

KELLOGG CREEK Milwaukie, Oregon

A Land Use Application for:

**Minor Modification to Community Service Use
Subdivision Preliminary Plat
Transportation Facilities Review
Natural Resources Review**

**Revised and Submitted:
June 2017**

Applicant:
Brownstone Development, Inc.
47 South State Street
Lake Oswego, OR 97934

Prepared by:
DOWL
720 SW Washington Street, Suite 750
Portland, Oregon 97205
(971) 280-8641

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I. PROJECT TEAM

Applicant

Brownstone Development, Inc.
47 South State Street
PO Box 2375
Lake Oswego, OR 97934
Contact: Randy Myers
503.358.4460
randy@brownstonehomes.net

Property Owner

Turning Point Church
13333 Rusk Road
Milwaukie, OR 97222
Contact: Pastor Bob Mihuc
503.305.8704
bob@turningpointcares.org

Planning/Civil Engineering

DOWL
720 SW Washington Street, Suite 750
Portland, OR 97221
Contact: Serah Breakstone, AICP
503.280.8661
sbreakstone@dowl.com

Traffic Engineering

Kittelson & Associates, Inc.
610 SW Alder Street, Suite 700
Portland, OR 97205
Contact: Chris Brehmer, PE
503.535.7433
cbrehmer@kittelson.com

Natural Resources

Pacific Habitat Services
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
Contact: John van Staveren
503.570.0800
jvs@pacifichabitat.com

Arborist

Morgan Holen & Associates
3 Monroe Parkway, Suite P220
Lake Oswego, Oregon 97035
Contact: Morgan Holen
971.409.9354
morgan.holen@comcast.net

II. INTRODUCTION

Summary of Proposal

Brownstone Development (the applicant) is proposing a new residential subdivision located at 13333 Rusk Road in the City of Milwaukie (see Figure 1, Vicinity Map). The development site is approximately 13.8 acres and will consist of 92 new lots intended for single-family attached (rowhouse) dwelling units and associated public streets. The attached homes will be in groupings of four units and will be accessed from rear alleys or front-facing driveways. The development will also include new public local streets, private alleys and a soft-surface pedestrian trail to provide connectivity throughout the site. Open spaces and natural areas will surround the homes and connect to the adjacent North Clackamas Park west of the site.

The subject property currently consists of four tax lots all owned by the Turning Point Church, which is located at the corner of Rusk Road and Kellogg Creek Drive. A property line adjustment application has been submitted to the City of Milwaukie in order to consolidate and reconfigure the four tax lots into two lots. One lot (13.8 acres) will be the development site and the other lot (3.7 acres) will be established for the church. The Turning Point Church and its associated parking areas will remain.

Access to the development site will be taken from SE Kellogg Creek Drive, as shown on the Preliminary Plat, Sheet C201 in Exhibit A. In order to ensure the Turning Point Church continues to have safe ingress and egress, a connection between the two sites will be provided to allow church visitors to exit through the development site onto Kellogg Creek Drive (exit from the church site onto Rusk Road is not permitted; that access is entrance only).

Zoning & Land Uses

The subject site currently has split zoning, with the western portion of the site zoned R-3 and the eastern portion of the site zoned R-10. See Figure 2 and the Existing Conditions Plan (Sheet C100) in Exhibit A. The table below describes the uses and zoning on properties surrounding the subject site.

Table 1: Surrounding Uses

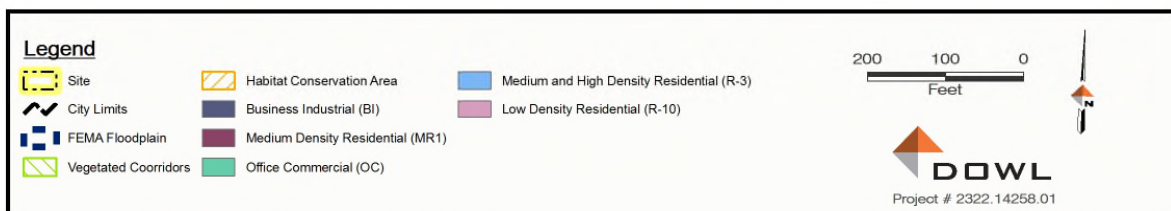
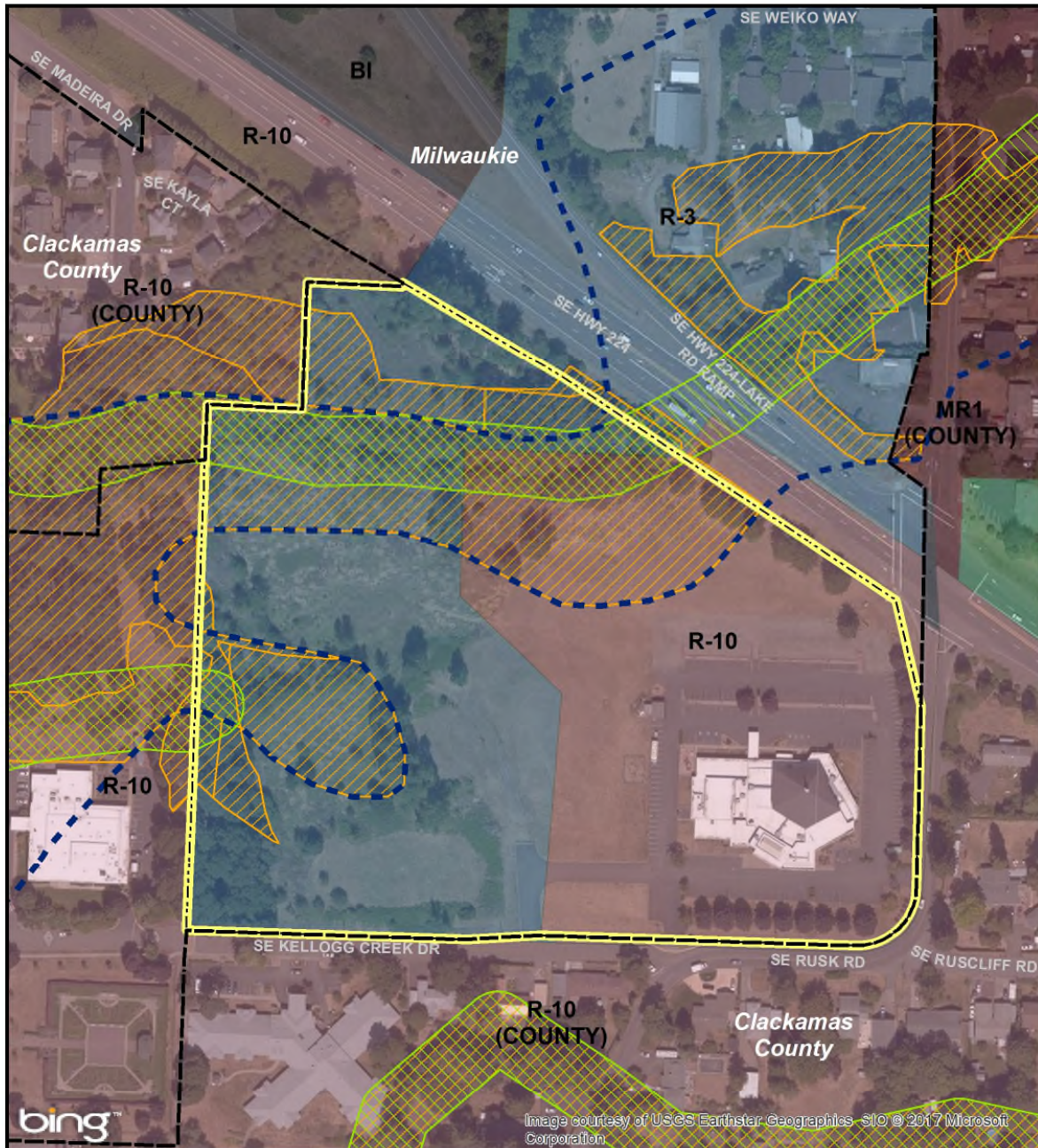
<u>Area</u>	<u>Zoning</u>	<u>Land Uses</u>
North	R-10	Single-family residences, Highway 224 right-of-way
East	R-10	Turning Point Church, SE Rusk Road, and single-family residences
South	R-10	SE Kellogg Creek Road, single-family residences, Deerfield Village Assisted Living Center
West	R-10	The Milwaukie Center, North Clackamas Park

Figure 1: Vicinity Map



Legend		Vicinity Map Kellogg Creek Milwaukie, Oregon	
Site			
taxlots			Project # 2322.1414258.01
City Limits			

Figure 2: Natural Resources & Zoning



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Planned Development

In order to maximize development potential on the site, preserve natural resources and provide needed housing for Milwaukie, the applicant is proposing to develop this site using the city's Planned Development process. The Planned Development process allows for greater flexibility in design and use of a site to encourage a mix of housing types and creation of a unique environment that would not be possible under strict application of the Zoning Code. The Planned Development process has several steps, including a zone change and a final development plan. To clarify the Planned Development review process and how it relates to the other applications needed for this project, the project team met with Milwaukie Planning staff in August 2016 for a pre-application conference, and again in September 2016 for a follow-up discussion. After the September meeting, city staff drafted a memo presenting two possible options for a review process – standard and streamlined. See Exhibits B and C for a copy of the pre-application notes and the September memo.

The applicant has chosen to utilize the streamlined review process, as outlined in the September memo. As such, two application packages are being submitted concurrently:

1. Zone Change and Preliminary Development Plan Package – Type IV review
2. Subdivision and related applications – Type III review

As noted below, this narrative is part of the Type III application package and addresses standards and requirements for a subdivision preliminary plat and related sections of the Zoning Code.

Natural Resources

The site contains approximately 4.5 acres of designated floodplain area, which is regulated by Chapter 18.04 of the Milwaukie Municipal Code. The site also contains approximately 5.6 acres of designated Habitat Conservation Area (HCA). See Figure 2 Natural Resource Areas. HCA lands are natural resources that have been identified by the City for protection and are regulated under Chapter 19.402 of the Milwaukie Zoning Code. Impacts to floodplain and HCA are permitted by the City if certain conditions can be met and mitigation of those impacts is provided. While the bulk of existing natural resources on the subject site will be preserved, some impacts will be necessary to accommodate the proposed development. This application provides information about those impacts and how they will be mitigated in accordance with City regulations.

Wetlands

Wetlands have been identified on the site and delineated by Pacific Habitat Services. See Exhibit D for the Wetland Delineation Report. Impacts to the wetlands will occur in order to accommodate development on the site. Those impacts require a joint permit from Department of State Lands (DSL) and the US Army Corps of Engineers (US Corps). A joint permit application for wetland impacts will be submitted as required.

Modifications to the Church Property

As noted previously, a property line adjustment request has been submitted to the City to establish a separate tax lot for the existing church and associated parking areas. As part of the proposed subdivision development, minor changes to the church property will occur, including:

- The church entrance from Rusk Road will be reconfigured to enforce that it is for entry only; exit onto Rusk Road from that access point is not permitted due to sight distance issues.
- Some parking spaces along the western edge of the church property will be removed in order to create an access between the church site and the proposed subdivision site. This access will provide a new, safe exit point for the church onto Kellogg Creek Drive. Additional parking spaces will be removed just south of the new access point to create a service and emergency-only access from the alley on the subdivision

site. This access will be gated and will only be accessible for emergency fire and garbage service activities.

Because the church use is an approved Community Service Use (CSU) per Milwaukie's code (Section 19.904), a minor modification to the CSU approval is required by the City.

Request

As part of the overall Planned Development project, this application package contains the following requests for approvals from the City of Milwaukie:

- Type I Minor Modification to a CSU
- Type III Preliminary Plat Subdivision
- Type III Natural Resources Review
- Type II Transportation Facilities Review

The applicant has submitted this application, narrative, and plans in order to demonstrate how this proposal complies with the standards set forth in the City of Milwaukie's Municipal Code. All applicable standards have been addressed and all required submittal materials have been provided.

The applicant is also submitting a separate application package for Planned Development, Zone Change and Variance approvals. The two application packages are related and are intended to be reviewed concurrently by the city.

III. COMPLIANCE WITH CITY OF MILWAUKIE DEVELOPMENT CODE

Section II of this narrative contains sections of the Milwaukie Municipal Code along with responses to demonstrate how the proposed project meets the applicable standards and requirements. Sections of the code that are not applicable are generally not included here unless necessary for context.

Title 17 Land Division

17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT

A. Approval Criteria

The approval authority may approve, approve with conditions, or deny a 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 narrative provides responses to applicable sections of the Milwaukie Municipal Code to demonstrate how the proposal is consistent with City regulations and design standards.

- 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: The proposed subdivision will allow the applicant reasonable development opportunities on the site and will not create the need for a variance (outside of the concurrent Planned Development request).

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

Response: The proposed subdivision name is Kellogg Creek and is not duplicative. The plat satisfies provisions of ORS 92.090(1), which establishes rules for subdivision plat names and numbering.

- 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: There are no previously approved subdivisions on adjoining lots. Therefore, this standard is not applicable.

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

Response: This narrative provides a detailed description that demonstrates how the proposed subdivision conforms to applicable code sections and design standards.

B. 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. (Ord. 1965 §§ 6, 7, 2006; Ord. 1907 (Attach. 1), 2002)

Response: The applicant understands that the approval authority may attach conditions of approval as deemed necessary.

17.16.060 PRELIMINARY PLAT FOR PARTITION AND SUBDIVISION

The following shall accompany applications for partition:

- A. *Completed application form signed by all owners of property included in the proposal;*
- B. *Application fee as adopted by the City Council;*
- C. *Completed and signed “submission requirements” and “partition checklist” or “subdivision checklist” forms as appropriate;*
- D. *All information specified on the “submission requirements” and “partition checklist” or “subdivision checklist” forms as appropriate;*
- E. *Requirements and information specified in Chapter 17.20; and*
- F. *Any additional information as may be needed to demonstrate compliance with approval criteria.*

Response: The above items have been provided as part of this application package.

CHAPTER 17.20 PRELIMINARY PLAT

17.20.030 GENERAL INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

- A. *Preliminary plats shall be prepared by an Oregon registered land surveyor.*

Response: The Preliminary Plat, Sheet C201 in Exhibit A was prepared by an Oregon registered engineer with DOWL, the applicant’s representative.

- B. *The following general information shall be submitted with the preliminary plat:*

1. *Proposed name of the subdivision/partition. The name shall not duplicate nor resemble the name of another subdivision in the county. Subdivision names shall be approved by the County Surveyor in accordance with ORS Chapter 92;*
2. *Date, north point, and scale of drawing;*
3. *Appropriate identification clearly stating the map is a preliminary plat;*
4. *Location by section, township, and range; and a legal description sufficient to define the location and boundaries of the area to be divided;*
5. *Names and addresses of the owner, subdivider, and engineer or surveyor;*
6. *Acreage;*
7. *Structures and yard setbacks;*
8. *The location, width, and purpose of easements;*
9. *The location, approximate dimensions, and area of all lots;*
10. *Lot and block numbers; and*
11. *Other information as maybe specified on application forms and checklists prescribed by the Planning Director.*

Response: The Preliminary Plat, Sheet C201 in Exhibit A, includes the above items.

- C. *Vicinity map shall be drawn at an appropriate scale, showing all existing subdivisions, streets, and un subdivided land between the proposed subdivision and the nearest existing arterial or collector streets, and*

showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property.

Response: The Vicinity Map is provided in Figure 1 above.

17.20.040 BUILDING LINES PROHIBITED

Platted building lines are prohibited. The effect of building lines may be executed through recordation of instruments, which shall be referenced on the recorded plat.

Response: No building lines have been platted.

17.20.050 EXISTING CONDITIONS

The following shall be shown on the preliminary plat:

- A. Location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features, such as section lines and corners, City boundary lines, and monuments.*
- B. Contour lines related to an established benchmark or other datum approved by the Engineering Director, with intervals at a minimum of 2 feet for slopes up to 10% and 5 feet for slopes over 10%.*
- C. Location within the area to be divided, and in the adjoining streets and property, of existing sewers, water mains, culverts, storm drain system, and electric conduits or lines proposed to service the property to be subdivided, and invert elevations of sewer manholes, drain pipes, and culverts.*
- D. Zoning and existing uses within the tract and 200 feet on all sides, including the location and use of all existing structures indicating those that will remain and those to be removed.*
- E. Approximate location of areas subject to inundation or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract including wetlands and watercourses as shown on City-adopted natural resource and Title 3 maps.*
- F. Natural features such as rock outcroppings, drainages whether seasonal or perennial, wooded areas, and isolated trees, including type and caliper.*
- G. Floodway and floodplain boundary.*
- H. Areas containing slopes of 25% or greater.*

Response: The Existing Conditions Plan, Sheet C100 in Exhibit A, includes all of the above required items.

17.20.060 PROPOSED CONDITIONS

- A. 12 copies of a preliminary plat shall be submitted to the Planning Director. The plat shall include the following information:*
 - 1. Date, north point, scale, address, assessor reference number, and legal description;*
 - 2. Name and address of the record owner or owners and of the person who prepared the site plan;*
 - 3. Approximate acreage and square feet under a single ownership, or if more than 1 ownership is involved, the total contiguous acreage of all landowners directly involved in the partition;*
 - 4. For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and rights-of-way; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities;*

5. *Location of existing structures, identifying those to remain in place and those to be removed;*
6. *Lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements;*
7. *Existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees, topography, and other structures;*
8. *Elevation and location of flood hazard boundaries;*
9. *The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; whether roads will continue beyond the plat; and existing and proposed grade profiles. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.*

Response: The plan set in Exhibit A and Figures 1 and 2 in this narrative include all of the above items.

B. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.

Response: The Preliminary Plat provided in Exhibit A shows the conceptual plan for subdivision of the subject site. Areas on the site to remain un-divided are within the floodplain and HCA and contain wetlands; future subdivision of that portion of the site is not anticipated. The Preliminary Plat also shows proposed access to the site, including a new exit point for church visitors (the church site is not permitted to exit onto Rusk Road).

C. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title, Title 19, and City design standards, including the Public Works Standards.

Response: This narrative provides responses that demonstrate how the proposal complies with applicable City standards.

D. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title, Title 19, and City design standards, including the Public Works Standards.

Response: Plans and drawings are provided in Exhibit A.

E. A drainage summary report and plan prepared in accordance with the applicable Public Works Standards.

Response: A Preliminary Drainage Report is provided in Exhibit E.

F. Proposed deed restrictions, if any, in outline form.

Response: The applicant is not proposing any deed restrictions.

G. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval.

Response: The plan set provided in Exhibit A provides detail about proposed improvements, including grading, streets, landscaping, utilities, and frontage improvements. All of these improvements will be completed prior to

occupancy of the proposed homes. Additional details requested by the City will be provided as part of the final plat application.

CHAPTER 17.28 DESIGN STANDARDS

17.28.020 PUBLIC FACILITY IMPROVEMENTS

All land divisions and boundary changes that increase the number of lots shall be subject to the requirements and standards contained in Chapter 19.700 Public Facility Improvements and the Public Works Standards for improvements to streets, sidewalks, bicycle facilities, transit facilities, and public utilities.

Response: Applicable requirements from Chapter 19.700 are addressed later in this narrative.

17.28.030 EASEMENTS

A. Utility Lines

Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be provided in accordance with applicable design standards in the Public Works Standards.

Response: Easements for sewers, water mains, electric lines and other public utilities will be dedicated where necessary and in accordance with applicable standards.

B. Watercourses

If a subdivision is traversed by a watercourse such as a drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of construction and maintenance. Streets, parkways, bicycle ways, or pedestrian ways parallel to major watercourses may be required.

Response: Mount Scott Creek runs along the northern edge of the subject site, north of the proposed development area. A 60-foot public drainage easement already exists along the creek, and a 20-foot public sanitary easement exists along the southern edge of the creek. See the Preliminary Plat, Sheet C201 in Exhibit A, for details.

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

A. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19.

Response: Single-family attached dwelling units are appropriate on the site given its size, width, shape and orientation of the lots, as well as the presence of a significant amount of natural resources. Lots in the proposed subdivision are compact in order to maximize building potential while protecting natural resources to the greatest extent possible. Proposed lot sizes are smaller than the minimum lot size standards in the underlying base zones (R-3 and R-10). However, the Planned Development process allows for flexibility to alter lot sizes and other dimensional standards as needed to design the site. Approval of the Planned Development proposal will include approval of smaller lot sizes.

B. Rectilinear Lots Required

Lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street.

Response: As shown on the Preliminary Plat in Exhibit A, all proposed lots are rectilinear in shape.

C. Limits on Compound Lot Line Segments

Changes in direction along side and rear lot lines shall be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 10% of the distance between opposing lot corners along a given lot line is prohibited. Changes in direction shall be measured from a straight line drawn between opposing lot corners.

Response: As shown on the Preliminary Plat in Exhibit A, lots 88 – 92 located at the end of the proposed cul-de-sac have slight changes in direction along their side lot lines. None of those lateral changes exceed the 10 percent limit as measured per the standard above.

D. Adjustments to Lot Shape Standard

Lot shape standards may be adjusted subject to Section 19.911 Variances.

Response: No adjustment to the lot shape standards is being requested.

E. Limits on Double and Reversed Frontage Lots

Double frontage and reversed frontage lots should be avoided, except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

Response: As shown on the Preliminary Plat in Exhibit A, no double frontage or reverse frontage lots are proposed as part of this subdivision.

17.28.080 PUBLIC OPEN SPACES

A. Due consideration shall be given to the allocation of suitable areas for schools, parks, and playgrounds to be dedicated for public use.

Response: The applicant will work with North Clackamas Parks and Recreation District to determine if the undeveloped natural resource area on the site (Tract G on Sheet C201) can be sold or dedicated to the parks district.

B. Where a proposed park, playground or other public use shown in the Comprehensive Plan or master plan adopted by the City is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision.

Response: There are no proposed parks, playgrounds or other public uses located in whole or in part on the subject site shown in the Comprehensive Plan or other city master plans.

C. Where considered desirable by the Planning Commission, and where the Comprehensive Plan or adopted master plan of the City does not indicate proposed public use area, the Planning Commission may require the dedication or reservation of areas or sites of a character, extent, and location suitable for the development of parks and other public use.

D. If the applicant is required to reserve land area for park, playground, or other public use, such land shall be acquired by the appropriate public agency within 18 months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the applicant.

Response: The applicant understands that the Planning Commission may require dedication or reservation of areas suitable for parks or other public uses. Applicant further understands that any such land will be acquired by the public agency at an agreed upon price.

E. New residential projects will require the dedication of land if the development corresponds to park locations defined in the parks and recreation master plan.

F. In exchange for the dedication of parkland, the allowable density on the remaining lands will be increased, so that the overall parcel density remains the same.

Response: There is not a parks and recreation master plan that includes the proposed subdivision site.

Title 19 Zoning

Section 19.300 Base Zones

19.301 LOW DENSITY RESIDENTIAL ZONES*

19.301.2 Allowed Uses in Low Density Residential Zones

Response: A portion of the subject site is zoned R-10, which is a low density residential zone. The R-10 does not typically allow rowhouse development, per Table 19.301.2. However, the applicant has submitted a concurrent Planned Development application to apply the PD Zone in combination with the R-10 zone. The PD zone allows “combinations of types of dwellings and other structures and uses” as authorized by the City Council through the PD review process. Approval of the PD zone will allow rowhouse development to occur on the R-10 zoning.

19.301.4 Development Standards

In the low density residential zones, 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.

Standard	R-10	Response
<i>Minimum lot size</i>	<i>10,000 SF</i>	Proposed lot sizes typically range from 1,600 SF to 2,516 SF. Using Planned Development provisions - see response below.
<i>Minimum lot width</i>	<i>70 feet</i>	Proposed lot widths typically range from 20 to 28 feet. Using Planned Development provisions - see response below.
<i>Minimum lot depth</i>	<i>100 feet</i>	Proposed lot depths typically range from 80 to 87.25 feet. Using Planned Development provisions - see response below.
<i>Minimum street frontage</i>	<i>35 feet</i>	Proposed street frontages typically range from 20 to 25 feet. Some corner lots have reduced street frontages. Using Planned Development provisions - see response below.
<i>Minimum front yard</i>	<i>20 feet</i>	Front loaded lots, front yard = 18 feet Alley loaded lots, front yard = 10 feet Using Planned Development provisions - see response below.
<i>Minimum side yard</i>	<i>10 feet</i>	Proposed side yard, common wall = 0 feet Proposed side yard, no common wall = 5-6 feet Using Planned Development provisions - see response below.
<i>Minimum street side yard</i>	<i>20 feet</i>	Street side yard = 8 feet Using Planned Development provisions - see response below.
<i>Minimum rear yard</i>	<i>20 feet</i>	Front loaded lots, rear yard = 15 feet Alley loaded lots, rear yard = 20 feet Using Planned Development provisions - see response below.

<i>Maximum bldg. height</i>	<i>2.5 stories or 35 feet</i>	Standard met. As shown on the building elevations provided in Exhibit A, the proposed rowhouses will be two stories and below the maximum building height of 35 feet.
<i>Side yard height plane limit: Height above ground Slope of plane</i>	<i>20 feet 45 degrees</i>	Standard will be met on those side yards that do not share a common wall. Using Planned Development provisions - see response below.
<i>Maximum lot coverage</i>	<i>30 percent</i>	Proposed lot coverages range from 46 to 59 percent. Using Planned Development provisions - see response below.
<i>Minimum vegetation</i>	<i>35 percent</i>	Using Planned Development provisions - see response below.
<i>Minimum density</i>	<i>3.5 units/acre</i>	Using Planned Development provisions - see response below.
<i>Maximum density</i>	<i>4.4 units/acre</i>	

Response: As noted previously, the applicant is proposing to use the City’s Planned Development provisions in Section 19.311. Those provisions allow variation to the development standards as appropriate to be consistent with the purpose of the Planned Development Zone. The purpose of the Planned Development Zone is to encourage flexibility in site design to provide a mix of housing types, variety in development patterns, and preserve natural resources. More discussion regarding how the proposed subdivision meets the intent of the Planned Development Zone is provided in the separate Zone Change and Planned Development application package submitted concurrently with this application package.

As noted in the above table, most of the development standards have been adjusted in order to design the subdivision with small lots for an attached housing type (rowhouses). Due to the small size of lots and the specific housing type planned for this development, dimensional standards such as lot sizes, setbacks, lot coverage and minimum vegetation have all been adjusted accordingly. Approval of the Planned Development will include approval of those adjustments.

Minimum and maximum densities were calculated consistent with the density calculation provisions in MMC Section 19.202.4.

Minimum Density: Table 2 below shows how minimum density was calculated for the site.

Table 2: Net Area and Minimum Density Calculations

Zoning	Gross Acres	FEMA Mapped Floodway	Right-of-way	Additional Open Space¹	Net Acres²	Minimum Density
R-3	9.58	1.20	1.19	1.99	5.20	60 units
R-10	4.44	0.50	0.86	0.98	2.10	7 units
Totals	14.02	1.70	2.05	2.97	7.30	67 units

1. Required open space is one-third of the gross acreage (per PD provisions in 19.311.3.E). The above calculations assume a portion of the open space overlaps with floodway. Additional open space needed to achieve one-third of the gross is indicated here.
2. Net acres = gross acres – (floodway + right-of-way + open space)
3. Minimum density is based on 11.6 units per acre for R-3 and 3.5 units per acre for R-10

Maximum Density: The allowable maximum density was calculated for each zone (R-3 and R-10) separately and then combined to determine allowable density for the entire site. Per the City’s pre-application notes, “the development may effectively blend the densities for the two zones by distributing structures across the site regardless of the specific zoning boundary.” Table 3 shows the detailed maximum density calculations. See Figure 3 for a map of areas used for the maximum density calculations.

Table 3A: Net Acres Calculation for Maximum Density

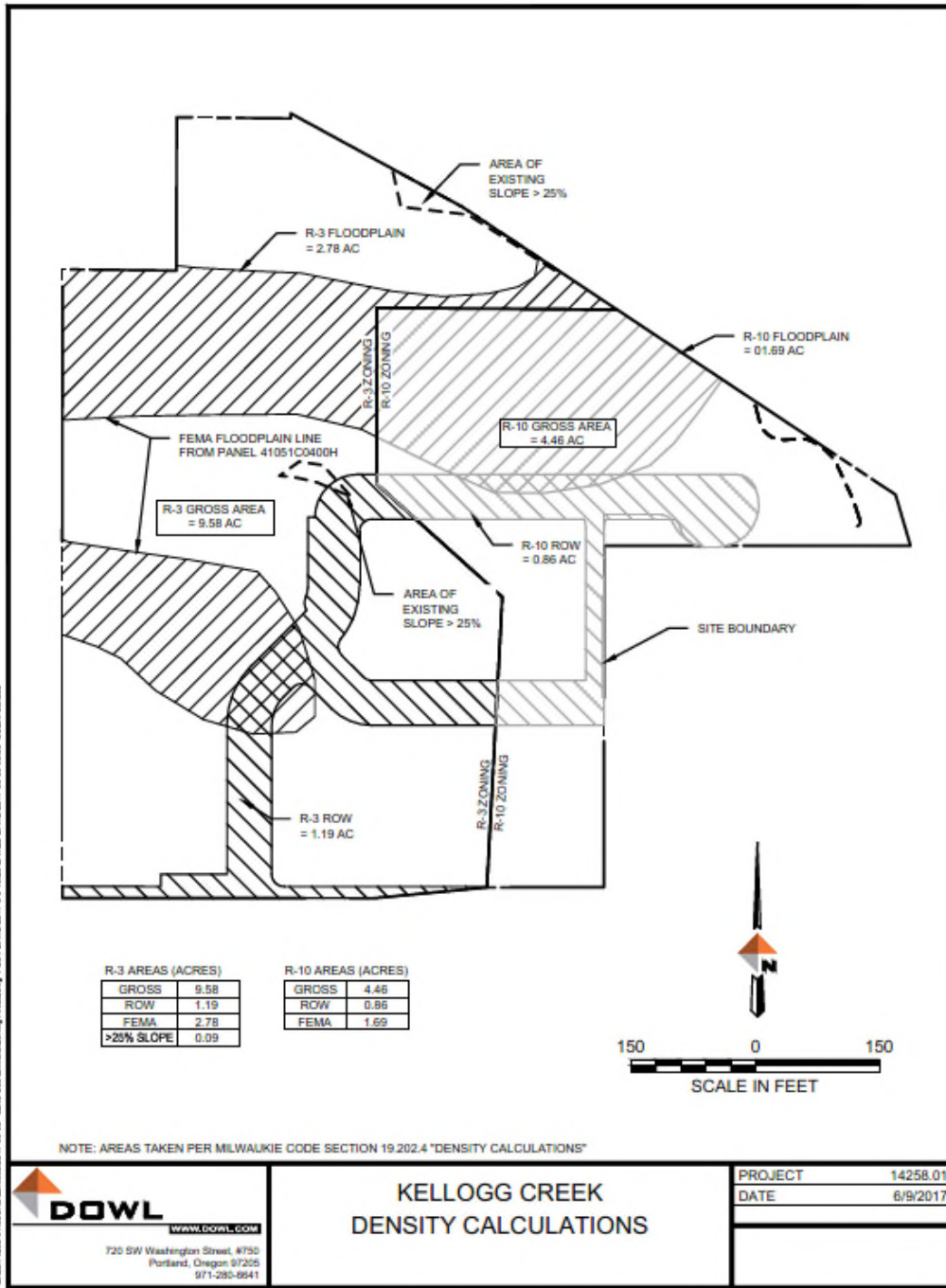
Zoning	Gross Acres	FEMA Mapped Floodplain	Right-of-way	Additional Open Space ¹	Slopes > 25%	Net Acres ²
R-3	9.58	2.78	1.19	0.41	0.09	5.11
R-10	4.44	1.69	0.86	0	0	1.89
Totals	14.02	4.47	2.05	0.41		7.00

Table 3B: Maximum Density Calculation

Zoning	Net Acres ²	Maximum Density (du/net acre)	Maximum Number of Units Allowed (without PD)	PD Increase (20%) ³	Maximum Number of Units with Rounding (per MMC 19.202.4)
R-3	5.11	14.5	74.09	88.90	89
R-10	1.89	4.4	8.32	9.98	10
Totals	7.00	-	82.4 (82 with rounding)	-	99

1. Required open space is one-third of the gross acreage (per PD provisions in 19.311.3.E). The above calculations assume a portion of the open space overlaps with floodplain. Additional open space needed to achieve one-third of the gross is indicated here.
2. Net acres = gross acres – (floodplain + right-of-way + open space)
3. Per Section 19.311.3.C, a density increase of up to 20% is allowed in the PD Zone.

Figure 3: Density Calculation Areas



Utilizing the density increase allowed by the Planned Development Zone, the maximum allowable number of units on the site is 99 dwellings. The proposed development has 92 units, which represents an approximately 12 percent increase from the base zone standard.

It's important to note that slopes in excess of 25 percent are required to be deducted from the gross acreage when calculating maximum density. As shown on the Existing Conditions (Sheet C100) in Exhibit A, there are several areas on the site with steep slopes. However, the larger elongated area of steep slopes near the center of the site is an area that was created by man-made fill deposited on the site over ten years ago. The

geotechnical report prepared by Geo Consultants Northwest on October 7, 2016 (Exhibit F) includes the following information regarding this fill:

- The fill ranges in thickness up to 12 feet thick.
- The ten-foot-tall fill zone in the central portion of the site terminates at its western edge with a steep, constructed slope.
- The fill is man-made material (concrete and asphalt) from a nearby construction project that was likely placed on the site prior to 1995.
- As part of site preparation, man-made fill should be removed from the site.

Because this area of steep slopes is not a naturally occurring condition and will be removed as part of site preparation, it was not deducted from the gross acreage for the purpose of calculating density. Other areas of steep slopes that appear to be naturally occurring were deducted, as shown in Table 3A above.

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 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: Not applicable. The R-7 zoning does not apply to the subject site.

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.

1. 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-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

Response: Not applicable. This proposal does not include large lots.

2. Increased Lot Coverage for Single-Family Detached Dwellings

Response: Not applicable. This proposal does not include detached single-family dwelling units.

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.

Response: Not applicable. This proposal does not include duplexes.

4. 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: Not applicable. This proposal does not include detached accessory dwelling units.

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.

Response: As noted previously, this development is proposing to use the Planned Development provisions in Chapter 19.311, which allows flexibility to adjust development standards. The proposed development consists of small lots with an attached housing type; as such, front yards are relatively small. Those areas of front yards that are not used for driveways and sidewalks will be vegetated.

D. Residential Densities

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots.

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: Required density is addressed in Table 2 above. The minimum density for the site will be met.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: Not applicable. No accessory structures are proposed as part of this application.

F. Number of Dwelling Structures

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

Response: As shown on the Preliminary Plat in Exhibit A, each lot in the proposed subdivision will have one primary building designed for dwelling purposes.

G. Off-Street Parking and Loading

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

Response: Applicable standards from Section 19.600 are addressed later in this narrative.

H. Public Facility Improvements

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

Response: Applicable standards from Section 19.700 are addressed later in this narrative.

I. 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 19.504.8 Flag Lot Design and Development Standards
3. Subsection 19.505.1 Single-Family Dwellings and Duplexes
4. Subsection 19.505.2 Garages and Carports
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

Response: Applicable standards from Section 19.500 are addressed later in this narrative.

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

19.302.2 Allowed Uses in Medium and High Density Residential Zones

Response: Part of the subject site is zoned R-3, which is a medium density zone. Rowhouses are an allowed use in the R-3 zone.

19.302.4 Development Standards

In the medium and high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

Standard	R-3	Response
<i>Minimum lot size, rowhouse</i>	<i>3,000 SF</i>	Proposed lot sizes typically range from 1,600 SF to 2,516 SF. Using Planned Development provisions - see response below.
<i>Minimum lot width, rowhouse</i>	<i>30 feet</i>	Proposed lot widths typically range from 20 to 28 feet. Using Planned Development provisions - see response below.
<i>Minimum lot depth, rowhouse</i>	<i>80 feet</i>	Standard met. Proposed lot depths typically range from 80 to 87.25 feet.
<i>Minimum street frontage, rowhouse</i>	<i>30 feet</i>	Proposed street frontages typically range from 20 to 25 feet. Some corner lots have reduced street frontages. Using Planned Development provisions - see response below.
<i>Minimum front yard</i>	<i>15 feet</i>	Standard partially met. Front loaded lots, front yard = 18 feet Alley loaded lots, front yard = 10 feet Using Planned Development provisions - see response below.
<i>Minimum side yard, common wall</i>	<i>0 feet</i>	Standards met. Proposed side yard, common wall = 0 feet
<i>Minimum side yard, no common wall</i>	<i>5 feet</i>	Proposed side yard, no common wall = 5-6 feet
<i>Minimum street side yard</i>	<i>15 feet</i>	Street side yard = 8 feet Using Planned Development provisions - see response below.
<i>Minimum rear yard</i>	<i>15 feet</i>	Standard met.

		Front loaded lots, rear yard = 15 feet Alley loaded lots, rear yard = 20 feet
<i>Maximum bldg. height</i>	<i>2.5 stories or 35 feet</i>	Standard met. As shown on the building elevations provided in Exhibit A, the proposed rowhouses will be two stories and below the maximum building height of 35 feet.
<i>Side yard height plane limit: Height above ground Slope if plane</i>	<i>20 feet 45 degrees</i>	Standard will be met on those side yards that do not share a common wall. Using Planned Development provisions - see response below.
<i>Maximum lot coverage</i>	<i>40 percent</i>	Standard met. See response to Section 19.302.5.B.2 below regarding increased lot coverage.
<i>Minimum vegetation</i>	<i>35 percent</i>	Using Planned Development provisions - see response below.
<i>Minimum density</i>	<i>11.6 units/acre</i>	Using Planned Development provisions. See density calculations and discussion provided above.
<i>Maximum density</i>	<i>14.5 units/acre</i>	

Response: As noted previously, the applicant is proposing to use the City’s Planned Development provisions in Section 19.311. Those provisions allow variation to the development standards as appropriate for consistency with the purpose of the Planned Development Zone. The purpose of the Planned Development Zone is to encourage flexibility in site design to provide a mix of housing types, variety in development patterns, and preserve natural resources. More discussion regarding how the proposed subdivision meets the intent of the Planned Development Zone is provided in the separate Zone Change and Planned Development application package submitted concurrently with this application package.

As noted in the above table, most of the development standards have been adjusted in order to design the subdivision with small lots with an attached housing type (rowhouses). Due to the small size of lots and the specific housing type planned for this development, dimensional standards such as lot sizes, setbacks, lot coverage and minimum vegetation have all been adjusted accordingly. Approval of the Planned Development will include approval of those adjustments.

19.302.5 Additional Development Standards

A. Side Yards

In the medium and high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

- 1. The side yard for development other than a rowhouse shall be at least 5 ft.*
- 2. There is no required side yard for rowhouses that share 2 common walls. The required side yard for an exterior rowhouse that has only 1 common wall is 0 ft for the common wall and 5 ft for the opposite side yard. An exterior rowhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.*

Response: As shown on the Preliminary Plat in Exhibit A, the proposed development will consist of rowhouses in sets of four dwellings. Side yards for the rowhouses not sharing a common wall will be five feet, consistent with this standard. Street side yards will be 8 feet, consistent with the Planned Development provisions as described above.

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single-Family Detached Dwellings

Response: Not applicable. The proposal does not include single-family detached dwellings.

2. Increased Lot Coverage for Duplexes and Rowhouses

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 20 percentage points for a duplex or rowhouse.

Response: The proposed subdivision includes rowhouses, which increases the maximum lot coverage standard to 60 percent. Proposed lot coverage on the site will range from 46 to 59 percent, which is below the maximum coverage standard.

3. Increased Lot Coverage for Detached Accessory Dwelling Units

Response: Not applicable. The proposal does not include detached accessory dwelling units.

C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

Response: Vegetated areas on each individual lot will be landscaped and usable and will not have extreme topography or dense vegetation. Residents will also have access to larger areas (approximately seven acres) of natural open space via a soft-surface trail that travels throughout the site. The trail will be approximately 30 inches wide and will not have grades greater than ten percent.

D. 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.

Response: As noted previously, this development is proposing to use the Planned Development provisions in Chapter 19.311, which allows flexibility to adjust development standards. The proposed development consists of small lots with an attached housing type; as such, front yards are relatively small. Those areas of front yards that are not used for driveways and sidewalks will be vegetated.

E. Height Exceptions

1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

Response: Not applicable. The proposal does not include buildings that exceed the maximum building height standard.

F. Residential Densities

1. *The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the*

number of dwelling units on a lot. Development of a single-family detached dwelling or an accessory dwelling is exempt from the minimum and maximum density requirements.

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: Required minimum and maximum densities are addressed in Tables 2 and 3 above. The allowable density range for the site is 67 to 99 units; the proposed subdivision falls within that range.

2. Multifamily development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.

Response: Not applicable. This project does not propose multifamily development in the R-2, R-1 or R-1-B zones.

G. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: Not applicable. The proposal does not include accessory structures.

H. Building Limitations

1. In the R-3 Zone, 1 single-family detached dwelling or 1 duplex is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single-family detached dwelling, per Subsection 19.910.1.

Response: As shown on the Preliminary Plat in Exhibit A, the subdivision proposes one single-family attached dwelling per lot. No detached accessory dwellings are proposed.

2. Multifamily buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.

Response: Not applicable. The proposal does not include multifamily buildings.

I. Transition Measures

The following transition measures apply to multifamily development that abuts an R-10-, R-7-, or R-5-zoned property.

Response: Not applicable. The proposal does not include multifamily development.

J. Off-Street Parking and Loading

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

Response: Applicable standards from Section 19.600 are addressed later in this narrative.

K. Public Facility Improvements

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

Response: Applicable standards from Section 19.700 are addressed later in this narrative.

L. 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 19.504.8 Flag Lot Design and Development Standards*
- 3. Subsection 19.504.9 On-Site Walkways and Circulation*
- 4. Subsection 19.504.10 Setbacks Adjacent to Transit*
- 5. Subsection 19.505.1 Single-Family Dwellings and Duplexes*
- 6. Subsection 19.505.2 Garages and Carports*
- 7. Subsection 19.505.3 Multifamily Housing*
- 8. Subsection 19.505.4 Cottage Cluster Housing*
- 9. Subsection 19.505.8 Building Orientation to Transit*
- 10. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards*

Response: Applicable standards from Section 19.500 are addressed later in this narrative.

Section 19.402 Natural Resources

19.402.3 Applicability

A. *The regulations in Section 19.402 apply to all properties that contain, or are within 100 ft of a WQR and/or HCA (including any locally significant Goal 5 wetlands or habitat areas identified by the City of Milwaukie) as shown on the Milwaukie Natural Resource Administrative Map (hereafter "NR Administrative Map").*

Response: The subject property contains areas designated as HCA per the NR Administrative Map. Therefore, the regulations of 19.402 apply.

K. *Activities that are not exempt per Subsection 19.402.4, or prohibited per Subsection 19.402.5, are subject to the Type I, II, or III review process as outlined in Table 19.402.3.K.*

Response: This proposal includes activities that are not exempt or prohibited. Therefore, this proposal is subject to a Type III Natural Resources Review. A Natural Resource Review report was prepared by Pacific Habitat Services, Inc. in January 2017 and revised in June 2017. That report (see Exhibit J) provides a detailed description of impacts to designated natural resources on the site and responses to applicable standards and criteria from Chapter 19.402 to demonstrate how the project will comply with this section of code.

Chapter 500 Supplementary Development Regulations

19.504 SITE DESIGN STANDARDS

19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

Response: Clear vision areas will be maintained as required by Chapter 12.24.

19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

Response: Lot area and yards (setbacks) have been reduced in accordance with the Planned Development provisions in 19.311.

19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

Response: No lot area, yard or other open space or off-street parking or loading area required by this code will be used to meet a standard for more than one use.

19.504.4 Buildings on the Same Lot

A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

Response: The proposed development consists of lots with one primary dwelling on each lot. No detached accessory dwellings are proposed.

19.504.5 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

Response: Not applicable. Side and rear yards are required in the R-3 and R-10 zones.

19.505 BUILDING DESIGN STANDARDS

19.505.1 Single-Family Dwellings and Duplexes

B. Applicability

The design standards in this subsection apply to the types of development listed below when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line.

1. *New single-family detached dwellings, residential homes, duplexes, and rowhouses on individual lots. 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: The proposed development includes rowhouses on individual lots. Therefore, the building design standards in this section apply.

C. Standards

1. Articulation

All buildings shall 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.

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

Response: As shown on the Preliminary Plat in Exhibit A, all rowhouses will be constructed on lots that have less than 30 feet of street frontage. Therefore, this building articulation standard does not apply.

2. Eyes on the Street

At least 12% 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.

Response: As shown on the building elevations in Exhibit A, all street-facing facades will have at least 12 percent glazing (windows or entrance doors), consistent with this requirement.

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.

Response: Windows used to meet this standard will be transparent and allow views from the building to the street. Glass blocks and privacy windows have not been used to 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.

Response: Garage windows were not included in the calculations for the “eyes on the street standard.”

c. Window area is considered the entire area within the outer window frame, including any interior window grid.

Response: Window area was calculated consistent with this standard.

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.

Response: Doors used to meet this standard face the street.

e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

Response: Door frames were not included in the calculations to meet this standard.

3. Main Entrance

At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

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

Response: As shown on the floor plans in Exhibit A, the main entrance for each dwelling is located approximately 2 to 6 feet behind the longest street-facing wall of the building depending on the location of the garage (alley loaded or not). In no case is the main entrance located farther than 8 feet behind the longest street-facing wall.

- 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.*

- (2) *Have at least 1 porch entry facing the street.*

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

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

Response: As shown on the floor plans and elevations in Exhibit A, all main entries face the street and open onto a porch that meets (and exceeds) the standards in (1) through (4) above.

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 1 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 1 roof to the top surface of the other.*

- g. *Tile 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.*

- l. *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.*

- o. Bay window at least 2 ft deep and 5 ft long.*
- p. 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.*

Response: As shown on the floor plans and elevations in Exhibit A, buildings will meet or exceed this standard as follows.

For alley loaded homes:

1. Covered porch consistent with item (a) above
2. Offset on the building face consistent with item (c) above
3. Roofline offsets consistent with item (f) above
4. Horizontal lap siding consistent with item (h) above
5. Decorative materials consistent with item (i) above
6. Window trim consistent with item (k) above

For standard (non-alley-loaded) homes:

1. Covered porch consistent with item (a) above
2. Offset on the building face consistent with item (c) above
3. Roofline offsets consistent with item (f) above
4. Horizontal lap siding consistent with item (h) above
5. Window trim consistent with item (k) above

19.505.5 Rowhouses

C. Rowhouse Design Standards

1. *Rowhouses are subject to the design standards for single-family housing in Subsection 19.505.1.*

Response: The design standards in Subsection 19.505.1 are addressed above.

2. *Rowhouses shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.*

a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 5 ft from the front lot line.

b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it shall be at least 7 ft from the front lot line.

Response: As shown on the floor plans and elevations in Exhibit A, the proposed rowhouses will meet the horizontal transition standard in (b) above by providing covered porches with depths of at least 6 feet that are located at least 7 feet from the front lot line.

D. Number of Rowhouses Allowed

No more than 4 consecutive rowhouses that share a common wall(s) are allowed. A set of 4 rowhouses with common walls is allowed to be adjacent to a separate set of 4 rowhouses with common walls.

Response: As shown on the floor plans and elevations in Exhibit A, rowhouses are proposed in sets of four units sharing a common wall. No greater than four consecutive rowhouses sharing a common wall are proposed.

E. Rowhouse Lot Standards

1. *Rowhouse development is not allowed on lots with a lot width of more than 35 ft.*

Response: As shown on the Preliminary Plat in Exhibit A, all proposed rowhouse lots have widths less than 35 feet.

2. *Rowhouse development is allowed only where there are at least 2 abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Table 19.302.2.*

Response: The applicant is requesting Planned Development approval as part of this proposal. The Planned Development provisions in 19.311 allow reductions or variances to applicable standards consistent with the Planned Development purpose and criteria. The Planned Development request includes variances to lot area, dimensions and other development standards established in the base zones. For this reason, the proposed subdivision does not include abutting lots on the same street that meet or exceed the base zone requirements. Approval of the Planned Development will include approval of adjustments to those standards, which will effectively make this standard not applicable.

3. *Rowhouse development in the R-3 and R-2.5 Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1.*

Response: As noted above, the applicant is requesting Planned Development approval as part of this proposal. The Planned Development provisions in 19.311 allow reductions or variances to applicable standards consistent with the Planned Development purpose and criteria. The Planned Development request includes variances to lot area, dimensions and other development standards established in the base zones. Approval of the Planned Development request will include approval of reduced lot sizes.

4. *Rowhouse development in the R-2, R-1 and R-1-B Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1. In addition, the rowhouse development must meet the minimum site size requirements in Table 19.505.5.E.4.*

Response: Not applicable. The site is not zoned R-2, R-1 or R-1-B.

F. Driveway Access and Parking

1. *Garages on the front façade of a rowhouse, off-street parking areas in the front yard, and driveway accesses in front of a rowhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.*

Response: The proposed development will consist of rowhouses, some of which are alley-loaded and some of which are front-loaded. For the front-loaded dwellings, garages and driveways will be located on the front façade of the dwelling. Therefore, the following standards apply to the front-loaded rowhouses.

- a. *Each rowhouse lot has a street frontage of at least 30 ft on a street identified as a Neighborhood Route or Local Street in the Transportation System Plan Figure 8-3b.*

Response: As noted above, the applicant is requesting Planned Development approval as part of this proposal. The Planned Development provisions in 19.311 allow reductions or variances to applicable standards consistent with the Planned Development purpose and criteria. Approval of the Planned Development request will include approval of reduced street frontages.

b. Development of 2 or 3 rowhouses has at least 1 shared access between the lots, and development of 4 rowhouses has 2 shared accesses.

Response: The proposed development will consist of rowhouses in sets of four dwellings each. Each set of four rowhouses will have two shared accesses.

c. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.

Response: As shown on the floor plans (Sheet 2.0) in Exhibit A, on-site parking and maneuvering area widths will not exceed 10 feet. Parking and maneuvering areas will be approximately eight feet wide.

d. The garage width does not exceed 10 ft, as measured from the inside of the garage door frame.

Response: As shown on the elevations (Sheet 6.0) in Exhibit A, garage door widths will not exceed 10 feet, as measured from the inside frame. Garage doors will be approximately eight feet wide.

2. The following rules apply to driveways and parking areas for rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.

Response: Not applicable. The proposed development meets the standards in Subsection 19.505.5.F.1, as demonstrated in the responses above.

G. Accessory Structure Setbacks

On rowhouse lots with a lot width of 25 ft or less, there is no required side yard between an accessory structure and a side lot line abutting a rowhouse lot. All other accessory structure regulations in Subsection 19.502.2.A apply.

Response: Not applicable. Accessory structures are not proposed as part of this application.

Chapter 19.600 Off-Street Parking and Loading

19.604 GENERAL PARKING STANDARDS

19.604.1 Parking Provided with Development Activity

All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

Response: Required off-street parking for the proposed development will be provided at the time the dwellings are built. Off-street parking will be consistent with standards of Chapter 19.600, as demonstrated in the responses in this narrative.

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.*
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.*
- C. Where shared parking is approved in conformance with Subsection 19.605.4.*

Response: Parking for each rowhouse unit will be provided in a garage on the same lot as the rowhouse. No shared parking is proposed.

19.604.3 Use of Parking Areas

All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.

Response: Parking for the rowhouse units will be continually available for the residents of the rowhouse. Required parking will not be rented, leased, sold or otherwise used for unrelated parking.

19.604.4 Storage Prohibited

No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking. (Ord. 2025 § 2, 2011)

Response: Off-street parking will not be used for storage.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

19.605.1 Minimum and Maximum Requirements

A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

Response: Per Table 19.605.1, rowhouses are required to provide a minimum of one space per unit. There is no maximum parking standard for rowhouses. As shown on the Preliminary Plat in Exhibit A, each rowhouse will provide one off-street parking space, located in an attached garage on the same lot as the dwelling.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for rowhouses, cottage clusters, duplexes, single-family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

A. Dimensions

Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

Response: The attached garages provided for off-street parking will be approximately 11 x 18.5 feet, which exceeds the above standard.

B. Location

- 1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.*

Response: Parking for each rowhouse dwelling will be provided on the same lot as the rowhouse.

- 2. No portion of the required parking space is allowed within the following areas. See Figure 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.*
 - a. Within the required front yard or within 15 ft of the front lot line, whichever is greater.*
 - b. Within a required street side yard.*

Response: Off-street parking spaces are provided in attached garages for each rowhouse unit. No parking spaces are proposed within the front or side yards.

C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

- 1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.*
 - a. Required parking space(s).*
 - b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.*
 - c. All off-street parking and maneuvering areas for a residential home.*
- 2. Maneuvering areas and unrequired parking areas that are outside of a required front or side yard are allowed to have a gravel surface.*

Response: All off-street parking and maneuvering areas on the proposed lots will have a durable and dust-free hard surface appropriate for all-weather use. No gravel areas are proposed.

D. Parking Area Limitations

Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to rowhouses, which are subject to the standards in Subsection 19.505.5.

- a. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area.
- b. Uncovered parking spaces and maneuvering areas cannot exceed 30% of the required street side yard area.

Response: Not applicable. Required parking for the proposed rowhouses will be provided in attached, covered garages on each lot. No uncovered parking areas are proposed.

- c. No more than 3 residential parking spaces are allowed within the required front yard. A residential parking space in the required front yard is any 9- x 18-ft rectangle that is entirely within the required front yard that does not overlap with another 9- x 18-ft rectangle within the required front yard.

Response: Not applicable. No parking spaces are proposed within the front yard. Parking spaces will be provided in attached garages for each rowhouse.

E. Additional Driveway Standards

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 10 ft of the right-of-way boundary.

Response: As shown on the Preliminary Plat and floor plans in Exhibit A, parking areas and driveways on each lot will align with the driveway approach and will not be wider than the driveway approach.

2. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right-of-way in a forward motion.

Response: Not applicable. Each lot within the proposed development will take access from a private alley or a local street.

Section 19.700 Public Facility Improvements

19.703 REVIEW PROCESS

19.703.1 Preapplication Conference

For all proposed development that requires a land use application and is subject to Chapter 19.700 per Section 19.702, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.

Response: A pre-application conference with the City was held on August 11, 2016. Notes from the City are provided in Exhibit B. A second pre-application conference to review the Traffic Impact Study was held on January 19, 2016.

19.703.2 Application Submittal

For all proposed development that is subject to Chapter 19.700 per Section 19.702, one of the following types of applications is required.

B. Transportation Facilities Review (TFR) Land Use Application

If the proposed development triggers a transportation impact study (TIS) per Section 19.704, a TFR land use application shall be required. Compliance with Chapter 19.700 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Section 19.1005. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications.

Response: The proposed project requires a TIS and therefore also requires a TFR land use application. The TFR application is included with this submittal package and applicable standards and criteria are addressed in this section of the narrative.

19.703.3 Approval Criteria

For all proposed development that is subject to Chapter 19.700 per Section 19.702, the required development permit and/or land use application shall demonstrate compliance with the following approval criteria at the time of submittal.

A. Procedures, Requirements, and Standards

Development and related public facility improvements shall comply with procedures, requirements, and standards of Chapter 19.700 and the Public Works Standards.

Response: All development and related public facility improvements will comply with Chapter 19.700 and the City's Public Works Standards.

B. Transportation Facility Improvements

Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction.

Response: The Traffic Impact Study provided to the City (Exhibit G) identifies recommended improvements that will be done as part of the proposed development. Those recommendations include improvements (signage and other) to the existing church access point on Rusk Road to restrict vehicles from exiting at that location. Half-street improvements along the site's frontage with Kellogg Creek Drive, and full-street improvements along proposed new streets are also recommended.

The applicant is not requesting any fee-in-lieu of construction.

C. Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the City's basic safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submittal of a development permit application, an applicant shall demonstrate that the development property has or will have all of the following:

1. Adequate street drainage, as determined by the Engineering Director.

Response: Adequate street drainage will be provided, as demonstrated in the Preliminary Drainage Report in Exhibit E.

2. Safe access and clear vision at intersections, as determined by the Engineering Director.

Response: Access to the proposed development will be provided along SE Kellogg Creek Drive. As demonstrated in the TIS provided to the City, the access point will be safe, adequate to serve the site, and consistent with City standards.

3. Adequate public utilities, as determined by the Engineering Director.

Response: As shown in the Composite Utilities Plan (Sheet C400) in Exhibit A, the development property has or will have adequate public utilities to serve the proposed development. Specifically:

- A Clackamas River Water main is available for connection in SE Kellogg Creek Drive and can provide service for the proposed development. As part of the development, water lines will be constructed within the new public streets to serve the homes in the subdivision. All water improvements will be consistent with Clackamas River Water standards.
- There is an existing sanitary sewer line within SE Kellogg Creek Drive that is available for connection to serve the proposed development. The applicant will construct an eight-inch line within the new public streets to serve homes in the subdivision.
- The applicant has submitted a storm drainage report (Exhibit E) that demonstrates how stormwater will be managed on the site consistent with Milwaukie Public Works Standards and the Portland Stormwater Management Manual for design of water quality facilities.

4. Access onto a public street with the minimum paved widths as stated in Subsection 19.703.3.C.5 below.

Response: The proposed development will have access onto SE Kellogg Creek Drive, which has a local street designation and at least 16 feet of paved width.

5. Adequate frontage improvements as follows:

- a. For local streets, a minimum paved width of 16 ft along the site's frontage.
- b. For nonlocal streets, a minimum paved width of 20 ft along the site's frontage.
- c. For all streets, a minimum horizontal right-of-way clearance of 20 ft along the site's frontage.

Response: As recommended in the TIS provided to the City, and shown on Sheet C202 in Exhibit A, standard half street improvements along the site's frontage with SE Kellogg Creek Drive (including a striped bike lane) will be constructed. In addition, all new streets within the proposed subdivision will be constructed to the full-street cross section as required by the City.

6. *Compliance with Level of Service D for all intersections impacted by the development, except those on Oregon Highway 99E that shall be subject to the following:*

a. *Level of Service F for the first hour of the morning or evening 2-hour peak period.*

b. *Level of Service E for the second hour of the morning or evening 2-hour peak period.*

Response: As demonstrated in the Traffic Impact Study provided to the City (Exhibit G), all intersections within the study area will continue to operate within the City's operational standards upon buildout of the proposed development.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

Response: The proposed development will take access from SE Kellogg Creek Drive and will comply with all applicable access management standards in Chapter 12.16.

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

Response: The proposed development will comply with the clear vision standards contained in Chapter 12.24.

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection 19.304.6.

Response: Not applicable.

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the PAR is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the PAR for that street frontage. The following general provisions apply only to street frontages that are not shown in the PAR and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

- 1. Streets shall be designed and improved in accordance with the standards of this chapter and the Public Works Standards. ODOT facilities shall be designed consistent with State and federal standards. County facilities shall be designed consistent with County standards.*

Response: All streets constructed or improved as part of the proposed development will comply with the standards of this chapter and the City's Public Works Standards. No improvements to ODOT facilities are anticipated as part of this project.

- 2. Streets shall be designed according to their functional classification per Figure 8-3b of the TSP.*

Response: As shown on the Preliminary Plat and Typical Street Sections in Exhibit A, all streets will be designed according to their functional classification. New streets within the proposed subdivision will be designed to the standard local street cross section.

3. Street right-of-way shall be dedicated to the public for street purposes in accordance with Subsection 19.708.2. Right-of-way shall be dedicated at the corners of street intersections to accommodate the required turning radii and transportation facilities in accordance with Section 19.708 and the Public Works Standards. Additional dedication may be required at intersections for improvements identified by the TSP or a required transportation impact study.

Response: Right-of-way along the site's frontage with Kellogg Creek Drive will be dedicated in order to accommodate the required half-street improvement. No other right-of-way dedication is proposed.

4. The City shall not approve any development permits for a proposed development unless it has frontage or approved access to a public street.

Response: The proposed development has frontage on, and will take access from, SE Kellogg Creek Drive.

5. Off-site street improvements shall only be required to ensure adequate access to the proposed development and to mitigate for off-site impacts of the proposed development.

Response: The proposed development will include off-site improvements to the church access on Rusk Road. Those improvements will restrict vehicles from exiting onto Rusk Road, which is prohibited due to sight distance issues.

6. The following provisions apply to all new public streets and extensions to existing public streets.

a. All new streets shall be dedicated and improved in accordance with this chapter.

b. Dedication and construction of a half-street is generally not acceptable. However, a half-street may be approved where it is essential to allow reasonable development of a property and when the review authority finds that it will be possible for the property adjoining the half-street to dedicate and improve the remainder of the street when it develops. The minimum paved roadway width for a half-street shall be the minimum width necessary to accommodate 2 travel lanes pursuant to Subsection 19.708.2.

Response: All new streets constructed as part of the proposed development will be improved and dedicated in accordance with this code. Half-streets are not proposed; all new streets will be constructed to the full cross section.

7. Traffic calming may be required for existing or new streets. Traffic calming devices shall be designed in accordance with the Public Works Standards or with the approval of the Engineering Director.

Response: Traffic calming elements are not recommended per the TIS and are not proposed as part of this development.

8. Railroad Crossings

Where anticipated development impacts trigger a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval.

Response: The proposed development does not anticipate any need to improve or install a railroad crossing.

9. Street Signs

The City shall install all street signs, relative to traffic control and street names, as specified by the Engineering Director. The applicant shall reimburse the City for the cost of all such signs installed by the City.

Response: The applicant understands the City will install any necessary street signs and the applicant will be required to reimburse the City for such costs.

10. Streetlights

The location of streetlights shall be noted on approved development plans. Streetlights shall be installed in accordance with the Public Works Standards or with the approval of the Engineering Director.

Response: The location of streetlights is noted on the Utility Plan in Exhibit A. All streetlights will be installed in accordance with the Public Works Standards or as required by the Engineering Director.

E. Street Layout and Connectivity

1. *The length, width, and shape of blocks shall take lot size standards, access and circulation needs, traffic safety, and topographic limitations into consideration.*
2. *The street network shall be generally rectilinear but may vary due to topography or other natural conditions.*

Response: As shown on the Preliminary Plat in Exhibit A, the proposed street layout to serve the new development will allow for safe and efficient access and circulation on the site. The street network is somewhat curvy along the western edge to avoid impacts to the identified wetland area. Due to topographic and access constraints (and the proximity of Highway 224), a cul-de-sac is proposed at the northeast corner of the development where a through street was not feasible.

New streets within the proposed subdivision will have 54 feet of right-of-way with two 10-foot travel lanes, on-street parking, a planter strip and 5-foot sidewalks on both sides.

3. *Streets shall be extended to the boundary lines of the developing property where necessary to give access to or allow for future development of adjoining properties.*

Response: Due to topography, the presence of natural resources and surrounding land uses, it is not anticipated that street extensions will be necessary to allow for future development of adjoining properties.

4. *Permanent turnarounds shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over abutting property shall not be grounds for construction of a turnaround. For proposed land division sites that are 3 acres or larger, a street ending in a turnaround shall have a maximum length of 200 ft, as measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. For proposed land division sites that are less than 3 acres, a street ending in a turnaround shall have a maximum length of 400 ft, measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. Turnarounds shall be designed in accordance with the requirements of the Public Works Standards.*

Response: The development proposes one permanent turnaround (cul-de-sac) located in the northeast corner of the development where a through street is not possible due to existing constraints (the church building, Highway 224 and natural resource areas). The length of the street ending in the cul-de-sac is approximately 186 feet, as measured from the Alley E right-of-way to the farthest point of right-of-way containing the cul-de-sac. The cul-de-sac will be constructed in accordance with the City's Public Works Standards.

5. *Closed-end street systems may serve no more than 20 dwellings.*

Response: The proposed subdivision is considered a closed-end street system because it has one access point onto Kellogg Creek Drive. The closed-end street system will serve 92 dwelling units and therefore requires a variance to this standard. A variance request has been submitted as part of this application package.

F. *Intersection Design and Spacing*

1. *Connecting street intersections shall be located to provide for traffic flow, safety, and turning movements, as conditions warrant.*
2. *Street and intersection alignments for local streets shall facilitate local circulation but avoid alignments that encourage nonlocal through traffic.*

Response: Streets and intersections for the proposed development have been designed to provide safe and efficient circulation for the subdivision

3. *Streets should generally be aligned to intersect at right angles (90 degrees). Angles of less than 75 degrees will not be permitted unless the Engineering Director has approved a special intersection design.*

Response: Streets constructed as part of the proposed development intersect at right angles. Where the new street intersects with SE Kellogg Creek Drive, that intersection will also be at right angles.

4. *New streets shall intersect at existing street intersections so that centerlines are not offset. Where existing streets adjacent to a proposed development do not align properly, conditions shall be imposed on the development to provide for proper alignment.*

Response: No off-set intersections will be created as part of the proposed development.

5. *Minimum and maximum block perimeter standards are provided in Table 19.708.1.*

Response: Per Table 19.708.1, maximum block perimeter for local streets is 1,650 feet. As shown on the Preliminary Plat in Exhibit A, perimeters are consistent with this standard. The largest proposed block on the site will have a perimeter of approximately 1,100 feet.

6. *Minimum and maximum intersection spacing standards are provided in Table 19.708.1.*

Response: Per Table 19.708.1, the minimum block length for local streets is 100 feet and the maximum is 530 feet. As shown on the Preliminary Plat in Exhibit A, the longest block length proposed is approximately 370 feet. The shortest block length proposed is approximately 220 feet.

19.708.2 Street Design Standards

Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on existing conditions and the surrounding development pattern. The additional street design standards in Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.

Response: New streets constructed to serve the proposed development will be built to the local street standard and will have the following elements, consistent with Table 19.708.2:

- 54 feet total right-of-way
- 34 feet of paved width from curb to curb

- Two 10-foot travel lanes
- 7-foot on-street parking on both sides
- 4-foot planter strip on both sides
- 5-foot sidewalk on both sides

A. Additional Street Design Standards

These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. *Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.*

Response: The new local streets will have two 10-foot travel lanes and on-street parking.

2. *Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.*

Response: Not applicable. Travel lanes will be next to a planter strip.

3. *Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.*

Response: A shared bike lane (“sharrows”) will be provided on Street A to provide a bike connection from the Highway 224/Rusk Road intersection to Kellogg Creek Drive. The city has not required additional travel lane width.

4. *Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the Engineering Director, and where such a reduction would not result in a safety hazard.*

Response: Striped bike lanes are not planned on the new streets within the proposed development. A striped bike lane will be included as part of the half-street improvements along the site’s frontage with Kellogg Creek Drive.

5. *Where a curb is required by the Engineering Director, it shall be designed in accordance with the Public Works Standards.*

Response: All curbs will be designed in accordance with Public Works Standards.

6. *Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.*
7. *On-street parking in industrial zones shall have a minimum width of 8 ft.*
8. *On-street parking in commercial zones shall have a minimum width of 7 ft.*

Response: Items 6-8 above are not applicable.

9. *On-street parking in residential zones shall have a minimum width of 6 ft.*

Response: On street parking provided on the new local streets will have a width of 7 feet on both sides. On-street parking will also be provided along the site’s frontage on Kellogg Creek Drive, except along the southwest corner of the site, where on-street parking has been eliminated to avoid impacts to the Oregon white oak trees located in that area.

10. *Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.*

Response: Sidewalks provided will be five feet in width throughout the proposed development. The half-street improvements along the site's frontage with Kellogg Creek Drive will also include a five-foot sidewalk. Along the southwest corner of the site, the Kellogg Creek Drive frontage improvements will be altered in order to avoid impacts to the stand of Oregon white oak trees. The applicant is working with City Engineering staff to determine the best approach in this location.

11. *Landscape strip widths shall be measured from back of curb to front of sidewalk.*

Response: Landscape strips provided will be four feet wide, as measured in accordance with this standard.

12. *Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Standards and the Milwaukie Street Tree List and Street Tree Planting Guidelines.*

Response: As shown on the Planting Plan (Sheet L100) in Exhibit A, street trees will be provided consistent with this standard.

13. *Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.*

Response: As shown on the Composite Utility Plan, water quality treatment facilities are proposed within the public right-of-way landscape strips. Those landscape strips are four feet in width.

14. *A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.*

Response: As shown on the Typical Street Sections (Sheet C202) in Exhibit A, six inches will be provided between a property line and the street element that abuts it.

19.708.3 Sidewalk Requirements and Standards

B. Sidewalk Requirements

1. Requirements

Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.

Response: As shown on the Preliminary Plat in Exhibit A, sidewalks will be provided along both sides of new streets throughout the proposed development. A sidewalk will also be provided along SE Kellogg Creek Drive along the site's frontage. Along the southwest corner of the site, the Kellogg Creek Drive frontage improvements will be altered in order to avoid impacts to the stand of Oregon white oak trees. The applicant is working with City Engineering staff to determine the best approach in this location.

2. Design Standards

Sidewalks shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards.

Response: All sidewalks will be designed and improved in accordance with this chapter and the Public Works Standards.

19.708.5 Pedestrian/Bicycle Path Requirements and Standards

B. Pedestrian/Bicycle Path Requirements

Pedestrian/bicycle paths shall be required in the following situations.

- 1. In residential and mixed-use districts, a pedestrian/bicycle path shall be required at least every 300 ft when a street connection is not feasible.*

Response: As shown on the Preliminary Plat in Exhibit A, pedestrian connections are available at the eastern end of the site where it abuts the church property (Tracts E and F) to connect Street B to Kellogg Creek Drive. Pedestrian connections will also be available via the emergency access through the center of that same block.

- 2. In residential and industrial districts where addition of a path would reduce walking distance, via a sidewalk or other available pedestrian route, by at least 400 ft and by at least 50% to an existing transit stop, planned transit route, school, shopping center, or park.*

Response: Not applicable. Addition of a path to reduce walking distances as noted above is not needed.

- 3. In commercial districts and community service use developments where addition of a path would reduce walking distance, via a sidewalk or other available pedestrian route, by at least 200 ft and by at least 50% to an existing transit stop, planned transit route, school, shopping center, or park.*

Response: Not applicable.

- 4. In all districts where addition of a path would provide a midblock connection between blocks that exceed 800 ft or would link the end of a turnaround with a nearby street or activity center.*

Response: There are no blocks that exceed 800 feet in the proposed development. As shown on the Preliminary Plat in Exhibit A, a pedestrian and bicycle connection will be provided between the end of the turnaround and the sidewalk at the Rusk Road/Highway 224 intersection.

C. Design Standards

Pedestrian/bicycle paths shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards. Paths shall be located to provide a reasonably direct connection between likely pedestrian and bicyclist destinations. A path shall have a minimum right-of-way width of 15 ft and a minimum improved surface of 10 ft. If a path also provides secondary fire access or a public utility corridor, it shall have a minimum right-of-way width of 20 ft and a minimum improved surface of 15 ft. Additional standards relating to entry points, maximum length, visibility, and path lighting are provided in the Public Works Standards.

Response: There is a proposed pedestrian/bicycle path connecting the end of the cul-de-sac to the intersection of Rusk Road and Highway 224. This path will have a 15-foot public access easement with a 10-foot paved width and will provide bicycle and pedestrian connections from the highway, through the development and down to Kellogg Creek Drive which connects to North Clackamas Park.

Section 19.904 Community Service Uses

19.904.5 Procedures for Reviewing a Community Service Use

C. The Planning Director may approve minor modifications to an approved community service per Section 19.1004 Type I Review, provided that such modification:

Response: The proposed modifications to the church property will include the following elements, all of which represent minor modifications to the approved CSU.

- The church entrance from Rusk Road will be reconfigured to enforce the “entry-only” status; exit onto Rusk Road from that access point is not permitted due to sight distance issues. Improvements to the access point will include narrowing the driveway, striping an entry-only arrow on the pavement, adding signage to indicate “No Exit”, and adding some landscaping at the corner to serve as a barrier to exiting the site at that location.
- Some parking spaces along the western edge of the church property will be removed in order to create an access between the church site and the proposed subdivision site. This new access will provide a safe exit point for the church onto Kellogg Creek Drive.
- Additional parking spaces will be removed just south of the new access point to create a service and emergency-only access from Alley C on the subdivision site. This access will be gated and will only be accessible for emergency fire and garbage service activities.

1. *Does not increase the intensity of any use;*

Response: The proposed modifications to the church property will not add square footage to the church use or otherwise result in an increase in activity or use of the site. The overall amount of parking on the site will be reduced by 10 spaces.

2. *Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19;*

Response: Applicable standards from Title 19 include only those related to off-street parking and access. No other elements regulated by Title 19 (such as building size and location) will be impacted by the proposed modifications.

- Overall parking on the church site will be reduced by 10 spaces to accommodate the new access points described above. Per Table 19.605.1 in the code, the minimum parking standard for a church is 1 space per 4 seats and the maximum is 1 space per 2 seats. The church has 400 seats. Therefore, the parking minimum is 100 spaces and the maximum is 200 spaces. The church currently has 225 parking spaces, which exceeds the allowable maximum. This is due to the fact that no parking maximums were in place when the church was constructed in 1984. Removing 10 parking spaces from the church site will bring the site closer to conformance with the existing code.
- The Public Facility Improvements standards in Chapter 19.703 require that all development has safe access to a public street. The proposed modifications to the church site will facilitate safe access to the site by improving the entry-only access point on Rusk Road. These improvements will help ensure that the entry-only access point is not used as an exit. The proposed improvements will also provide a safe access point for the church to Kellogg Creek Drive. That access point can be used as both an entry and exit for the church site.
- Per MMC 19.606.2.C, perimeter landscape buffers are required where the parking area abuts another property. A 6-foot landscape buffer will be provided around the parking lot along the northern and

western edges of the parking lot where it abuts the adjacent property. The buffer will be landscaped consistent with MMC 19.606.2.C.2, including one tree for every 40 lineal feet.

3. *Does not result in deterioration or loss of any protected natural feature or open space, and does not negatively affect nearby properties;*

Response: The proposed parking lot and access modifications will not have any impact on natural resources or open spaces in the vicinity of the site. All proposed modifications to the church site will occur within the boundaries of the existing parking lot and will not negatively affect nearby properties.

4. *Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council; and*

Response: The most recent review of the church property was conducted in September 2014 when the Turning Point Church requested a CSU Minor Modification and Natural Resource Review in order to remove a section of off-street parking spaces from the church parking lot and replace them with landscaping (grass and ground cover). That decision (File Nos. CSU-14-06 and NR-14-06) did not include any conditions of approval. In the findings for that decision, prior conditions of approval for the church site were listed as follows:

The property was annexed into the city limits in 1981 (land use file #A-80-07). In 1983, use of the site for pasture land and grazing for horses was approved as a conditional use (file #C-83-08); however, the conditional use application was subsequently withdrawn.

The site was approved as a CSU for church use by the Milwaukie Assembly of God in 1984 (file #CS-84-02). Conditions of approval included requirements to provide plans for landscaping, public facilities, and exterior lighting, as well as a traffic study and right-of-way dedication along Rusk Rd and Kellogg Creek Dr.

In 1987, the City Council approved a zone change for the western portion of the property, from R-10 to R-3, along with a conditional use approval for senior housing and an amendment to the Comprehensive Plan map (file #CPA-87-01, ZC-87-05, CU87-05, with Ordinance #1639). The senior housing project (called Parkside Village) was never developed.

In 1992, the City approved a 5,500-sq-ft addition to the church building (file #CSO-92-03, NR-92-01). Conditions of approval included requirements to install the approved landscaping and to direct lighting away from the designated natural resource area.

In 1997, the Planning Commission denied a sign permit request to locate an electronic reader board sign on the property near the intersection of Highway 224 and Rusk Rd (file #SP-97-01).

The proposed modifications to the church parking lot and access will not contravene or alter any of the conditions of approval from the above-listed decisions.

5. *Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.*

Response: No public facility will fail to meet adequacy standards as a result of the proposed modifications to the church property. The only public facility that will be impacted by the proposed modifications is public transportation. The proposed modifications at the entry-only access point on Rusk Road combined with the new access point on Kellogg Creek Drive (through the subdivision site) will provide an overall improvement to safe access for the church property. The “no exit” requirement onto Rusk Road will be reinforced and a safe and convenient exit onto Kellogg Creek Drive will be created. The new access point on Kellogg Creek Drive will be designed consistent with applicable standards.

Section 19.1200 Solar Access Protection

19.1203.3 Design Standard

At least 80% of the lots in a development subject to these provisions shall comply with one or more of the options in this subsection; provided a development may, but is not required to, use the options in Subsections 19.1203.3.B or C below to comply with Section 19.1203.

A. Basic Requirement

A lot complies with Subsection 19.1203.3 if it:

- 1. Has a north-south dimension of 90 ft or more; and*
- 2. Has a front lot line that is oriented within 30 degrees of a true east-west axis (see Figure 19.1203.3).*

C. Performance Option

In the alternative, a lot complies with Subsection 19.1203.3 if:

- 1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis, and at least 80% of their ground floor south wall will be protected from shade by structures and nonexempt trees using appropriate deed restrictions; or*

Response: There are a total of 92 lots proposed as part of this subdivision. As shown on the Preliminary Plat (Sheet C201 in Exhibit A), 76 of the lots will have a north-south dimension of 80 to 87.25 feet. All of those lots have a front lot line that is oriented within 30 degrees of an east-west axis.

For the remaining 16 lots, structures will have their long axis oriented within 30 degrees of an east-west axis. Because the structures will be attached homes in sets of four units, the south-facing walls of units will be protected by the unit attached to it, or by the four-plex structure directly south of it (there will be 10 feet between four-plexes). The only units without shade protection will be those three units at the southern-most end of the east-west oriented structures (Lots 33 and 92 on the Preliminary Plat in Exhibit A).

Because the proposed subdivision does not meet the standards of 19.1203.3 above, an adjustment to the standard is requested, consistent with the criteria established in 19.1203.5 below.

19.1203.5 Adjustment to Design Standard

The Director shall reduce the percentage of lots that must comply with Subsection 19.1203.3, to the minimum extent necessary, if he or she finds the applicant has shown it would cause or is subject to one or more of the following conditions.

A. Adverse Impacts on Density, Cost, or Amenities

- 1. If the design standard in Subsection 19.1203.3.A is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g., grading, water, storm drainage, sanitary systems, and road) and solar-related off-site site development costs are at least 5% more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Subsection 19.1203.3.A would reduce density or increase costs per lot in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development:*
 - b. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or Development Ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed;*

Response: As noted above, 16 lots meet the performance option in MMC 19.1203.3.C above, which is 17 percent of the total proposed lots. Therefore, an adjustment is requested to reduce the percentage of lots required to meet MMC 19.1203 to 17 percent.

If the design standard in 19.1203.3 is applied to the proposed subdivision, the resulting density would be less than what is proposed. The site has numerous physical constraints that limit site design options, including significant natural resources (floodplain, habitat area, Mount Scott Creek and wetlands) and the existing church property. Furthermore, the site has split zoning (R-10 and R-3), which adds more complexity in terms of site design. For all these reasons, the applicant is proposing a Planned Development on the site, which allows greater flexibility to design the site efficiently and economically within the context of the various constraints. The proposed site design minimizes impacts to natural resources while allowing the applicant to develop the site efficiently and in a way that is financially feasible. Reconfiguring the site so that all lots meet the solar access standards would result in significantly fewer lots, and potentially greater impacts to the natural resource areas. For these reasons, an adjustment is appropriate.

IV. CONCLUSIONS

As established in the discussion and responses provided in this narrative, the proposed subdivision is consistent with City standards and criteria. Approval of this application will facilitate development of a project that will preserve and protect natural resources, contribute to the overall variety of housing types and development patterns in Milwaukie, and provide a needed housing type in close proximity to a large employment center.