU-2025-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 24, 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.

Applicant(s): Andrew Mason
Location(s): 8835 SE 42nd Ave
Tax Lot(s): 1S1E25AA, lots 9500 & 9501
Application Type(s): Community service use (meditation center)
Decision: Approved with Conditions
Review Criteria: Milwaukie Municipal Code (MMC) Title 19 (Zoning Ordinance):

- MMC Section 19.301 Moderate Density Residential zone (R-MD)
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.904 Community Service Uses
- MMC Section 19.1006 Type III Review

Neighborhood(s): Ardenwald-Johnson Creek, Lewelling

Appeal period closes: 5:00 p.m., July 10, 2025

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III 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 kelterb@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at www.milwaukieoregon.gov/planning/csu-2025-002.

This decision may be appealed by 5:00 p.m. on July 10, 2025, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have

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

standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council 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.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals within four (4) years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

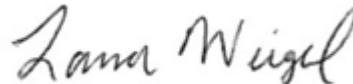
1. As per Finding 7-c, the approved use is limited to no more than 30 participants (including instructors or administrators) for in-person events and to no more than 20 days with participants staying overnight on the site each calendar year.

Other requirements

None

Decision

- ☐ Approved
☒ Approved with Conditions
☐ Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: Andrew Mason, applicant (via email)
Jane Lawson, applicant team (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)
NDA(s): Ardenwald-Johnson Creek, Lewelling (via email)
Interested Persons
Land Use File(s): CSU-2025-002
Address File(s): 8835 SE 42nd Ave

EXHIBIT 1
Findings in Support of Approval
File #CSU-2025-002, Meditation Center (8835 SE 42nd Ave)

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, Andrew Mason, has applied for community service use (CSU) approval to establish a base of operation for a meditation group at 8835 SE 42nd Ave. The site is in the Moderate Density Residential Zone (R-MD). The land use application file number is CSU-2025-002.
2. The applicant is a leader of the Ring of Moss (ROM), a Zen Buddhist meditation group that has been active in the Portland area for over 20 years, holding virtual and in-person meditation sessions in members' homes and donated or rented spaces. Approximately 20 people participate monthly and another 10 participate weekly, with eight to 10 members taking part in biannual six-week intensive sessions that conclude with a weeklong meditation retreat. The proposed development would establish a religious institution on the subject property and requires review as a CSU. CSUs are allowed in the R-MD zone subject to Type III review.

The subject property is developed with a single detached dwelling and large barn-like accessory structure. The applicant has proposed some interior remodeling and minor exterior alterations to the house (i.e., replacement of a sliding door with a window and installation of exterior handrails). In the future, the applicant plans to renovate the barn and use it as the base of operation for ROM, with the house serving as a primary residence; in the meantime, the house will function as both the ROM base of operation and the primary residence of one of the group members.

The property is designated as a "significant" historic resource (both the house and barn) on the City's list of historic properties. The proposed minor exterior alterations are being processed with administrative review as allowed by the historic resource provisions of the zoning code (Subsection 19.403.5.C.1), separately from this CSU request but in conjunction with the associated building permit application.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.301 Moderate Density Residential Zone (R-MD)
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.904 Community Service Uses
 - MMC Section 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on June 24, 2025, as required by law.

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

MMC 19.301 establishes standards for the R-MD zone. Specifically, MMC Subsection 19.301.2 establishes allowed uses for the R-MD zone. CSUs are allowed in the R-MD zone subject to Type III review and compliance with the applicable standards of MMC Section 19.904.

The applicant has applied for approval to establish the subject property as the base of operation for ROM, a Zen Buddhist meditation group. The proposed development would establish a religious institution on the site and is allowable with Type III review as a CSU, as discussed in Finding 7. The applicant has proposed to make some interior renovations and minor exterior alterations to the house (and in the future, to the barn), but no changes to the building footprint or overall site are proposed.

The Planning Commission finds that the use is allowable in the R-MD zone subject to CSU approval. This standard is met.

6. MMC Chapter 19.700 Public Facility Improvements

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

a. MMC Section 19.702 Applicability

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

The applicant is proposing to use the property as a base of operation for a meditation group (i.e., a religious institution) in addition to maintaining it as a primary residence. The City Engineer has determined that the proposed development will result in an increase in trips. The proposed development triggers the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

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

City staff held a preapplication conference with the applicant on January 16, 2025. As noted in Finding 6-c, a transportation impact study (TIS) is not required; therefore, an application for transportation facilities review is not necessary.

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 impacts on the transportation system from establishing the site as a meditation center for a relatively small group are minimal. Some participants will visit the site on foot or by bicycle, which will help limit traffic impacts.

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 noted in Findings 6-e and 6-f, the proposed development does not warrant a requirement for improving transportation facilities, so an analysis of proportionality to impacts is not necessary.

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 for accessway design, 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 based on the City's Transportation System Plan (TSP).

The subject property has frontage on three public streets—42nd Avenue, Roswell Street, and 41st Avenue—and has accessways onto all three. In the City's TSP, 42nd Avenue is classified as a collector, Roswell Street is a neighborhood route, and 41st Avenue is a local street. As established in MMC Table 19.708.2 Street Design Standards, the minimum required right-of-way (ROW) widths for each of these three street classifications are provided on each of the subject property's frontages. The 42nd Avenue and Roswell Street frontages are improved with curb-tight sidewalk, while the 41st Avenue frontage is unimproved (i.e., asphalt roadway only, no curb/gutter/sidewalk). The proposed development does not present any new impacts to transportation facilities that warrant further improvements.

The proposed development meets the applicable standards of MMC 19.708.

f. MMC Section 19.709 Public Utility Requirements

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

The proposed development does not present new impacts to existing public utilities, which are adequate to serve the proposed use.

The proposed development meets the applicable standards of MMC 19.709.

As proposed, the Planning Commission finds that the proposed development meets the applicable standards of MMC 19.700.

7. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications involving community service uses (CSUs), including the establishment of new CSUs. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit.

a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the CSU regulations, outlining the types of institutions and facilities that are considered CSUs. This includes schools, government offices, hospitals, residential care facilities, community meeting buildings, and religious institutions.

The application is for the establishment of a base of operations for Ring of Moss (ROM), a Zen Buddhist meditation group. The proposed use is a form of religious institution and so is reviewable as a CSU.

b. MMC Subsection 19.904.3 Review Process

MMC 19.904.3 establishes the review process for CSUs. Applications for new CSUs or major modifications to existing CSUs are subject to Type III review (MMC 19.1006).

The proposal is to establish a new CSU and is subject to Type III review.

c. MMC Subsection 19.904.4 Approval Criteria

MMC 19.904.4 establishes the following approval criteria for CSUs:

- (1) 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 for a CSU, the standards of the underlying zone must be met.

As discussed in Findings 2 and 5, the proposed development does not involve changes to the site or existing structures that would affect the development standards of the underlying R-MD zone.

As proposed, this criterion is met.

- (2) Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.

MMC Subsection 19.904.8 establishes specific standards for public, private, and religious institutions and other facilities that are not covered by other standards.

- (a) MMC Subsection 19.904.8.A requires utilities, streets, or other improvements necessary for the public facility or institutional use to be provided by the agency constructing the use.

The existing public facilities are adequate to serve the proposed development.

This standard is met.

- (b) MMC Subsection 19.904.8.B requires that, 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 of a request must 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.

The subject property provides three points of access to public streets, including from 42nd Avenue (a collector). With only 10 regular participants in weekly ROM activities (two in-person meditation sessions and one virtual session), the average estimated trip generation for the proposed development is less than 20 trips per day.

The proposed development is exempt from the requirement to provide a more in-depth trip-generation analysis.

This standard is met.

- (c) MMC Subsection 19.904.8.C requires that, when located in a residential zone, lot area must be sufficient to allow required setbacks that are equal to a minimum of two-thirds 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.

The subject property is already developed with a house and large barn, and no changes to the footprint or height of either structure are proposed. The existing house is situated centrally on the lot and meets or exceeds the setback requirements. The barn is nonconforming with respect to the street-side setback along the 41st Avenue frontage (it is on or very close to that western boundary); however, no changes to the barn footprint are proposed.

This standard is met.

- (d) MMC Subsection 19.904.8.D allows that the height limitation of a zone may be exceeded to a maximum height of 50 ft provided Subsection 19.904.8.C is met.

No changes to the height of either the existing house or barn are proposed.

This standard is met.

- (e) MMC Subsection 19.904.8.E requires that noise-generating equipment shall be sound-buffered when adjacent to residential areas.

The proposed development does not involve the installation of any noise-generating equipment. Some new noise activity associated with the meditation sessions may involve bells, drums, or percussive wooden clappers, but as proposed those sounds will not be audible outside the buildings.

This standard is met.

- (f) MMC Subsection 19.904.8.F requires that lighting must be designed to avoid glare on adjacent residential uses and public streets.

No changes to existing exterior lighting are proposed.

This standard is met.

- (g) MMC Subsection 19.904.8.G requires that hours and levels of operation be adjusted where possible to make the use compatible with adjacent uses.

As proposed, the regular in-person ROM activities will take place twice a week (Sunday mornings 7:30 a.m. to 9:00 a.m. and Wednesday evenings 7:00 p.m. to 8:30 p.m.). During the two annual six-week intensive sessions, an additional in-person session is added (Monday evenings 7:00 p.m. to 8:30 p.m.), with the final week being a residential retreat at the site (4:00 a.m. to 9:00 p.m.). In general, trips to and from the site would occur between around 7:30 a.m. and 9:00 p.m., which is similar to the operational hours for the Roswell Market across Roswell Street to the south (regular market hours are 7:00 or 8:00 a.m. to 10:30 p.m.).

Currently, approximately 20 “active” members participate in group activities once a month and another 10 “regular” members participate at least once a week. The existing house provides meditation and sleeping space for up to 16 people; the future barn renovation would expand the capacity to a total of 30 participants.

Most of the activity on site will be within one or both buildings, and except for the arrivals and departures of participants, the actual activity will be silent meditation. For the biannual meditation retreats, where sessions begin at 4:00 a.m., participants will stay on site so there are no comings and goings and therefore no impacts to neighboring residential properties. Most ambient noise from ROM activities and arrivals/departures will be within a range of hours that is compatible with surrounding uses.

The applicant has indicated that future growth could expand in-person sessions to four times a week (and up to six times a week during the less frequent intensive sessions), with up to 20 retreat days each calendar year when participants stay overnight on the site. A condition has been established to confirm the understood limits on levels of operation, which are no more than 30 participants (including instructors or administrators) for in-person events and no more than 20 days with participants staying overnight on the site each calendar year.

As conditioned, this standard is met.

- (h) MMC Subsection 19.904.8.H allows that a spire on a religious institution may exceed the maximum height limitation.

The proposed development does not include a spire.

This standard is not applicable.

- (i) MMC Subsection 19.904.8.I establishes that 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.

The minimum vegetation requirement for lots over 7,000 sq ft in the R-MD zone is 30% of lot area, so the 15% landscaping requirement for religious institutions is the applicable standard. The subject property is at least 50% landscaping.

This standard is met.

- (j) MMC Subsection 19.904.8.J allows that 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.

Although the subject property is developed with an extensive driveway system connecting its three accessways to public streets and does offer space for a few off-street parking spaces (4 to 8 spaces, depending on whether one or more driveway exits were closed), it is not configured to serve effectively as a park-and-ride facility. The applicant has indicated openness to future consideration of this subject.

This standard is met.

As conditioned, this criterion (regarding specific standards for institutions) is met.

- (3) MMC Subsection 19.904.4.C requires the hours and levels of operation of the proposed use to be reasonably compatible with surrounding uses.

See the discussion above in Finding 7-c-2(g) for an address of this criterion and the associated condition of approval.

As conditioned, this criterion is met.

- (4) MMC Subsection 19.904.4.D requires that the public benefits of the proposed use be greater than the negative impacts, if any, on the neighborhood.

As proposed, there are few if any impacts from the proposed development. The regular comings and goings of ROM participants will not be that different than what might be expected in a typical residential neighborhood and likely still less than the commercial traffic at the Roswell Market site across Roswell Street to the south. Providing space for the proposed religious institution supports mental well-being, social health, and

community-building—benefits commonly associated with other neighborhood religious institutions.

This criterion is met.

- (5) MMC Subsection 19.904.4.E requires the location to be appropriate for the type of use proposed.

The subject property is large (0.73 acres) and includes a significant amount of mature landscaping. The proposed use (meditation sessions) is a low-impact activity, and the well landscaped grounds and historic house and barn provide a fitting environment for reflective and contemplative practice. The site is accessible from three public streets, two of which provide some on-street parking, and the property is developed with an extensive driveway system that allows for 4 to 8 off-street parking spaces depending on usage.

This criterion is met.

As conditioned, the Planning Commission finds that the proposed development meets the approval criteria of MMC 19.904.4.

The Planning Commission finds that, as conditioned, the proposed development meets all applicable standards of MMC 19.904 and is approvable as a new CSU. This standard is met.

8. The application was referred to the following departments and agencies on May 20, 2025:

- Milwaukie Community Development Department
- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Milwaukie Code Compliance
- Milwaukie Police Department
- Milwaukie City Manager
- City of Milwaukie City Attorney
- Ardenwald-Johnson Creek Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Lewelling NDA Chairperson and LUC
- Clackamas Fire District #1
- Clackamas County Department of Transportation & Development
- Metro
- NW Natural

In addition, public notice was provided on June 4, 2025, as required by MMC Subsection 19.1006.3. Staff received the following responses to the referral and public notice, summarized as follows:

- **Don Sheets (resident/owner at 8825 SE 42nd Ave):** No objections—pleased that the property will remain intact and looking forward to the new neighbor.

- **Camden McKone (Chair of Lewelling NDA):** No comments on this proposal.
- **Glen Hamburg (Senior Regional Planner, Metro):** No comments on this application.
- **Maitri Dirmeyer (Lewelling NDA LUC Chair):** The application was discussed at a recent NDA meeting and those in attendance were supportive—no comments or concerns were noted.
- **Chris Swallow & Anna Cournoyer (residents/owners at 3507 SE Floss St):** As next-door neighbors of the current Ring of Moss (ROM) base of operation, they are in support of the proposal. ROM has been a good neighbor (e.g., quiet, responsive, collaborative) and they are sorry to see them go.
- **Alexandra Howard (resident/owner at 8802 SE 41st Ave):** Notes several points in the applicant's narrative that are unclear or inconsistent regarding the proposed level and intensity of use and asserts that the recommended findings in support of approval do not sufficiently consider anticipated future growth or parking demand. Concerned that the proposed use will have impacts that have not been sufficiently addressed. Requests an on-site parking and access plan that addresses both regular and intensive events; and proposes conditions to limit the number of in-person events, restrict access to 41st Avenue, and require improvements on 41st Avenue (curb and gutter) if access to that street is permitted.