

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

Application for Land Use Action

Primary File #: MHLD-2025-005

Review type*: □ | X || (MHLD / expedited land division) CHECK ALL APPLICATION TYPES THAT APPLY: ■ Amendment to Maps and/or M Land Division: Planned Development Comprehensive Plan Map ☐ Final Plat ■ Residential Dwelling Amendment ■ Lot Consolidation ■ Manufactured Dwelling Park ☐ Partition ☐ Zoning Text Amendment ■ Manufactured Dwelling ☐ Property Line Adjustment Zoning Map Amendment □ Temporary Dwelling Unit □ Code Interpretation ☐ Replat □ Transportation Facilities Review** ☐ Community Service Use ■ Subdivision (middle housing land division) ☑ Variance: ■ Use Exception Conditional Use ■ Mixed Use Overlay Review □ Development Review ■ Modification to Existing Approval ☑ Variance □ Director Determination ■ Natural Resource Review** ■ Willamette Greenway Review ☐ Downtown Design Review ■ Nonconforming Use Alteration Other: ☐ Extension to Expiring Approval ☐ Parking: Use separate application forms for: Quantity Determination Annexation and/or Boundary Change ☐ Historic Resource: ☐ Alteration Quantity Modification · Compensation for Reduction in Property ☐ Shared Parking ■ Demolition Value (Measure 37) ■ Status Designation Structured Parking Daily Display Sign ☐ Status Deletion Appeal

RESPONSIBLE PARTIES:

Mailing address: 2050 SE Beavercreek Rd. #	State/Zip: OR, 97045		
Phone(s):	one(s): Email: curtis.ç		
Please note: The information submitted in th	nis application may be su	bject to public records law.	
APPLICANT'S REPRESENTATIVE (if different the	an above):		
Mailing address:		State/Zip:	
Phone(s):	Email:		
SITE INFORMATION:			
Address: 8933 SE 39th Ave	Map & Tax L	ot(s): 11E25AD03200	
Comprehensive Plan Designation: MD	Zoning: R-MD	Size of property: 0.31 acres	
PROPOSAL (describe briefly):			
Middle Housing Land Division for a qua	adplex development.		

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 blavid & Riggins

Date: 4/25/2025 | 3:26 PM PDT

-A001427D32 MPORTANT INFORMATION ON REVERSE SIDE

^{*}For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

^{**} Natural Resource and Transportation Review applications may require a refundable deposit.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

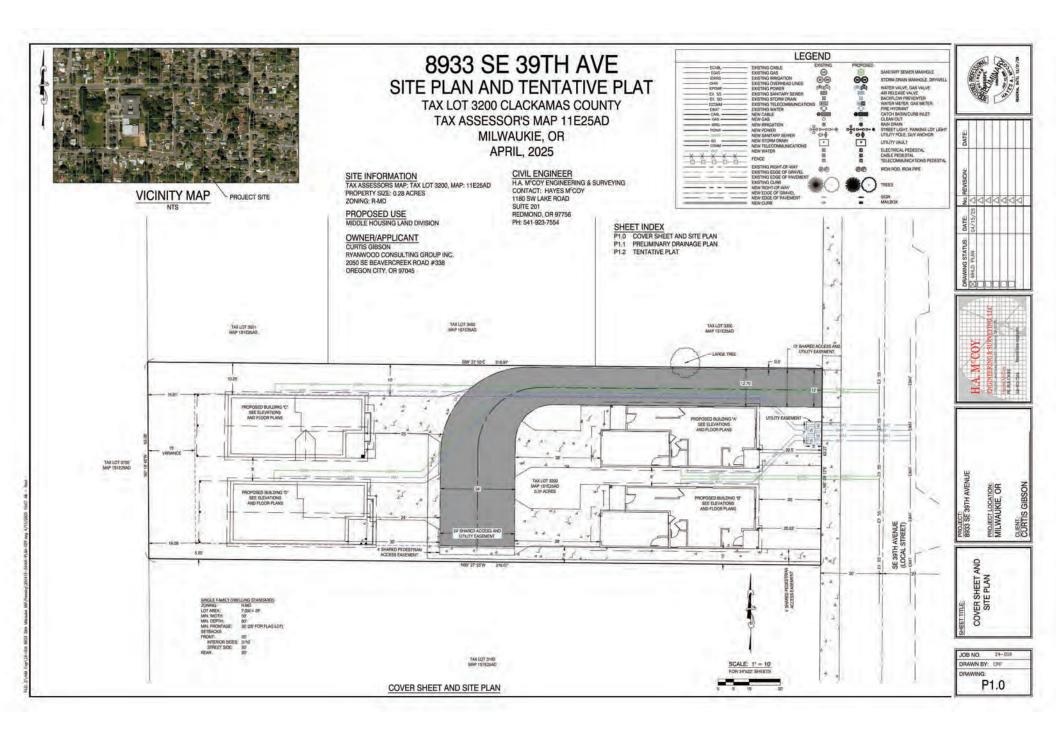
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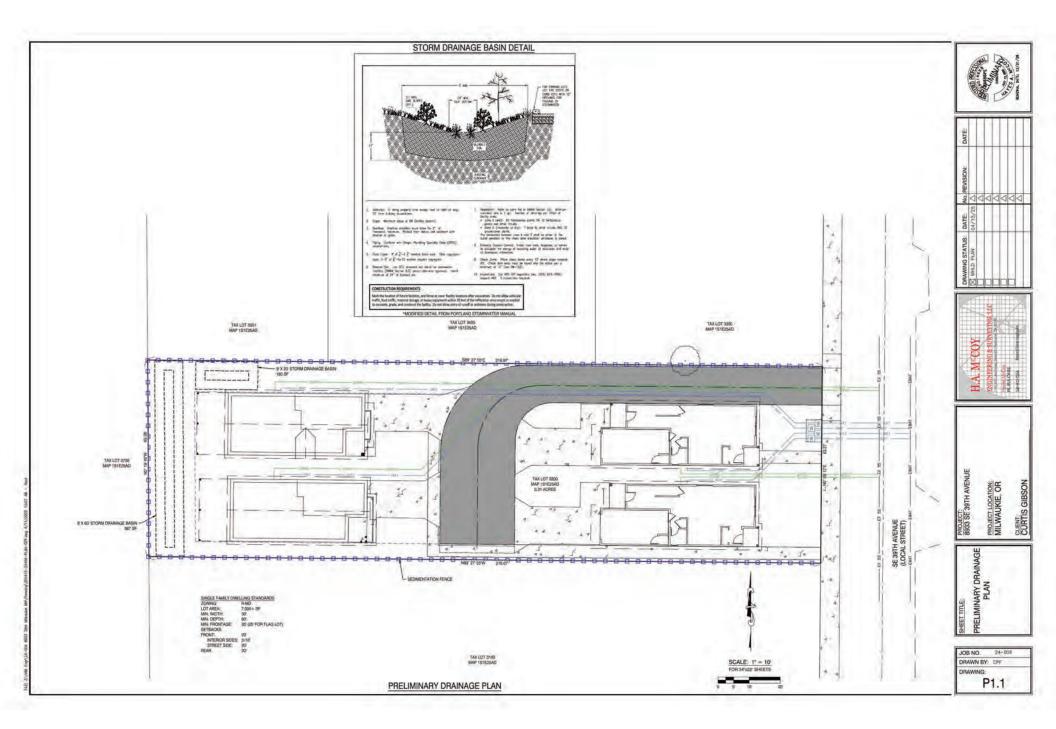
FILE TYPE	FILE NUMBER	AMOUNT (after discount, if any)	PERCENT DISCOUNT	DISCOUNT	DATE STAMP	
Primary file	MHLD-2025-005	\$ 2,000			Materials submitted 5/02/2025 MHLD invoice generated 6/02/2025 Payment submitted 6/26/2025 (for MHLD application) VR invoice generated & payment submitted 7/07/2025	
Concurrent application files	VR-2025-009	\$750	25%	multiple applications		
аррисалоп шез		\$				
		\$				
		\$				
Deposit (NR/TFR only)			☐ Deposit Autho		orization Form received	
TOTAL AMOUNT R	ECEIVED: \$ 2,750		RECEIPT #: 3065	8	RCD BY: BK	

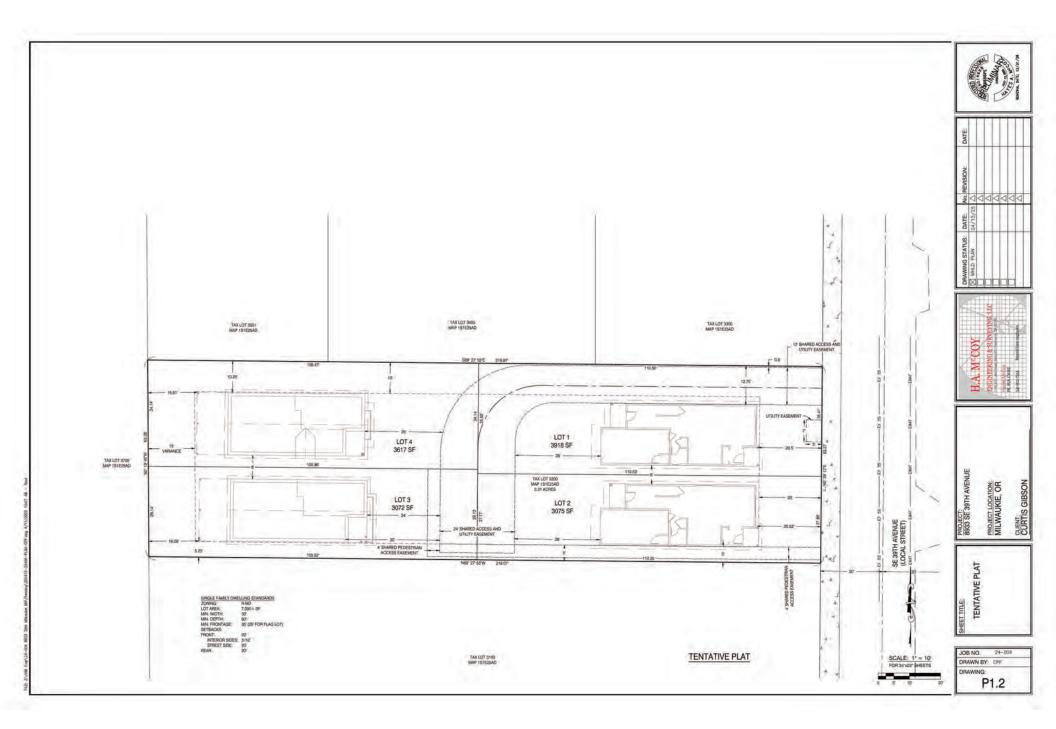
Associated application file #s (appeals, modifications, previous approvals, etc.):

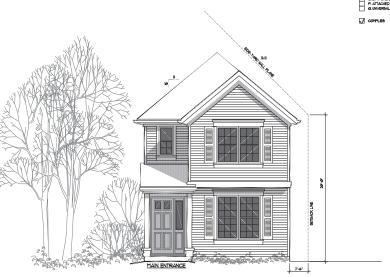
Neighborhood District Association(s): Ardenwald-Johnson Creek

Notes: Middle housing land division for detached quadplex, with Type II variance for rear yard setback (file #VR-2025-009). Permit #s 601-25-000703-STR-CC, -000704-STR-CC, -000705-STR-CC, -000706-STR-CC.









39TH AVE (UNIT "A") EAST ELEVATION

19,505,1 ONE-TO-FOUR-UNIT RESIDENTIAL DEVELOPMENT

I. ARTICULATION (2 MINIMUM PER STREET FRONTAGE):

2. EYES ON THE STREET (15% MINIMUM WINDOWS OR ENTRANCE DOORS ON STREET-FACING FACADE)

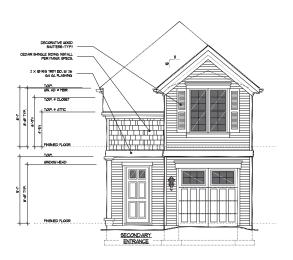
#.B	
GLAZNG REQD.	58.8 SF.
GLAZNG	
ENTRY DOOR:	24.00 SF.
ENTRY SIDELIGHT:	5.33 SF.
LIVING ROOM:	36,00 SF.
BEDROOM %	8,00 SF.
BEDROOM 'S:	30.00 SF.
TOTAL GLAZING	1Ø9.33 8F.

1. BE NO FURTHER THAN 8" BEHIND THE LONGEST STREET-FACING WALL OF THE BUILDING
2. FACE THE STREET, BE AT AN ANGLE OF UP TO 45 DEGREES FROM THE STREET, OR OPEN ONTO A PORCH

4. DETAILED DESIGN (1 REQUIRED PER GARAGE DOOR WIDTH BETWEEN 40%-50% OF STREET-FACING FACADE).

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ANWOOD CONSULTING GROUP INC. 25# ENOW LOAD



WEST ELEVATION



THE CONTRACTOR ASSUMES FILL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND LIEATHERPROOFING.

RYANWOOD CONSULTING GROUP INC.

NORTH ELEVATION

19.505.1 ONE-TO-FOUR-UNIT RESIDENTIAL DEVELOPMENT

I. ARTICULATION (2 MINIMUM PER STREET FRONTAGE):

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2. EYES ON THE STREET (15% MINIMUM WINDOWS OR ENTRANCE DOORS ON STREET-FACING FACADE)

TOTAL WALL AREA. X JB	431 SF.
GLAZNG REQID.	65.6 SF.
GLAZING:	
ENTRY DOOR	24.00 SF.
ENTRY SIDELIGHT:	5.33 SF.
LIVING ROOM:	36.00 SF.
BEDROOM %	8,00 SF.
BEDROOM 'S:	30,00 SF.
TOTAL GLAZING	109.33 S.F.

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1. BE NO FURTHER THAN 8" BEHIND THE LONGEST STREET-FACING WALL OF THE BUILDING
2. FACE THE STREET, BE AT AN ANGLE OF UP TO 45 DEGREES FROM THE STREET, OR OPEN ONTO A PORCH

IF THE ENTRANCE OPENS ONTO A PORCH THE PORCH SHALL MEET ALL OF THE ADDITIONAL STANDARDS.

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4. DETAILED DESIGN (1 REQUIRED PER GARAGE DOOR WIDTH BETWEEN 40%-50% OF STREET-FACING FACADE).

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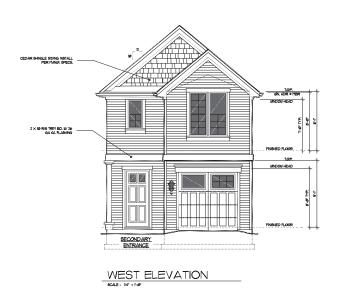
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39TH AVE (UNIT "B") EAST ELEVATION

ANWOOD CONSULTING GROUP INC.

25# ENOW LOAD





RYANWOOD CONSULTING GROUP INC.

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SOUTH ELEVATION SCALE - NA' - I'AN

19.505.1 ONE-TO-FOUR-UNIT RESIDENTIAL DEVELOPMENT

I. ARTICULATION (2 MINIMUM PER STREET FRONTAGE):

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C. A BALCORY AT LEASE 11 DEEP AND IS ACCESSIBLE FROM AN INTERIOR ROOM
F. A GALCOR DOWNER.

7. A GALCOLD DOWNER.

2. EYES ON THE STREET (15% MINIMUM WINDOWS OR ENTRANCE DOORS ON STREET-FACING FACADE)

TOTAL WALL AREA X.B	45Ø 5F.
GLAZING REQID,	675 SF.
GLAZNG:	
ENTRY DOOR:	20:00 SF
ENTRY SIDELIGHT:	6.66 SF
GARAGE DOOR (1/2 OR TOTAL)	45Ø 6F
MER	49,5Ø 8F
TOTAL OLATING	8066 SE

COMPLES

1. BE NO FURTHER THAN 8" BEHIND THE LONGEST STREET-FACING WALL OF THE BUILDING
2. FACE THE STREET, BE AT AN ANGLE OF UP TO 45 DEGREES FROM THE STREET, OR OPEN ONTO A PORCH

F THE ENTRANCE OPENS ONTO A PORCH THE PORCH SHALL MEET ALL OF THE ADDITIONAL STANDARDS.

A BE AT LEAST 29 SF, IN AREA WITH A YINDFWH 4" DEPTH

BI HAVE AT LEAST ONE PORCH DRIVEY FACING THE STREET

C. HAVE A ROOF THAT IS NO HORE THAN IT ABOVE THE FLOOR OF THE PORCH

D. HAVE A ROOF THAT COVERS AT LEAST 59% OF THE PORCH

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4. DETAILED DESIGN (5 REQUIRED):

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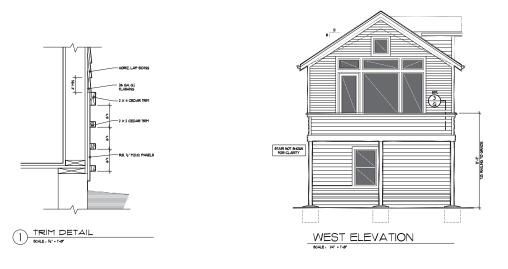


39TH AVE (UNIT 'C') EAST ELEVATION 8CALE: 1/4" + T-0"

PROJECT MANAGERMR DRAWN 04/16/26 PJ

ANWOOD CONSULTING GROUP INC.

25# ENOW LOAD



THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND MEATHERPROOFING. PROJECT MANAGERMEN DRAWN 04/16/25 PJB

RYANWOOD CONSULTING GROUP INC.

SOUTH ELEVATION SCALE - NA' - I'AN



39TH AVE (UNIT 'D') EAST ELEVATION 8CALE: 1/4" + T-0"

19.505.1 ONE-TO-FOUR-UNIT RESIDENTIAL DEVELOPMENT

I. ARTICULATION (2 MINIMUM PER STREET FRONTAGE):

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2. EYES ON THE STREET (15% MINIMUM WINDOWS OR ENTRANCE DOORS ON STREET-FACING FACADE)

TOTAL WALL AREA: X.B	443 SF.
GLAZNG REQID.	66,45 SF.
GLAZNG	
ENTRY DOOR:	20:00 SF.
ENTRY SIDELIGHT:	6.66 SF.
GARAGE DOOR (1/2 OF TOTAL):	3.5Ø 6F.
MER.	38.00 SF.
TOTAL GLAZING	85.16 S.F.

COMPLES

1. BE NO FURTHER THAN 8" BEHIND THE LONGEST STREET-FACING WALL OF THE BUILDING
2. FACE THE STREET, BE AT AN ANGLE OF UP TO 45 DEGREES FROM THE STREET, OR OPEN ONTO A PORCH

F THE ENTRANCE OPENS ONTO A PORCH THE PORCH SHALL MEET ALL OF THE ADDITIONAL STANDARDS.

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BI HAVE AT LEAST ONE PORCH DRIVEY FACING THE STREET

C. HAVE A ROOF THAT IS NO HORE THAN IT ABOVE THE FLOOR OF THE PORCH

D. HAVE A ROOF THAT COVERS AT LEAST 59% OF THE PORCH

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4. DETAILED DESIGN (5 REQUIRED):

A DETAILED DESIGN (5 RECUIRED).

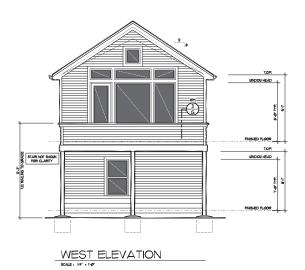
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RYANWOOD CONSULTING GROUP INC.

MIDDLE HOUSING LAND DIVISION AND VARIANCE BURDEN OF PROOF 8933 SW 39TH AVE MILWAUKIE QUADPLEX

APPLICANT/

OWNER: Curtis Gibson

Ryanwood Consulting Group Inc. 2050 SE Beavercreek Road #338

Oregon City, OR 97045

SUBJECT

PROPERTY: The subject property is identified as Tax Lot 3200 on the Clackamas County Tax

Assessor's Map 11E25AD and as 8933 SE 39th Avenue, Milwaukie, OR 97222

ZONING: The subject properties are zoned and planned R-MD (Moderate Density Residential

Zone) on the City of Milwaukie Zoning map.

REQUEST: The applicant is proposing four middle housing dwelling units (quadplex – detached) with

a middle housing land division.

Aerial



FINDINGS OF FACT:

1. **PROPERTY LOCATION**:

The subject property is identified as Tax Lot 3200 on the Clackamas County Tax Assessor's Map 11E25AD and as 8933 SE 39th Avenue, Milwaukie, OR 97222

2. **ZONING AND COMPREHENSIVE PLAN DESIGNATION**:

The subject properties are zoned and planned R-MD (Moderate Density Residential Zone) on the City of Milwaukie Zoning map.

3. SITE DESCRIPTION AND SURROUNDING USES:

The parcel area generally level and the surrounding properties are developed residential.

4. **PURPOSE:**

The applicant is proposing four middle housing dwelling units (quadplex – detached) with a middle housing land division.

Applicable Criteria:

Milwaukie Code, Title 17, Land Division: Ch. 17.26.010 Middle Housing Land Divisions

Milwaukie Code, Title 19, Zoning:

Ch. 19.301 Moderate Density Residential Zones
Ch. 19.505.1 One-to Four-Unit Residential Development
Ch. 19.911 Variances

17.26.010 MIDDLE HOUSING LAND DIVISIONS.

- A. A middle housing land division is a partition or subdivision of a lot or parcel on which a middle housing project has been developed or approved for development under the provisions of this code and ORS 197.758. Middle housing land divisions are regulated by this code and ORS Chapter 92. Townhouses, by definition, are already on their own lots, so a middle housing land division is not applicable to townhouse developments. Following the land division, the units of land created in a middle housing land division, the sublots or subparcels, will be collectively considered a single lot or parcel for all but platting and property transfer purposes under City code and state rules and statutes, including:
 - 1. Lot standards such as size, setback, lot coverage, and lot width and depth;
 - Definition of unit types (e.g., a detached quadplex development where each unit is on its own lot through a middle housing land division would still be considered a detached quadplex development rather than four lots with single detached units);
 - Allowed number of dwelling units and accessory dwelling units; and
 - 4. Compliance with middle housing rules and statutes in ORS 197 and OAR 660-046.

Response: This document serves to demonstrate compliance with lot standards, allowed use, allowed number of units, and middle housing rules.

B. Applications for any land division affecting middle housing as provided in ORS 197.758(2) must be processed as an expedited land division process as outlined in ORS 197.360 to 197.380. Pursuant to the expedited land division process, a middle housing land division will be processed according to Section 19.1005 Type II Review. Further division of the resulting lots or parcels (sublots) in an approved middle housing land division is prohibited.

Response: This standard is advisory. Further division is not planned.

C. Approval Through Two-Step Process

A middle housing land division requires a two-step process: a preliminary plat and a final plat.

- 1. Preliminary plat. A middle housing land division preliminary plat application is processed through an expedited Type II procedure, as provided in Section 19.1005.
- 2. Final plat. The preliminary plat must be approved before the final plat can be submitted for approval. The final plat must satisfy all conditions of approval imposed as part of the preliminary plat approval.

Response: A preliminary plat is provided as part of this application.

D. Approval Criteria—Preliminary Plat

The approval authority may approve, approve with conditions, or deny a middle housing land division preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.

Response: This document serves to demonstrate compliance with the applicable standards of Title 19 of the Milwaukie Code of Ordinances.

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

Response: A site plan and tentative plat is provided as part of this application demonstrating how the site shall be developed reasonably. A Type II variance is proposed for the rear setback and is addressed later in this document.

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

Response: The proposed land division is not a subdivision and does not include a name.

4. The streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.

Response: No new streets or roads are proposed as part of this development.

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

Response: This document serves to demonstrate how the proposal conforms to all applicable code sections and design standards.

- 6. Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:
 - a. The middle housing development complies with the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19.

Response: Building permits are applied for concurrently with this application.

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

Response: The proposed development is designed to meet the standards of the underlying zone as demonstrated within this document and on the provided site plan and tentative plat.

c. Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.

Response: Separate utilities are proposed for each unit. A storm drainage plan and narrative is provided as part of this application.

- **d.** Easements will be provided as necessary for each dwelling unit on the site for:
 - (1) Locating, accessing, replacing, and servicing all utilities;

Response: A utility easement is proposed for all utilities and shown on the provided site plan and tentative plat.

(2) Pedestrian access from each dwelling unit to a private or public road;

Response: A dedicated pedestrian access is not proposed.

(3) Any common use areas or shared building elements;

Response: No shared building elements or common use areas are proposed.

(4) Any dedicated driveways or parking; and

Response: A shared access easement is proposed and shown on the provided site plan and tentative plat.

(5) Any dedicated common area.

Response: No dedicated common areas are proposed.

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

Response: Only one dwelling per lot is proposed.

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

Response: Per subsection A of this Chapter, "following the land division, the units of land created in a middle housing land division, the sublots or subparcels, will be collectively considered a single lot or parcel for all but platting and property transfer purposes under City code and state rules and statutes." The proposed buildings comply with the provisions of the underlying zone for a single lot.

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

Response: The ORSC shall be addressed as part of the building permit process.

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

Response: An improved frontage exists for the subject property. No additional improvements are proposed.

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

Response: Adherence to applicable standards in the land use code are demonstrated within this document.

E. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

- 1. The City will attach conditions of approval of a preliminary plat for a middle housing land division to:
 - a. Require that a notation appear on the final plat indicating:
 - (1) The sublots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.
 - (2) The middle housing developed on the sublots shown on the preliminary plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.
 - (3) Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.
 - (4) Ensure that improvements associated with review criteria in this section are provided.

Response: The applicant understands that conditions of approval may be attached and shall comply.

b. The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

Response: This standard is advisory

F. Approval Criteria - Final Plat

Response: This section shall be addressed during the final plat process.

19.301 Moderate Density Residential Zones

The moderate density residential zone is Residential Zone R-MD. This zone implements the Moderate Density residential land use designation in the Milwaukie Comprehensive Plan.

19.301.1 Purpose.

The moderate density residential zone is intended to create, maintain, and promote neighborhoods and allow a broad range of housing types. Some non-residential uses are allowed, but overall the character is one of residential neighborhoods.

19.301.2 Allowed Uses in Moderate Density Residential Zones.

Uses allowed, either allowed by right or conditionally, in the moderate density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

M	oderate De	Table 19.301.2 ensity Residential Uses Allowed
Use	R-MD	Standards/Additional Provisions
Residential Uses		
Single detached dwelling	Р	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Duplex	Р	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Triplex	Р	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Quadplex	Р	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Townhouse	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Town-houses
Cottage Cluster	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing
Adult foster/care home	Р	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Accessory dwelling unit	Р	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	(1)	Subsection 19.910.3 Manufactured dwelling parks
Residential care facility Examples include: assisted living, nursing facilities, and mem- ory care communities	CSU	Subsection 19.904.8 Specific Standards for Residential Care Facilities

Notes:

- P = Permitted/allowed by right
- N = Not permitted.
- CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required for a minor modification of an existing CSU. Type I review required for a minor modification of an
- CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to for major modification of an existing CU. Type I review required for a minor modification of an existing
- III = Type III review required.

Response: Quadplexes are permitted outright within the R-MD zone.

19.301.3 Use Limitations and Restrictions.

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
 - 1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
 - Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
 - 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
- B. Marijuana production is not permitted in moderate density residential zones except as follows:
 - State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
 - 2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

Response: The proposed use is residential. No limited or restricted uses are proposed.

19.301.4 **Development Standards.**

In the moderate density residential zone, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

	R-MD				
	Lot size (squ	are feet)			
	` .	iare reerj			
Ctondord	1,500 –	2 000 4 000	E 000 C 0002	7 000 000 1 000	Standards/ Additional
Standard		3,000-4,999	5,000-6,999 ²	7,000 and up	Provisions
A. Permitted Dwelling					
	Townhouse ¹	Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with up to 2 ADUs, Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster	Subsection 19.501.1 Lot Size Exceptions
B. Lot Standards					
1. Minimum lot width (ft)	20	30	50	60	
2. Minimum lot depth (ft)	70	80	80	80	
3. Minimum street frontage requirements (ft)					
a. Townhouse	20				
b. Standard lot	35	30	35	35	
c. Flag lot	NA ³	25	25	25	Subsection 19.504.6 Flag Lot and
d. Double flag lot	NA ³	25	25	25	Back Lot Design and Development Standards
C. Development Standa	ards				
Minimum yard requirements for primary structures (ft)					Subsection 19.301.5.A Yards Subsection 19.501.2 Yard Exceptions Subsection 19.504.6 Flag Lot and
a. Front yard	20	20	20	20	Back Lot Design and Development Standards
b. Side yard	5	5	5	5/10	Subsection 19.505.4 Cottage
c. Street side yard	15	15	15	20	Cluster Housing Subsection 19.505.5 Townhouses
d. Rear yard	15	20	20	20	Subsection 19.303.3 Townhouses
Maximum building height for primary structures	35 ft				Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit					Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)	20				
b. Slope of plane (degrees)	45				
4. Maximum lot coverage (percent of total lot area)	45%	35%	35%	30%	Section 19.201 "Lot coverage" definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.5 Minimum Vegetation

	R-MD						
	Lot size (square feet)						
Standard	1,500 – 2,999	3,000-4,999	5,000-6,999 ²	7,000 and up	Standards/ Additional Provisions		
D. Other Standards							
Density requirements (dwelling units per acre)					Subsection 19.301.5.D Residential Densities Subsection 19.501.4 Density Exceptions For Cottage		
a. Minimum	25	7.0	7.0	5.0	Clusters and Townhouse Density Exceptions, see 19.501.4		
b. Maximum ⁴	25	8.7	8.7	6.2			

² Minimum lot size for single detached dwelling applies to lots created on or after June 3, 2022, the effective date of Ordinance #2218.

Response: The development proposes a detached quadplex on an existing lot greater than 7,000 square feet. A 20 foot front setback, 5 and ten foot side setbacks, and a 15 foot rear setback (Type II Variance) are shown on the provided site plan and tentative plat per the standards in the table above. The proposed buildings are 20 feet in height at the side yard and the tallest proposed building is 29 feet 11 inches in height at the peak. Lot coverage is 30%.

19.301.5 Additional Development Standards.

A. Yards

On lots greater than 7,000 sq ft in the R-MD Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

Response: 5 foot and 10 foot side yard setbacks are shown on the provided site plan.

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific Uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single detached dwelling, duplex, or residential home on a lot that is more than 10,000 sq ft in Subsection 19.301.4.A.1.

Response: The proposal is for a quadplex, this standard does not apply.

³ Townhouses are not permitted on flag lots.

⁴ Townhouses are allowed at 4 times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, triplexes, quadplexes, and cottage clusters are exempt from density maximums.

- Increased Lot Coverage for Single Detached and Middle Housing Dwellings
 - a. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single detached dwelling, an addition to an existing single detached dwelling, or an Accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.
 - b. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

Figure 19.301.5.B.2 Increased Lot Coverage for Single Detached Dwellings and Middle Housing

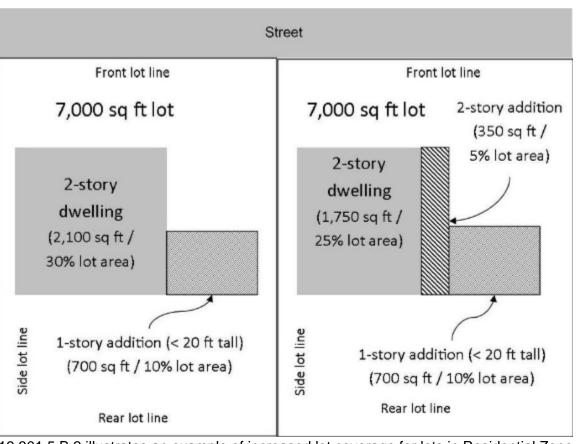


Figure 19.301.5.B.2 illustrates an example of increased lot coverage for lots in Residential Zone R-MD.

Response: The proposed lot coverage is 30%. No increased lot coverage is required.

3. Increased Lot Coverage for Duplexes

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

Increased Lot Coverage for Detached Accessory Dwelling Units

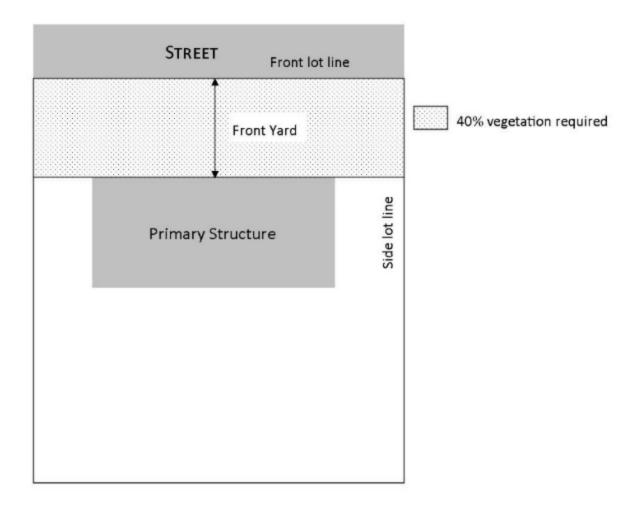
The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

Response: These standards do not apply.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Figure 19.301.5.C Front Yard Minimum Vegetation



Response: Greater than 40% of the front yard is available for vegetation. The applicant understands the provision and shall ensure that a minimum of 40% of the front yard is vegetated.

D. Residential Densities

The minimum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots. Maximum densities apply to single detached dwellings; middle housing is exempt from maximum density, except for townhouses.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

Response: Middle housing is exempt from maximum density.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: Accessory Structures are not proposed.

F. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

Response: Per Table 19.605.1, Middle Housing Quadplexes are allowed a maximum of one space per dwelling unit. One space per dwelling is proposed.

G. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

Response: Middle Housing Land Division is not a listed development type for transportation facilities. This standard does not apply.

H. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These Sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

- 1. Subsection 19.504.4 Buildings on the Same Lot
- 2. Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards
- 3. Subsection 19.505.1 Single Detached and Middle Housing Residential Development
- 4. Subsection 19.505.2 Garages and Carports
- 5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting standards

Response: 19.505.1 applies and is addressed below.

19.505.1 One-to Four-Unit Residential Development.

A. Purpose

The design standards for one-to four-unit dwellings (including single detached dwellings, duplexes, triplexes, and quadplexes) require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

- Dwellings must address the following design objectives:
 - a. Articulation All street-facing buildings must incorporate design elements that break up façades into smaller planes.
 - **b.** Eyes on the street A certain percentage of the area of each street-facing façade must be windows or entrance doors.
 - c. Main entrance On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
 - **d.** Detailed design All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design,

which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Response: Articulated planes with porches and 2 foot deep by 6 foot long recesses, a gabled dormer, large windows, and doors facing the street entrance are proposed. See provided building elevations.

- 2. Site design is intended to meet the following objectives:
 - Livability Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.

Response: Private open space is provided via proposed porches, pedestrian pathways are proposed with access to the public sidewalk.

b. Compatibility - Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.

Response: The proposal is for middle housing via a quadplex design that is permitted outright within the underlying zone. The development matches the intended character of the area.

c. Safety and functionality - Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

Response: A pedestrian pathway is provided separate from the drive aisle by curb to provide safe access to the proposed dwellings.

d. Sustainability Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

Response: Yards in the front and rear of the property shall provide available open space for the development.

B. Applicability of Design Standards

The building design standards in this subsection apply to the development of one to 4 units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path. The site design standards apply to plex developments (i.e., 2 to 4 units).

 New Construction. The full list of design standards applies to construction of new single detached and plex dwellings.

Response: The proposal is a new construction. Design standards are addressed below.

- 2. Expansions of single detached dwellings in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to the design standards as follows:
 - Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
 - **b.** Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade

- area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
- **c.** Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
 - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
 - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
- d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
- e. Multiple expansions are allowed within a five-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
- f. Conversions of an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
 - (1) Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (2) Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
- 3. Remodels, additions, and conversions that create new dwelling units.
 - a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.
 - b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s).
- 4. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

Response: Response: An expansion, remodel, or manufactured home is not proposed.

C. Dwelling Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B must meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades:
 - (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.
 - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
 - (5) A gabled dormer.

Response: A 5 foot deep covered porch, 2 foot deep by 6 foot long recesses, and a gabled dormer are proposed.

b. For buildings with over 60 ft of street frontage, at least one element in Subsection 19.505.1.C.1.a(1)-(4) above must be provided for every 30 ft of street frontage. Elements must be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.

Response: This standard does not apply.

c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

Dormer Balcony
Porch Recessed façade

Design standards for articulation

Figure 19.505.1.C.1 Building Articulation

Response: This standard does not apply.

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- **c.** Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

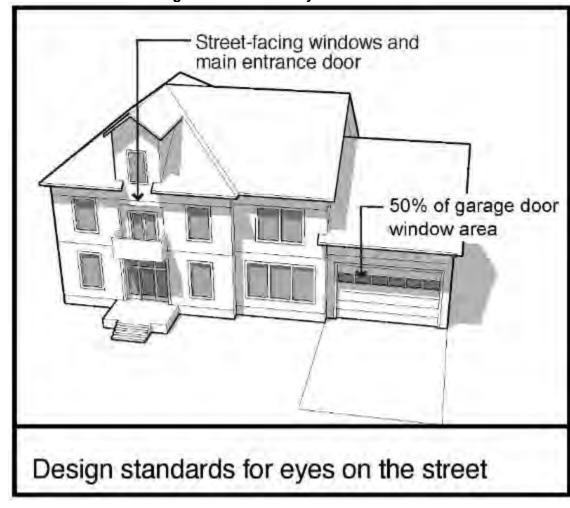


Figure 19.505.1.C.2 Eyes on the Street

Response: The required window area for the proposed building is 58.8 square feet for 392 square feet of wall area. 103.33 square feet of window area is proposed.

Main Entrance

At least one main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

a. Be no further than 8 ft behind the longest street-facing wall of the building.

Response: The proposed entrance is 8 feet from the longest façade facing the shared driveway.

- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.

Response: The proposed porch is 5 feet in depth and 39 square feet.

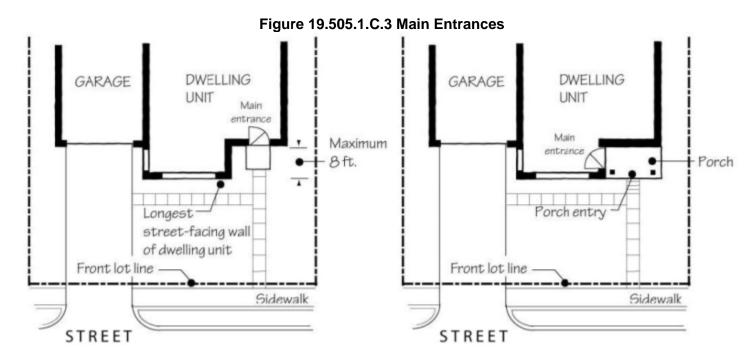
(2) Have at least one porch entry facing the street.

Response: The proposed porch entry faces the street.

(3) Have a roof that is no more than 12 ft above the floor of the porch.

Response: A roof is proposed above the porch.

(4) Have a roof that covers at least 30% of the porch area.



Response: A roof covers the entire porch area.

4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- **c.** Offset on the building face of at least 16 in from one exterior wall surface to the other.
- **d.** Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.

- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Clay tile, slate, or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- I. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- Bay window at least 2 ft deep and 5 ft wide.
- Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- **q.** The following design element counts as 2 elements. Dwelling must be built to meet universal access as follows:
 - (1) Dwelling must have a bedroom on the ground floor.
 - (2) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - (3) Doors must have a minimum clear width of 32 in.
 - (4) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 Section 609 for size and location requirements.)

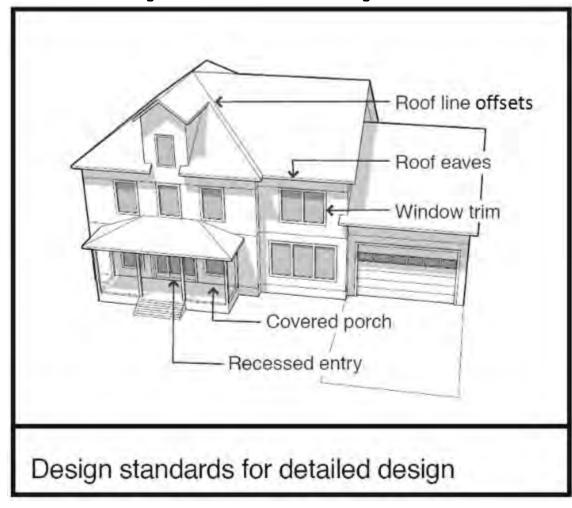


Figure 19.505.1.C.4 Detailed Design Elements

Response: Design elements A, B, C, E, F, H, J, and K from the features above are proposed.

D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

1. Minimum separation between detached units is 6 ft.

Response: All units are separated by a minimum of six feet.

2. Pedestrian Circulation

The on-site pedestrian circulation system must include the following:

a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.

Response: A pedestrian pathway is proposed connecting the buildings with the street.

b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.

Response: A pedestrian connection is provided.

c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.

Response: The provided pedestrian walkway is not proposed alongside a vehicle parking or maneuvering area.

d. Walkways must be constructed with a hard surface material and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

Response: The proposed walkway is 4 feet wide and is not adjacent to a parking area where vehicles will overhang.

- 3. Privacy and Screening
 - a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.

Response: No garbage or recycling areas are proposed. Any mechanical or communication equipment installed shall be screened from streets at the time of installation.

b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.

Response: Utilities shall be designed during engineering and shall be screened accordingly.

c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

Response: No fences are proposed as part of this application.

4. Sustainability

In order to promote more sustainable development, plex developments must incorporate the following elements:

- a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.
- **b.** Windows that are operable by building occupants.
- **c.** Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

Response: The roof pitches do not preclude utilization of solar panels. Operatable windows are provided and shading shall be provided.

Recycling Areas

A recycling area or recycling areas within a plex development must meet the following standards:

- a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- b. The recycling collection area must be located at least as close to the Dwelling units as the closest garbage collection/container area.
- c. Recycling containers must be covered by either a roof or weatherproof lids.
- d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g. Fire Department approval will be required for the recycling collection area.
- h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

Response: The proposal is for a Middle Housing Land Division. Each unit will have individual trash and recycling collection through roll out carts.

19.911 **Variances** 19.911.1 **Purpose.**

Variances provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variances are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variances may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variances shall not be granted that would be detrimental to public health, safety, or welfare.

19.911.2 Applicability.

A. Eligible Variances

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

Response: A Variance to reduce the rear setback to 15 feet form 20 feet is requested.

B. Ineligible Variances

A variance may not be requested for the following purposes:

- 1. To eliminate restrictions on uses or development that contain the word "prohibited."
- 2. To change a required review type.
- 3. To change or omit the steps of a procedure.
- 4. To change a definition.
- 5. To increase, or have the same effect as increasing, the maximum permitted density for a residential zone.
- 6. To justify or allow a Building Code violation.
- 7. To allow a use that is not allowed outright by the base zone. Requests of this nature may be allowed through the use exception provisions in Subsection 19.911.5, nonconforming use replacement provisions in Subsection 19.804.1.B.2, conditional use provisions in Section 19.905, or community service use provisions in Section 19.904.

Response: The request for a variance to setback and is expressly available through a Type II variance. No ineligible variances are requested.

C. Exceptions

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either "by right" or as part of a specific land use application review process.

19.911.3 Review Process.

A. General Provisions

- 1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.
- 2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.
- 3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

Response: A single Type II Variance is requested concurrently with the submitted Middle Housing Land Division application.

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

- 1. A variance of up to 40% to a side yard width standard.
- 2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
- 3. A variance of up to 10% to lot coverage or minimum vegetation standards.
- 4. A variance of up to 10% to lot width or depth standards.
- 5. A variance of up to 10% to a lot frontage standard.
- 6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with SubSection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
- 7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
- 8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.
- 9. A variance of up to a 25% increase in the size of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.
- 10. A variance to interior height of a garage in a cottage cluster to allow up to a maximum of 15 ft for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height.
- 11. For any middle housing development, except townhouses and cottage clusters, that includes at least one dwelling unit that is affordable that meets the exemption standards as defined in Section 3.60.050, the minimum setbacks in Table 19.301.4 may be reduced to the following:

a. Front yard: 10 ft

b. Rear yard: 10 ft

c. Side yard: 5 ft

d. Street side yard: 10 ft

Response: Per section 11.b. above, the rear yard for a middle housing development, except townhouses and cottage clusters, may be reduced to 10 feet. The applicant is requesting a reduction to 15 feet for improved vehicle access.

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Response: A Type III variance is not requested.

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

Response: The proposed variance has no impact on surrounding properties, and no natural resource areas exist on or adjacent to the subject property.

2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

Response: The proposed variance is for the rear setback and has no impact on the TSP or WMP.

3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

Response: The proposal is for a new development.

4. Impacts from the proposed variance will be mitigated to the extent practicable.

Response: While a reduction to 10 feet is allowed, a reduction to only 15 feet is requested to mitigate impacts the the greatest extent practical.

5. The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32 (when applicable).

Response: The requested variance allows for adequate space in the rear setback to address applicable sections of chapter 16.32.042.

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

- 1. Discretionary Relief Criteria
 - a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.
 - b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (1) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (2) The proposed variance has desirable public benefits.
 - The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

- (4) The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.
- **c.** Impacts from the proposed variance will be mitigated to the extent practicable.

2. Economic Hardship Criteria

- a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.
- **b.** The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.
- **c.** Impacts from the proposed variance will be mitigated to the extent practicable.

Response: A Type III variance is not requested.