



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

# Application for Land Use Action

Primary File #: MLP-2024-002

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **DBRE Investments / Don Snair**

Mailing address: **1300 SW 5th Ave, Portland** State/Zip: **OR 97201**

Phone(s): **503-560-4206** Email: **don@db-workspace.com**

*Please note: The information submitted in this application may be subject to public records law.*

**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: **1300 SW 5th Ave, Portland Oregon** State/Zip: **97201**

Phone(s): **503-560-4206** Email: **don@db-workspace.com**

**SITE INFORMATION:**


Address: **11004 SE Stanley Ave, Milwaukie** Map & Tax Lot(s): **1-2E-31AA; Tax Lot 7800**

Comprehensive Plan Designation: **MD** Zoning: **R-MD** Size of property: **32,611 Sq. Ft.**

**PROPOSAL (describe briefly):**

Partition subject property into two parcels (12,601 Sq Ft and 20,011 Sq Ft) as shown, with the rear parcel to be served for access and utilities via an easement over the front parcel.

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

Submitted by: **Don Snair** Digitally signed by Don Snair  
 DN: C=US, E=Don@db-workspace, O=Design Build, CN=Don Snair  
 Date: 2024.08.26 14:25:46-07'00'  Date: **8/26/24**

**IMPORTANT INFORMATION ON REVERSE SIDE**

\*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.  
 \*\* Natural Resource and Transportation Review applications may require a refundable deposit.

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

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

**Type V** applications may be initiated by any individual.

**PREAPPLICATION CONFERENCE:**

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

**DEPOSITS:**

Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form)

**REVIEW TYPES:**

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

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

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	MLP-2024-002	\$ 2,000			Materials submitted 9/06/2024 Payment received 9/17/2024
Concurrent application files		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	

TOTAL AMOUNT RECEIVED: \$

RECEIPT #:

RCD BY:

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

Neighborhood District Association(s): Linwood

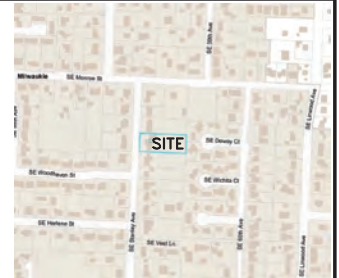
Notes:



# PRELIMINARY PLAT PLAN

11004 S.E. STANLEY AVENUE  
 IN THE N.E. 1/4 OF SECTION 31  
 T. 1 S., R. 2 E., W.M.  
 CITY OF MILWAUKIE  
 CLACKAMAS COUNTY  
 OREGON

**OWNER:**  
 DBRE INVESTMENTS INC.  
**REQUESTED BY:**  
 DON SNAIR  
**SITE ADDRESS:**  
 11004 S.E. STANLEY AVENUE



SCALE: 1" = 20'  
 AUGUST 23, 2024

**AREA SUMMARY**  
 ORIGINAL TRACT: 32,611 SQ. FT., 0.75 ACRES  
 PROPOSED PARCEL 1: 12,601 SQ. FT., 0.29 ACRES  
 PROPOSED PARCEL 2: 20,011 SQ. FT., 0.46 ACRES

### LEGAL DESCRIPTION (PER DEED)

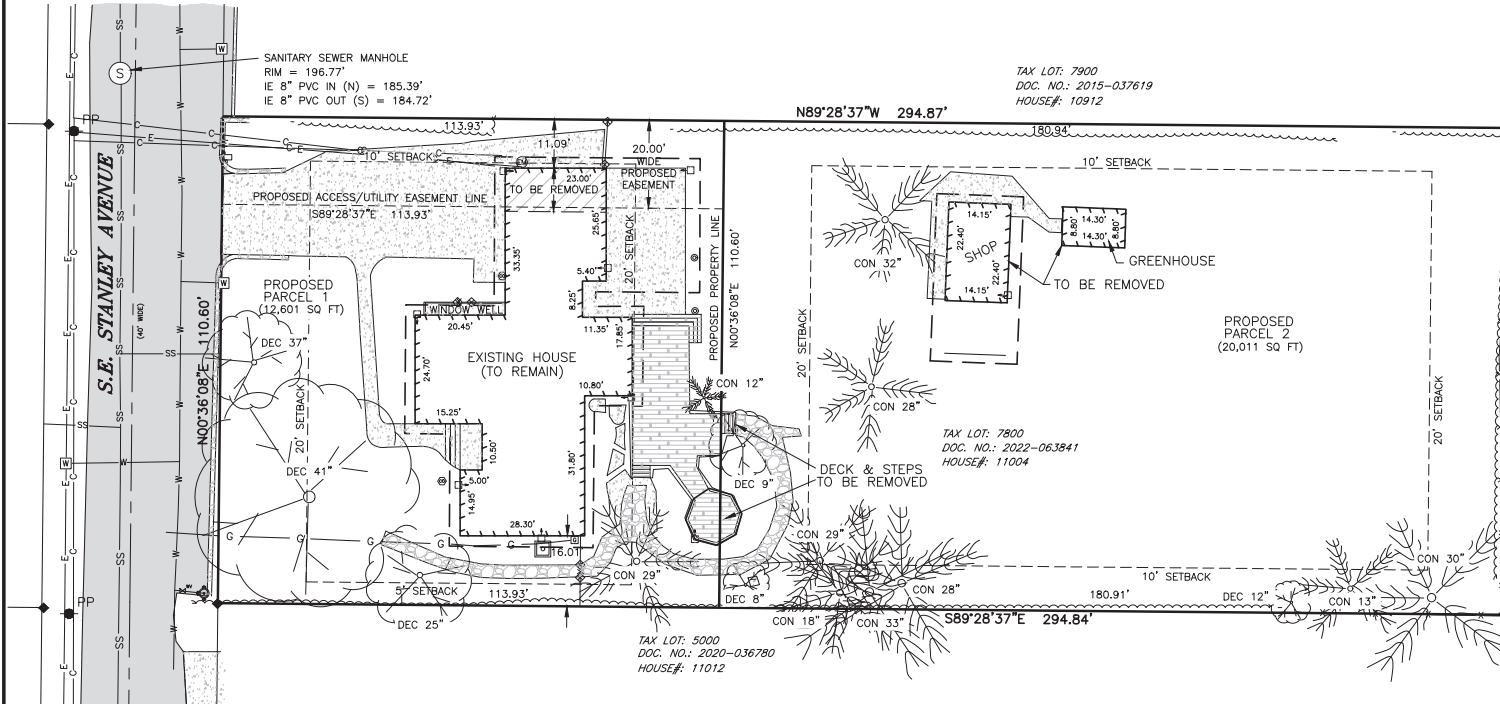
A TRACT OF LAND IN THE JOHN GARRETT DONATION LAND CLAIM IN SECTION 31, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, AS DESCRIBED AS:

BEGINNING AT AN IRON PIPE ON THE EAST LINE OF A TRACT CONVEYED TO GEORGE HARTUNG BY DEED RECORDED IN BOOK 160, PAGE 537, DEED RECORDS, SAID PIPE BEING 744.26 FEET WEST AND 325.0 FEET SOUTH OF THE NORTHEAST CORNER OF SAID DONATION LAND CLAIM; THENCE SOUTH ALONG THE EAST LINE 110.6 FEET TO AN IRON PIPE; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID DONATION LAND CLAIM, 300.0 FEET TO AN IRON PIPE ON THE EAST LINE OF STANLEY AVENUE; THENCE NORTH ALONG SAID LAST EAST LINE 110.6 FEET TO AN IRON PIPE; THENCE EAST 300.0 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN ROADS.

### SURVEYOR'S NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS PER SURVEY NO. 2022-055, CLACKAMAS COUNTY SURVEY RECORDS. THIS IS NOT A RECORDABLE BOUNDARY SURVEY.
2. UNDERGROUND UTILITIES ARE SHOWN PER SURFACE MARKINGS AND AS-BUILT INFORMATION PROVIDED BY THE CONTROLLING JURISDICTIONS. THE SURVEYOR MAKES NO GUARANTEE AS TO THE EXACT LOCATION, EXISTENCE, NON-EXISTENCE OR COMPLETENESS OF ANY SUBSURFACE UTILITIES SHOWN, OR NOT SHOWN ON THE MAP. CALL 811 BEFORE DIGGING.
3. PROPERTY IS LOCATED IN RESIDENTIAL ZONE R-MD (MODERATE DENSITY RESIDENTIAL ZONE). THIS ZONE IMPLEMENTS THE MODERATE DENSITY RESIDENTIAL LAND USE DESIGNATION IN THE MILWAUKIE COMPREHENSIVE PLAN. DEVELOPMENT STANDARDS: MINIMUM LOT WIDTH 60 FT  
 MINIMUM LOT DEPTH 80 FT  
 MINIMUM STREET FRONTAGE 35 FT (STANDARD LOT)  
 FRONT YARD 20 FT  
 SIDE YARD 5/10 FT  
 STREET SIDE YARD 20 FT  
 REAR YARD 20 FT



TAX LOT: 8705  
 DOC. NO.: 99-019404  
 HOUSE#: 5923

TAX LOT: 8706  
 DOC. NO.: 2023-006399  
 HOUSE#: 5924

TAX LOT: 8700  
 DOC. NO.: 2022-063841  
 HOUSE#: 11004

TAX LOT: 5000  
 DOC. NO.: 2020-036780  
 HOUSE#: 11012

### LEGEND

	AC UNIT		SPOT ELEVATION		CONCRETE
	AREA DRAIN		BW = BOTTOM OF WALL		PAVEMENT
	BUSH		EA = EDGE OF ASPHALT		STONE (WALK/WALL)
	CLEAN OUT		EC = EDGE OF CONCRETE		WOOD DECK
	DOWNSPOUT		ED = EDGE OF DECK		DEC = DECIDUOUS
	ELECTRIC METER		EW = EDGE OF WALK		
	FIRE HYDRANT		G = GUTTER LINE		
	GAS METER		T = TOP OF CURB		
	GATE POST		TC = TOP OF CONCRETE		
	MAILBOX		TP = TOP OF PAVEMENT		
	NATURAL GROUND		TW = TOP OF WALL		
	POWER POLE		SURVEY MONUMENT		CON = CONIFEROUS
	SANITARY SEWER MANHOLE		WATER METER		WATER
			WATER VALVE		

REGISTERED PROFESSIONAL LAND SURVEYOR

ANTHONY B. RYAN  
 58833  
 EXPIRES: DECEMBER 31, 2024

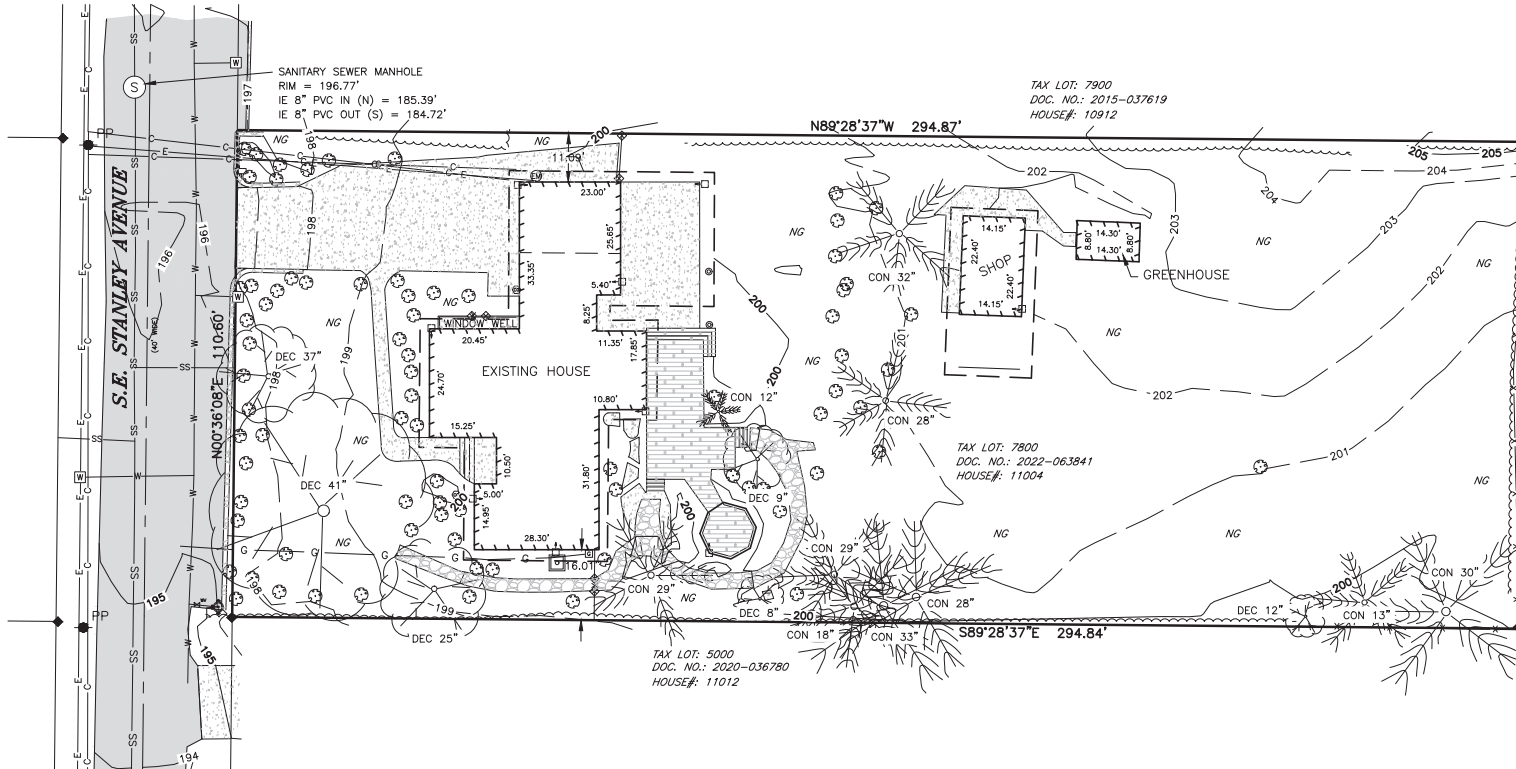
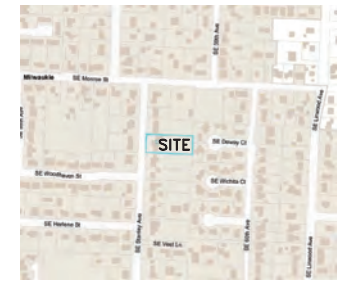
**WEDDLE SURVEYING INC.**  
 Excellence is our benchmark.

6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97233  
 PH: (503) 941-9585 FAX: (503) 941-9640  
 www.weddlesurveying.com

# EXISTING CONDITIONS PLAN

11004 S.E. STANLEY AVENUE  
 IN THE N.E. 1/4 OF SECTION 31  
 T. 1 S., R. 2 E., W.M.  
 CITY OF MILWAUKIE  
 CLACKAMAS COUNTY  
 OREGON

**OWNER:**  
 DBRE INVESTMENTS INC.  
**REQUESTED BY:**  
 DON SNAIR  
**SITE ADDRESS:**  
 11004 S.E. STANLEY AVENUE



**WEDDLE SURVEYING**

0 20 40 60

SCALE: 1" = 20'  
 1-FT CONTOUR INTERVAL  
 AUGUST 23, 2024

TAX LOT: 8706  
 DOC. NO.: 2023-008399  
 HOUSE#: 9524

### SURVEYOR'S NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS PER SURVEY NO. 2022-055, CLACKAMAS COUNTY SURVEY RECORDS. THIS IS NOT A RECORDABLE BOUNDARY SURVEY.
2. UNDERGROUND UTILITIES ARE SHOWN PER SURFACE MARKINGS AND AS-BUILT INFORMATION PROVIDED BY THE CONTROLLING JURISDICTIONS. THE SURVEYOR MAKES NO GUARANTEE AS TO THE EXACT LOCATION, EXISTENCE, NON-EXISTENCE OR COMPLETENESS OF ANY SUBSURFACE UTILITIES SHOWN, OR NOT SHOWN ON THE MAP. CALL 811 BEFORE DIGGING.
3. PROPERTY IS NOT IN A FLOODWAY OR FLOODPLAIN, PER FEMA MAP NUMBER 4100500280, WITH AN EFFECTIVE DATE OF JUNE 17, 2008.

### BENCHMARK

THE BENCHMARK USED FOR THIS PROJECT IS AN OPUS DERIVED ELEVATION, ON A NAIL IN THE BACK YARD, NEAR THE EAST END OF THE PROPERTY.  
 ELEVATION: 203.57' NAV88 DATUM (GEOD18)

REGISTERED PROFESSIONAL LAND SURVEYOR

ANTHONY B. RYAN  
 58833  
 EXPIRES: DECEMBER 31, 2024

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- AC UNIT
- AREA DRAIN
- BUSH
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- SANITARY SEWER MANHOLE

- SPOT ELEVATION
- BW = BOTTOM OF WALL
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- TG = TOP OF GRAVEL
- TP = TOP OF PAVEMENT
- TW = TOP OF WALL
- SURVEY MONUMENT
- WATER METER
- WATER VALVE

### LEGEND

- BUILDING
- BUILDING OVERHANG
- FENCE
- GAS
- OVERHEAD COMMUNICATION
- OVERHEAD ELECTRIC
- SANITARY SEWER
- VEGETATION
- WATER
- CONCRETE
- PAVEMENT
- STONE (WALK/WALL)
- WOOD DECK
- CON = CONIFEROUS
- DEC = DECIDUOUS

**11004 SE Stanley Ave  
Milwaukie, OR 97222**

Front/Back lot division  
Zoning Narrative  
September 10, 2024

For the front back lot division, we are addressing the Zoning requirements for a Front/Back lot division as described in this document, and the associated plat Documents. The Front/Back lot division is in preparation for a Middle Housing development. In accordance with the development guidelines, This lot division does not include construction of any new units. We will apply for building permits, for the middle housing work after approval of the Front/Back lot split. Building permits shall also be applied for the existing house on the front Lot (Parcel 1) to partially demolish existing garage & Deck to meet the development setback requirements.

**Project information:**

Address:  
11004 SE Stanley Ave  
Milwaukie, OR 97222

Zone: R-MD, Moderate Density Residential Zone

Existing Lot Area: 32,611 sf  
Proposed Parcel 1 (front lot): 12,601 sf  
Proposed Parcel 2:(Back Lot): 20,011 sf

17.12.020 APPLICATION PROCEDURE.

- A. Applications for land division and property boundary changes will be processed in accordance with Chapter 19.1000 Type I and Type II procedures as indicated in this section.
- B. An increase in the number of lots within the original boundaries of a partition plat must be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds three.
- C. A modification to a plat (i.e., a replat) that relocates or eliminates all or a portion of a common property line between abutting properties, including underlying lot lines, that does not create an additional lot or parcel will be processed as a property line adjustment or lot consolidation. This process requires a deed to be recorded that stipulates the lot to be a single lot for development and legal purposes.
- D. A replat that results in the creation of a new parcel(s) or lot(s) will be processed as a partition or subdivision, depending on the number of resulting lots and according to the definitions provided in Chapter 17.08.

**Per table 17.12.020 this will be applied for as a type II partition review that results in a division of up to 3 lots.**

17.12.030 LOT CONSOLIDATION, PROPERTY LINE ADJUSTMENT

**DOES NOT APPLY**

17.12.040 PARTITION.

- A. Conformance With State Statute  
All land partition proposals must comply with all state regulations as provided in ORS Chapter 92, Subdivision and Partitions.
- B. Prohibition on Sale of Lots  
Sale of lots created through the land partitioning process is prohibited until the final partition plat is recorded.
- C. Approval Through Two-Step Process  
A partition application requires a two-step process: the preliminary plat and the final plat.

1. Preliminary plat. A preliminary plat application is processed through a Type II procedure, as provided in Section 19.1005 and the application requirements in Chapters 17.16 and 17.20.
  2. Final plat. The preliminary plat must be approved before the final plat can be submitted for approval. The final plat must satisfy all conditions of approval imposed as part of the preliminary plat approval pursuant to Chapter 17.20. Sale of lots created through the partition process is prohibited until the final plat is recorded.
- D. Approval Criteria  
 The approval authority may approve, approve with conditions, or deny a partition based on the approval criteria in Sections 17.18.020 and 17.18.030.

**The application is made in conformance with the required statutes, the Sale of lots will not be made until the final partition plat is recorded. The preliminary plat is being processed through the type II procedure. The final plat will be applied for after the preliminary plat is approved, any conditions for approval noted during preliminary plat review will be complied with upon submission of final plat for recording.**

**The proposed Partition will allow the existing house to remain on parcel 1 with setbacks in excess of those required. As part of this partition, Parcel 2 will be vacant, to be used for a middle housing division at a later date the middle housing division is not part of this review, and will be conducted separately in accordance with 17.26.010.**

**In addition to the Partition, an access and utility easement will be provided to access the back lots, and provide required Utility access, including, but not limited to, Water, Sewer, Electricity, & Natural Gas.**

**The existing house shall be partially demolished to accommodate the access easement. In addition, portions of the existing deck shall be cut back to the proposed property line. The remaining deck shall not exceed 18 inches above the adjacent grade.**

**All conditions of approval required by the City of Milkaukie for this Division will be complied with by the developer.**

17.16.050 PRELIMINARY PLAT FOR PARTITION AND SUBDIVISION.

The following must 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 form 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 applicable approval criteria.

**The required documents are provided, the application fee shall be paid. Any additional information requested shall be provided as needed for approval.**

17.18.020 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.
  2. The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.
  3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).
  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.

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

**The proposed preliminary plat included with this submittal complies with the applicable ordinances as outlined in this document. The proposed division will provide reasonable development options for middle housing, and does not require variances for the existing house to remain. The proposed access drive easement generally aligns with the existing driveway, avoiding the necessity for additional access locations onto Stanley ave.**

#### 17.20 PRELIMINARY PLAT

Plans Submitted are drawn by an Oregon Registered professional land surveyor, and drawn at a scale of 1"=20'. Plans supplied include all the required information for Preliminary Plat Review. No engineering plans are being submitted at this time.

#### 17.28 DESIGN STANDARDS

##### 17.28.010 CONFORMITY OF SUBDIVISION

**Proposed Partition conforms with any known development plans, and occurs within a developed neighborhood.**

##### 17.28.020 PUBLIC FACILITY IMPROVEMENTS

**Refer to section 19.700 narrative for applicable facility improvements**

#### 17.25.030 EASEMENTS

##### A: Utility

**Easements for public utilities are provided for.**

##### B Water Courses

**No Watercourses traverse the property**

#### 17.28.040 General Lot Design:

##### A. Size & Shape:

**Size & Shape complies with Chapter 19 As outlined below**

##### B. Rectilinear lots required

**Lots are rectilinear to the fullest extent feasible.**

##### C Limits on Compound Lot Line Segments

**Lot line segments are consolidated to the fullest extent feasible.**

##### D. Limits on Double and Reversed Frontage Lots

**Lots are not double or reversed frontage.**

##### E. Measurement of Required Frontage

**Required Frontage is measured along Stanley Ave.**

17.28.050 FLAG LOT AND BACK LOT DEVELOPMENT AND FUTURE ACCESS.

**Access to back lot is provided by an access easement. Due to the nature of the existing development on adjacent lots, and existing street, there is no opportunity for a public street.**

17.28.060 FLAG LOT AND BACK LOT DESIGN STANDARDS

- A. Back lot design to be in accordance with 19.504.8 as outlined below**
- B. The Proposed division will result in only a single back lot.**

17.28.080 PUBLIC OPEN SPACES

**The scale of the land division does not lend itself to providing dedicated public open space.**

17.28.090 LAND DIVISION WITH LEFTOVER PARCEL OR LOT

A. Applicability

This provision applies to residential land division proposals where there is an existing dwelling unit(s) that will be on its own parcel or lot and the remaining property will be "leftover" in that it will require further land division to meet the minimum density standard for the underlying zone.

**This requirement appears to apply to this lot division, as a single lot division will not meet the minimum density standard for the underlying zone for the back lot.**

B. Conditions

An application for a land division may have a maximum of two leftover parcels or lots that are not included as part of a phased subdivision if the following conditions are met:

1. The original parcel or lot has an existing habitable dwelling unit(s) on it built on or before (date of adoption of this code).
2. The leftover parcel(s) or lot(s) must be capable of further development.
3. The proposed land division will not preclude ultimate buildout of the original parcel or lot per an adopted or submitted and approved concept plan, as applicable.
4. When a land division places a primary dwelling unit on a parcel or lot separate from an accessory structure or an accessory dwelling, the accessory structure or dwelling must be:
  - a. Removed upon transfer of ownership of either parcel or lot; or
  - b. An accessory dwelling must be converted to a conforming primary dwelling as part of the land division application.

**This application for land division will have a single leftover parcel. This leftover parcel shall be part of a future middle housing subdivision. The proposed land division will not preclude further development of parcel 1. All accessory structures on parcel 2 shall be removed.**

C. Development of Leftover Parcels or Lots

Leftover parcels or lots created under this provision may not be developed until they are further divided into additional parcels or lots pursuant to this title, where applicable. Parcels or lots created from leftover parcels or lots must be consistent with the standards of the applicable provisions in Title 19, to ensure that the applicable minimum density standard is met.

**Leftover Parcels shall be divided under middle housing rules in Title 19. These will be a separate application.**

D. Submittal Requirements

The following must be provided with submittal for the land division:

1. Payment-in-lieu of required future improvements along the existing street frontage(s) of the leftover parcel(s) or lot(s).
2. A deed restriction requiring removal of any applicable accessory structure or accessory dwelling unit upon transfer of ownership of either parcel or lot.
3. A concept plan that includes the following:
  - a. For single detached dwelling and middle housing development;



- (1) A plot plan showing a future platting of the leftover parcel(s) or lot(s), that meets minimum density.
- (2) Access and street layout, as applicable.
- (3) Plan sheet showing requirements of other applicable provisions of Title 17.
  - b. For all other uses, including, but not limited to, multi-unit, commercial, industrial, and mixed-use development:
- (1) A plot plan showing a future platting of the leftover parcel(s) or lot(s) that meets minimum density.
- (2) Future uses.
- (3) Building footprints.
- (4) Parking areas.
- (5) Access and street layout (as applicable).
- (6) Plan requirements of other applicable provisions of Title 17.

**These items shall be provided upon future application for Middle housing as directed by City Staff.**

17.32.010 IMPROVEMENT PROCEDURES

**Improvements shall not be made until plans have been checked and approved by the city in writing, and a performance bond and certificate of insurance is provided.**

17.32.020 UTILITY UNDERGROUNDING

**All utility lines, including, but not limited to, those required for electric, communication, lighting, cable television services, and related facilities will be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high-capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. All necessary arrangements with the serving utility is being sought to provide the underground services**

17.32.030 GUARANTEE.

**All improvements installed by the applicant shall be guaranteed as to workmanship and material for a period of two years following acceptance by the City. Such guarantee must be secured by cash deposit or maintenance warranty bond in the amount of the value of the improvements as set by the City Engineer. Said cash or bond must comply with the terms and conditions of Section**

**Zone Summary:**

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

Table 19.301.2: Moderate Density Residential Uses Allowed:

**Single Detached Dwellings allowed on lots greater than 5,000 sf. No other uses are proposed as part of the Front/Back lot division.**

**Existing Single detached Dwelling to remain on front lot, with some structural modification to allow for access & utility easements for back lots.**

Table 19.301.4: Moderate Density Residential Development Standards

**Lot size: 7,000 sf & Up**

	Required	Provided	
		Parcel 1 (front lot)	Parcel 2 (back lot)
Minimum Lot Width	60'	110.60	110.60
Minimum Lot Depth	80'	113.93	180.91

Minimum Street Frontage Standard Lot	35'	110.60	Does not apply to back lots
Minimum Yard Requirements			
Front Yard	20'	44.07'	N/A To Be Provide under separate permit
Side Yard	5/10	11.09'/16.01'	N/A To Be Provide under separate permit
Rear Yard	20'	20'	N/A To Be Provide under separate permit
Maximum Building Height	35'	Existing House is Approximately 15'	N/A To Be Provide under separate permit
Side Yard Height Plane Limit			
Height Above Ground at minimum required side yard.	20'	10'	N/A To Be Provide under separate permit
Slope of Plane (degrees)	45	N/A (Top of roof below 20')	N/A To Be Provide under separate permit
Maximum Lot Coverage	30%	2,309 sf (existing house) /12,601 (parcel 1) = 18%	NA
Minimum Vegetation	15%	5,305 sf (estimated vegetated area)/12,601 (parcel 1) = 42%	To be provided under separate permit
Density Requirements (Dwellings per Acre)			
Minimum	5.0	1 unit per 0.29A = 3.45 Dwellings per acre	To be provided under separate permit
Maximum	6.2		

**19.202.4 Density Calculations.**

Minimum required and maximum allowed dwelling unit density will be calculated as described below, except that residential cluster development on lands containing natural resource areas are subject to the density calculations in Subsection 19.402.14.C. The purpose of these calculations is to ensure that properties develop at densities consistent with the densities in the Comprehensive Plan. The area deductions for minimum required density allow properties to utilize land that can be built upon. The area deductions for maximum allowed density include sensitive lands where development should be avoided.

**A. Gross Area**

The gross area of a lot is measured in sq ft and is determined by a registered professional land surveyor or with data from the Clackamas County Assessor's Office.

**B. Rounding**

The results for minimum required and maximum allowed dwelling unit density are rounded based on a fraction that is truncated to 2 numbers past the decimal point. For example, 3.4289 is truncated to 3.42. Where a minimum density calculation results in a fraction that is 0.50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than 0.50, the fraction is rounded down to the preceding whole number. Where a maximum density calculation results in a fraction that is less than 0.75, the fraction is rounded down to the preceding whole number.

**C. Discrepancy between Minimum Required and Maximum Allowed Density**

If the calculation results are that minimum density is equal to maximum density, then the minimum required density is reduced by one. If the calculation results are that minimum density is larger than maximum density, then the minimum required density is reduced to one less than the maximum. If the calculation results are that the maximum density calculation is equal to zero, then the minimum density is one.

**D. Minimum Density**

**1. Deductions to Calculate Net Area**

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. Floodways, as determined by Federal Emergency Management Agency flood maps.

- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publically owned or open space owned in common by owners within the residential development.

2. Density Calculation

The minimum number of dwelling units required is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the minimum required dwelling unit density in the applicable base zone in Chapter 19.300.

3. Constrained Lands

Regardless of the density calculation described above, any legal lot that meets the standards of Subsection 19.501.1 is allowed at least one dwelling unit.

E. Maximum Density

1. Deductions to Calculate Net Area

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. 1% Annual Chance Flood areas (also called the 100-Year Floodplain), as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be publicly-owned or open space owned in common by owners within the residential development.
- d. Naturally occurring slopes in excess of 25%.
- e. Man-made slopes (grades that are the result of human activity rather than natural causes) in excess of 25% with both a horizontal measure over 40 ft and an elevation change more than 10 ft over that horizontal distance.

2. Density Calculation

The maximum number of dwelling units allowed is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

**Proposed Front/Back lot division brings the density requirement for the front 0.29 acre parcel into compliance with the density requirement as calculated below using the above methodology.**

**Minimum Density Calculation  $12,601/43,560 = 0.289 \times 5 = 1.45$  Units (round down) = 1 unit**

**Maximum Density Calculation  $12,601/43,560 = 0.289 \times 6.2 = 1.79$  units (round up) = 2 units**

**1 unit is being provided with the existing House.**

19.504.6 Flag Lot and Back lot Design & Development Standards

C. Development Standards—Back Lots

1. Yard Setbacks for Back Lots

- a. Front and rear yard: The minimum front and rear yard requirement for a single detached dwelling on a back lot is 30 ft. This requirement is reduced to 20 ft for the development of middle housing.
- b. Side yard. The minimum side yard for principal and accessory structures on back lots is 10 ft.

**The Middle housing development on the back lot will be addressed at the time of building permit submittal in accordance with current process as outlined by the City of Milwaukie.**

2. Variances

Variances of lot area, lot width, and lot depth standards for back lots are subject to a Type III variance per Section 19.911.

**No variances of lot area, width or depth standards are requested.**

3. Frontage, Accessway, and Driveway Design

- a. The driveway serving a back lot must have a minimum pavement width of 14 ft and maximum pavement width of 20 ft, subject to the requirements of the Fire Marshal and Chapters 12.16 and 12.24 and the Public Works Standards.

- b. The easement for access to a back lot must have a minimum width of 6 ft wider than the driveway throughout its entire length.
- c. Driveway Design and Emergency Vehicle Access
  - (1) Driveways must be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.
  - (2) Driveways must be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.
  - (3) A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.
  - (4) The back lot driveway must be consolidated with the driveway on the parent lot to the greatest extent practicable.
  - (5) Design standards for shared driveways serving more than 3 lots must be specified by the City Engineer after consultation with the Fire Marshal.
  - (6) Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

**The easement is designated to be 20' wide, To allow for the minimum 14' wide access drive noted in 3.a plus the required 6' additional easement width as noted in 3.b. The driveway design shall be part of the forthcoming middle housing application, and will be addressed at that time.**

#### D. Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing must conform to the standards of Subsection 19.502.2.B.

- 1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping must be installed within 6 months thereafter or the bond will be foreclosed. The property owner must maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.
- 2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.6.E. and 19.504.6.F.
  - a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.
  - b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot, or back lot, accessway. Dense planting must be used to provide screening along the accessway in areas where fencing is not permitted.
  - c. All required screening and planting must be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

**Screening shall be provided as part of the Middle Housing application, no additional screening above what is currently existing shall be required at this time.**

#### 19.607.1 RESIDENTIAL DRIVEWAYS AND VEHICLE PARKING AREAS.

##### A. Dimensions

**The front lot shall have a garage & driveway that provides parking spaces 9 ft wide x 18 ft deep. The back lot parking and drive shall be determined in future middle housing division.**

##### B. Location

**The provided off Street parking shall not occur over a public sidewalk, nor within an adjacent public street right-of way, or access easement.**

C. Parking Surface Materials.

**Parking surface shall be Asphalt or Concrete, which provides a durable, and dust-free hard surface. Storm-water runoff shall be addressed in the middle housing division, and associated engineering.**

D. Parking Area Limitations

**Uncovered parking & maneuvering areas occupy approximately of 1,800 sf of 6055 sf of front and street side yard area or 29.7%. This includes approximately 1,200 sf for the future access drive for the back lots. This meets the 50% & 30% Maximum allowable threshold. Only one uncovered parking space is provided in the front yard.**

E. Additional Driveway Standards

**The Driveway for the Existing residence on Parcel 1 shall utilize the access easement drive as the approach to SE. Stanley Ave. Supplemental Engineering to be provided as Part of the Middle Housing Division.**

19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking.

**No Provisions are being made for the Parking of Commercial Vehicles, Pleasure Crafts, or Recreational Vehicle Parking.**

19.608 Loading

**Fewer than 50 Dwelling units are Proposed – No loading is required.**

19.609 Bicycle Parking

**Single-detached dwellings, and plex developments are exempt from 19.609**

19.700 PUBLIC FACILITY IMPROVEMENTS

**19.702.4 Exemptions:**

Chapter 19.700 does not apply to the following types of development in all zones:

- A. Modifications to existing single detached and duplex residential structures that do not result in an increase in gross floor area.
- B. Construction or expansion of nonhabitable residential detached accessory structures. Garage and carport construction or expansions are only partially exempt. See Subsection 19.702.2.E above.
- C. Property line adjustments.

**This lot division does not result in additional area. Public facility improvements shall not be a requirement for this division. Any future Improvements shall be considered as they relate to the future middle housing development as part of that application.**

19.709.2 Public Utility Improvements

**Future Public Utility Improvements shall be addressed with the future middle housing development. No Public Utility Improvements are considered as part of this land division.**

Thank you



Jeremy Miller, AIA, LEED AP  
Principal Architect,  
Metropolitan Design Studio+Architecture, LLC



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PH: 503.867.5615 | F: 888.588.493



# CITY OF MILWAUKIE

July 2, 2024

Don Snair  
1500 SW 5<sup>th</sup> Ave  
Portland, OR 97201

**Re: Preapplication Report**

Dear Don Snair:

Enclosed is the Preapplication Report Summary from your meeting with the City on 6/20/24, concerning your proposal for action on property located at 11004 SE Stanley Ave.

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

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

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

Sincerely,

Emilie Bushlen  
Administrative Specialist II



**CITY OF MILWAUKIE**  
 10501 SE Main St  
 Milwaukie OR 97222  
 503.786.7555  
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# Preapplication Conference Report

Project ID: 24-008PA

This report is provided as a follow-up to the meeting that was held on 6/20/2024 at 10:00 AM.

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

## APPLICANT AND PROJECT INFORMATION

<b>Applicant:</b>	Don Snair	<b>Applicant Role:</b> Developer
<b>Applicant Address:</b>	1500 SW 5 <sup>th</sup> Ave, Portland, OR 97201	
<b>Company:</b>	DBRE Investments	
<b>Project Name:</b>	Detached quadplex and middle housing land division	
<b>Project Address:</b>	11004 SE Stanley Ave (1S2E31AA07800)	<b>Zone:</b> R-MD (Moderate Density Residential)
<b>Project Description:</b>	Partition to create a developable flag lot, construct detached quadplex units on the flag lot, then use the middle housing land division process to put each unit on its own lot.	
<b>Current Use:</b>	Single detached dwelling	
<b>Applicants Present:</b>	Don Snair (developer, DBRE Investments)	
<b>Staff Present:</b>	Brett Kelter (Senior Planner), Jennifer Backhaus (Engineering Tech III), Harmony Drake (Permit Coordinator)	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory)</b>	The property is zoned Moderate Density Residential (R-MD), which allows a variety of residential housing types, including single-unit detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster development.
<input checked="" type="checkbox"/>	<b>Dimensional Standards</b>	<p>The subject property is comprised of a single tax lot, approximately 32,615 sq ft in size (0.75 acres) and is developed with a single detached dwelling (house). The property has approximately 110 ft of street frontage on Stanley Avenue.</p> <p>Dimensional standards for the R-MD zone vary based on the lot size and are provided in Milwaukie Municipal Code (MMC) Table 19.301.4. Setback requirements for lots 7,000 sq ft and larger are as follows:</p> <p>Front yard = 20 ft          Side yard = 5 ft &amp; 10 ft          Rear yard = 20 ft</p>



		<p>Side yard height plane = At minimum setback, at the 20-ft height mark the structure must start moving away from the side property line at no steeper an angle of 45°.</p> <p>MMC Subsection 19.501.2.B allows eaves and overhangs to extend up to 3 ft into a front or rear yard and up to 2 ft into a side yard.</p> <p>For middle housing land divisions, the dimensional standards of MMC Table 19.301.4 are not applicable to the new sublots, as the overall property must show compliance prior to the middle house land division being allowed.</p>
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<b>Land Use Review Process</b>		
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<input checked="" type="checkbox"/>	<b>Applications Needed, Fees, and Review Type</b>	<p>Fees for conventional partition process:</p> <ul style="list-style-type: none"> <li>• Minor land partition, preliminary plat (Type II review) = \$2,000</li> <li>• Final Plat (Type I review) = \$200</li> </ul> <p>No land use application is required for the development of middle housing unless a variance is requested. Applicable standards for development will be reviewed and confirmed as part of the building permit review.</p> <p>Fees for middle housing partition process:</p> <ul style="list-style-type: none"> <li>• Middle housing land division, preliminary plat (Type II) = \$2,000</li> <li>• Final Plat for middle housing land division (Type I) = \$200</li> </ul>
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<input checked="" type="checkbox"/>	<b>Application Process</b>	<p><b>Conventional partition:</b></p> <p>For the initial conventional partition (to create the flag lot), a minor land partition application is needed. There is an initial approval (preliminary plat) followed by the final plat process.</p> <p>The applicant must submit a complete electronic copy of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.</p> <p>For Type II applications, within seven (7) days of the application being deemed complete, public notice of the application will be sent to property owners and current residents within 300 ft of the subject property, and a sign with notice of the application must be posted on the site. The application will also be referred to other relevant departments and agencies for review and comment. Parties will have at least 14 days to provide comments before a decision is issued by the Planning Manager.</p> <p>Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. If no appeal is received within the 15-day window, the decision becomes final. Any appeal of a Type II decision will be heard by the Planning Commission to establish a final local decision.</p> <p><b>Middle housing land division:</b></p> <p>A middle housing land division is a land division that establishes unique lots for middle housing units that have been developed or approved for development; this is different from a land division to create standard lots that may be developed later with middle housing. Middle housing land divisions are processed with an expedited Type II review and are recorded with a final plat to complete the process.</p> <p>The conventional final plat must be recorded before a middle housing land division can be initiated, and the corresponding middle housing development permits have been approved and issued. The applicant must submit a complete electronic copy of all application materials for the City's initial review. For the middle housing land division, a determination of the application's completeness will be issued within 21 days. If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.</p> <p>For middle housing land divisions, the state requires decisions to be issued within 63 days of being deemed complete. Staff will work within the Type II process, sending the required public notice (to property owners and current residents within 300 ft of the subject property) within seven (7) days of the application being deemed complete. A sign with notice of the</p>
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		<p>application must also be posted on the site. The application will be referred to other relevant departments and agencies for review and comment. Parties will have at least 14 days to provide comments before a decision is issued by the Planning Manager.</p> <p>The final plat for the middle housing units can be signed as soon after the preliminary plat approval as any associated conditions of approval have been met, and not necessarily in conjunction with any particular stage of construction on the site itself.</p>
<b>Overlay Zones (MMC 19.400)</b>		
<input type="checkbox"/>	<b>Willamette Greenway</b>	(There are no overlays for the subject property.)
<input type="checkbox"/>	<b>Natural Resources</b>	
<input type="checkbox"/>	<b>Historic Preservation</b>	
<input type="checkbox"/>	<b>Flex Space Overlay</b>	
<b>Site Improvements/Site Context</b>		
<input checked="" type="checkbox"/>	<b>Landscaping Requirements</b>	The R-MD zone requires a minimum of 30% of the site to be vegetated (for lots 7,000 sq ft and above). A maximum of 30% of the lot area can be covered with structures (taller than 18 inches or more above grade), not including eaves and overhangs.
<input checked="" type="checkbox"/>	<b>Onsite Pedestrian/Bike Improvements</b>	MMC Subsection 19.505.1.D.2 establishes standards for pedestrian circulation. Continuous connections must be provided between ground-level entrances of the primary buildings and streets abutting the site, common buildings, common open space, and vehicle and bicycle parking areas. At least one pedestrian connection must be provided to an abutting street frontage for each 200 linear ft of street frontage—the flag lot driveway will suffice in this case. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards. Walkways must be constructed with a hard surface material and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.
<input type="checkbox"/>	<b>Connectivity to surrounding properties</b>	
<input type="checkbox"/>	<b>Circulation</b>	
<input checked="" type="checkbox"/>	<b>Building Design Standards (MMC 19.505)</b>	<p>Design standards for new single detached and middle housing dwellings are provided in MMC Subsection 19.505.1.</p> <p>The building design standards apply when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line and include requirements for articulation, eyes on the street, main entrance, and detailed design. The existing dwelling presumably meets all applicable design standards but is not required to come into compliance if nonconforming—it simply cannot be pushed out of (or farther out of) compliance because of the proposed development.</p> <p>Site design standards include a requirement that detached units be at least 6 ft apart, with other standards for pedestrian circulation, privacy and screening, sustainability, and recycling areas.</p> <p>Fences along the lot perimeter are allowed up to 6 ft in height along side and rear boundaries but only up to 42 in (3.5 ft) where in front of the front face of the primary structure. Fences on the interior of the overall lot (i.e., along new middle housing lot lines) are limited to a height of 3 ft.</p>

<input type="checkbox"/>	<b>Downtown Design Standards (MMC 19.508)</b>	
<b>Parking Standards (MMC 19.600)</b>		
<input checked="" type="checkbox"/>	<b>Residential Off-Street Parking Requirements</b>	<p>For middle housing (plex) development, there is no minimum number of required off-street parking spaces but there is a maximum allowance of 1 space per dwelling unit.</p> <p>MMC Subsection 19.607.1 establishes standards for residential driveways and vehicle parking areas. Note that in MMC Subsection 19.607.1.D there are several limitations on off-street parking, including that no more than 50% of a front yard area or 30% of a street-side yard area can be for parking or maneuvering. No more than three (3) parking spaces (9 ft by 18 ft in dimension) can be in the required front yard (based on the minimum setback). Note that the pole portion of the flag lot driveway does not count toward the maximum of 3 spaces in the required front yard.</p> <p>Driveways must be no wider than their corresponding approaches within a certain distance of the right-of-way boundary—see Figures 19.607.1.E.1 and E.2 for illustrations of widening options.</p>
<input type="checkbox"/>	<b>Multi-Family/Commercial Parking Requirements</b>	
<b>Approval Criteria (MMC 19.900)</b>		
<input type="checkbox"/>	<b>Community Service Use (CSU) (MMC 19.904)</b>	
<input type="checkbox"/>	<b>Conditional Use (MMC 19.905)</b>	
<input type="checkbox"/>	<b>Development Review (MMC 19.906)</b>	
<input type="checkbox"/>	<b>Variance (MMC 19.911)</b>	
<b>Land Division (MMC Title 17)</b>		
<input checked="" type="checkbox"/>	<b>Design Standards</b>	<p>Once middle housing is developed (or approved for development), the property can be divided to place each middle housing unit on its own lot. This kind of land division does not require that each new middle housing lot comply with the same development and design standards as the “parent” lot, but the resulting new middle housing lots cannot be further divided. The middle housing land division process is an expedited one and is handled with Type II review; the final decision (including an appeal, if necessary) must be issued within 63 days of the application being deemed complete.</p>
<input checked="" type="checkbox"/>	<b>Preliminary Plat Requirements</b>	<p>Middle housing land divisions are processed in two steps, with a preliminary plat and then a final plat.</p> <p>MMC Section 17.16.050 provides application requirements and procedures for preliminary plats, including a reference to the City’s preliminary plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for preliminary plat established in MMC Chapter 17.20.</p> <p>MMC Section 17.18.020 establishes approval criteria for preliminary plats for conventional partitions. The application must include a narrative description demonstrating that the proposal meets all applicable code requirements and design standards, and it must meet the following criteria:</p> <ol style="list-style-type: none"> <li>1) The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.</li> </ol>

- 2) The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.
- 3) The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).
- 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.
- 5) A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

MMC Subsection 17.26.010.D establishes specific approval criteria for preliminary plats for middle housing land divisions. The application must include a narrative description demonstrating that the proposal meets all applicable code requirements and design standards, and it must meet the following criteria:

- 1) The proposed plat complies with Title 19 and other applicable regulations and standards.
- 2) The proposed land division allows for reasonable development and does not create the need for a variance.
- 3) The proposed subdivision plat name is not duplicative and satisfies all applicable standards of ORS 92.090(1).
- 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 pattern.
- 5) Specific approval criteria for middle housing land divisions:
  - a. The middle housing development complies with the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19.
  - b. The middle housing development is in compliance with the land use regulations applicable to the parent lot allowed under ORS 197.758(5).
  - c. Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.
  - d. Easements will be provided as necessary for each dwelling unit on the site for:
    - i. Locating, accessing, replacing, and servicing all utilities;
    - ii. Pedestrian access from each dwelling unit to a private or public road;
    - iii. Any common use areas or shared building elements;
    - iv. Any dedicated driveways or parking; and
    - v. Any dedicated common area.
  - e. Exactly one dwelling unit will be located on each subplot except for lots or tracts used as common areas, on which no dwelling units will be permitted.
  - f. Buildings or structures on a subplot will comply with applicable building codes provisions relating to new property lines.
  - g. Structures or buildings located on the sublots will comply with the Oregon Residential Specialty Code.
  - h. Where a resulting lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to Chapter 19.700.
  - i. The proposed middle housing land division will not cause any existing improvements on the sublots to be inconsistent with applicable standards in this land use code.

		<p>The City will attach conditions of approval of a preliminary plat for a middle housing land division to require that a notation appear on the final plat indicating:</p> <ol style="list-style-type: none"> <li>1) The sublots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.</li> <li>2) The middle housing developed on the sublots shown on the preliminary plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.</li> <li>3) Accessory dwelling units are not permitted on sublots resulting from a middle housing land division.</li> <li>4) Ensure that improvements associated with review criteria in this section are provided.</li> </ol> <p>The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.</p>
<input checked="" type="checkbox"/>	<p><b>Final Plat Requirements (See Engineering Section of this Report)</b></p>	<p>MMC Section 17.16.060 provides application requirements and procedures for final plats, with a reference to the City's final plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for final plat established in MMC Chapter 17.22.</p> <p>MMC Section 17.18.030 establishes the following approval criteria for final plats:</p> <ol style="list-style-type: none"> <li>1) Compliance with the preliminary plat approved by the approval authority, with all conditions of approval satisfied.</li> <li>2) The preliminary plat approval has not lapsed.</li> <li>3) The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities.</li> <li>4) The plat contains a donation to the public of all common improvements, including streets, roads, parks, sewage disposal, and water supply systems.</li> <li>5) All common improvements required as conditions of approval have been described and referenced on the plat, and where appropriate, instruments to be recorded have been submitted.</li> <li>6) The plat complies with the Zoning Ordinance and other applicable ordinances and regulations.</li> <li>7) Submission of signed deeds when access control strips are shown on the plat.</li> <li>8) The plat contains an affidavit by the land surveyor who surveyed that the land represented on the plat was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92.060. The plat must indicate the initial point of the survey and give the dimensions and kind of such monument and its reference to some corner established by the U.S. Survey or giving two or more objects for identifying its location.</li> <li>9) The final plat includes the following: <ol style="list-style-type: none"> <li>a. A note prohibiting further division of the sublots;</li> <li>b. Labels and descriptions of all tracts;</li> <li>c. A reference to any deed restrictions imposed on the lot or sublots as a condition of approval of the original lot creation, subplot plan, or development approval; and</li> <li>d. The middle housing developed on the sublots shown on the final plat must remain middle housing and will not be considered to be any other housing type as a result of the middle housing land division.</li> </ol> </li> <li>10) The City's Engineering Department has provided written confirmation that a sewage disposal system will be available to the subplot line of each subplot depicted in the final subplot plat.</li> <li>11) All public improvements have been installed and inspected and have been approved.</li> </ol>

		<p>12) A copy of the recorded document establishing a homeowner's association or similar entity to manage all commonly held areas located in tracts has been provided to the City. At a minimum this document must include the following:</p> <ul style="list-style-type: none"> <li>a. A description of the common elements located in tracts.</li> <li>b. An allocation to each unit included in the subplot plat of an undivided and equal interest in the common elements and the method used to establish the allocation.</li> <li>c. An establishment of use rights for common elements, including responsibility for enforcement, and</li> <li>d. A maintenance agreement for common elements, including an allocation or method of determining liability for a failure to maintain.</li> </ul> <p>Note that construction of any required public improvements must be completed, inspected, and accepted by the City prior to the City's sign-off on the final plat, unless an arrangement for bonding or other interim measure is made and agreed upon by the City. In the case of the proposed development, public improvements may include a new accessway and a 10-ft Public Utility Easement.</p>
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<input checked="" type="checkbox"/>	<b>Other Requirements</b>	The subject property was recently involved in a property line adjustment to acquire a portion of the adjacent property to the south (2647 SE Lake Rd), where the proposed new dwelling unit will be located (file #PLA-2024-001). The accompanying property line survey must be recorded with Clackamas County prior to the issuance of any permits for the proposed development.
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**Sign Code Compliance (MMC Title 14)**

<input type="checkbox"/>	<b>Sign Requirements</b>	
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**Noise (MMC Title 16)**

<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>	
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**Neighborhood District Associations**

<input checked="" type="checkbox"/>	<b>Historic Milwaukie</b>	<p>Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Linwood NDA (with the Lake Road NDA boundary running down the middle of 27<sup>th</sup> Avenue).</p> <p><u><b>Linwood NDA</b></u>          Laura Kirk (Chair) = <a href="mailto:laurdess509@yahoo.com">laurdess509@yahoo.com</a></p> <p>Regular meeting is the second Thursday of most months at 7:00pm at St. Paul's Methodist Church (11631 SE Linwood Ave), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.</p>
	<b>Lake Road</b>	
	Choose an item.	

**Other Permits/Registration**

<input type="checkbox"/>	<b>Business Registration</b>	
<input type="checkbox"/>	<b>Home Occupation Compliance (MMC 19.507)</b>	

**Additional Planning Notes**

Note that, following middle housing land division, the sublots are still collectively considered a single lot or parcel for all but platting and property transfer purposes. For example, an accessory dwelling unit (ADU) cannot be developed on any of the sublots. Future improvements on any of the sublots (such as accessory structures) will have to be mindful of the overall property's limitations with respect to maximum lot coverage and minimum vegetation requirements.

## ENGINEERING & PUBLIC WORKS COMMENTS

### Public Facility Improvements (MMC 19.700)

<input checked="" type="checkbox"/>	<b>Applicability (MMC 19.702)</b>	<p>MMC 19.702 establishes the applicability of MMC 19.700, including to partitions, subdivisions, replats, new construction, and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.</p> <p>The proposed development is to construct four new detached dwellings. MMC 19.700 applies.</p>
<input type="checkbox"/>	<b>Transportation Facilities Review (MMC 19.703)</b>	Per MMC 19.703.2, because the proposed development does not trigger a Transportation Impact Study (TIS), a Transportation Facilities Review (TFR) application is not required.
<input type="checkbox"/>	<b>Transportation Impact Study (MMC 19.704)</b>	
<input checked="" type="checkbox"/>	<b>Agency Notification (MMC 19.707)</b>	<p>The City must provide notification to Metro and Clackamas County whenever a proposed development is within 200 ft of a designated arterial or collector roadway. Notice must be provided to TriMet whenever a proposed development is within 200 ft of an existing or proposed transit route on the current TriMet service map and/or Figure 7-3 of the Transportation System Plan (TSP).</p> <p>The subject property has frontage on Stanley Avenue, which is a collector roadway, so Metro and Clackamas County will be notified. The site is not within 200 ft of a transit route as shown on Figure 7-3 of the TSP, so TriMet will not be notified.</p>
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	<p>Access Management: All development subject to MMC 19.700 must comply with access management standards contained in MMC 12.16.</p> <p>Clear Vision: All developments subject to MMC 19.700 must comply with clear vision standards contained in MMC 12.24.</p> <p>Frontage improvements beyond a new shared accessway are not required as part of this development.</p>
<input checked="" type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	A 10-ft Public Utility Easement (PUE) will be required along the entire frontage of the development.

### Flood Hazard Area (MMC 18)

<input type="checkbox"/>	<b>Development Permit (MMC 18.16.030)</b>	The project area is not within the Federal Emergency Management Agency (FEMA) 1% annual chance flood area (i.e., 100-year floodplain) and is not subject to the flood hazard requirements of Title 18.
<input type="checkbox"/>	<b>General Standards (MMC 18.04.150)</b>	
<input type="checkbox"/>	<b>Compensatory Storage (MMC 18.20.020)</b>	
<input type="checkbox"/>	<b>Floodways (MMC 18.20.010.B)</b>	

### Environmental Protection (MMC 16)

<input type="checkbox"/>	<b>Weak Foundation Soils (MMC 16.16)</b>	
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<input checked="" type="checkbox"/>	<b>Erosion Control (MMC 16.28)</b>	<p>Minimize tracking out sediment onto Stanley, and retain existing vegetation (the best erosion control) to the maximum extent practicable.</p> <p>Common EC measures will be required including: gravel construction entrance/exit, perimeter sediment controls, and proper storage of construction and waste materials.</p> <p>Erosion control and prevention is required as outlined in <a href="#">MMC16.28</a>.</p> <p><a href="#">Standard Erosion Prevention and Sediment Control notes</a></p> <p>Projects that disturb more than 500 sq ft within the City of Milwaukie limits require an <a href="#">Erosion Control Permit</a> from the City's Building Department. Even projects that are less than 500 sq ft may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.</p> <p>Please review the City's <a href="#">Erosion Prevention and Sediment Control requirements</a>. The applicant is encouraged to use the City's adopted <a href="#">Erosion Prevention and Sediment Control Planning &amp; Design Manual (2020)</a> for assistance in designing an erosion control plan.</p> <p>Development sites between 1 and 5 acres should apply for a 1200-CN permit as outlined on <a href="https://www.milwaukieoregon.gov/publicworks/1200cn">https://www.milwaukieoregon.gov/publicworks/1200cn</a>. Applicants will use the DEQ 1200-C permit application but submit it to the City for review and approval through the Milwaukie Erosion and Sediment Control Program. A 1200-C permit can be found on the DEQ website at <a href="https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx">https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx</a>. Applicants do not need to submit a permit directly to DEQ if under 5 acres in site size.</p> <p>For more information, please visit <a href="https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control">https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control</a> or contact <a href="mailto:erosioncontrol@milwaukieoregon.gov">erosioncontrol@milwaukieoregon.gov</a>.</p>
<input checked="" type="checkbox"/>	<b>Tree Code (MMC 16.32)</b>	<p>The property is zoned for residential use, so the City's tree code requirements (MMC Chapter 16.32) are applicable.</p> <p>The tax lot(s) included in the development site will be subject to the development tree code (MMC 16.32.042 A-H).</p> <p>The development tree code requires for this development compliance and/or mitigation associated with the following standards:</p> <ul style="list-style-type: none"> <li>- Preservation standard</li> <li>- Planting standard</li> <li>- Protection standard</li> <li>- Soil volume standard.</li> </ul> <p>For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage <a href="#">here</a>. Mitigation fees are outlined in the <a href="#">Consolidated Fee Schedule</a>. The applicant may seek a variance for one or more of these standards through a Type III variance process (MMC 16.32.042.E).</p> <p>Note that there is no preservation mitigation fee assessed for trees removed above the 30% canopy cover threshold. The lot must then provide a minimum of 40% canopy, either by planting or by paying a mitigation fee of \$5 per sq ft of needed canopy. Large-diameter trees receive bonus canopy multipliers depending on their size.</p> <p>Bonds are required for tree protection and post development warranties as outlined in the Consolidated Fee Schedule.</p> <p>Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional supportive documentation, including canopy lists and tree protection and planting guidance are available at <a href="http://www.milwaukieoregon.gov/trees">www.milwaukieoregon.gov/trees</a>.</p> <p>The development tree code submittals are due at time of building permit application unless a variance is requested through the land use application process. Building permits will not be approved without completion and approval of the development tree code application.</p> <p>For more information, contact <a href="mailto:urbanforest@milwaukieoregon.gov">urbanforest@milwaukieoregon.gov</a> or call 503-786-7655.</p>



**Public Services (MMC 13)**

<input checked="" type="checkbox"/>	<b>Water System (MMC 13.04)</b>	<p>A new water utility connection for each unit is required for this development to be eligible for middle housing land division.</p> <p>New or upsized connection to City utilities is subject to plan and application review. Applications for city utility billing connections shall be made on approved forms: <a href="https://www.milwaukieoregon.gov/building/water-connection-application">https://www.milwaukieoregon.gov/building/water-connection-application</a></p> <p>A system development charge (SDC) and a water service connection fee must be paid prior to any new or upsized connections to city water.</p> <p>A 10" water main located in Stanley Avenue is available for connection and extension.</p> <p>A ROW Permit is required to complete this work.</p>
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	<p>A new wastewater utility connection for each unit is required for this development to be eligible for middle housing land division.</p> <p>New or upsized connection to City utilities is subject to plan and application review.</p> <p>A City of Milwaukie system development charge (SDC) and a Clackamas County wastewater treatment SDC must be paid prior to any new or upsized connections to city sewer.</p> <p>An 8" wastewater main in Stanley Avenue is available for connection.</p> <p>A ROW Permit is required to complete this work.</p>
<input checked="" type="checkbox"/>	<b>Stormwater Management (MMC 13.14)</b>	<p>Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual.</p> <p>All new impervious surface area greater than 500 square feet must be treated on site. Stormwater treatment is evaluated at the time of building permit review. A completed Operations and Maintenance Packet is required prior to final occupancy.</p> <p>An SDC must be paid prior to building permit issuance.</p>
<input checked="" type="checkbox"/>	<b>System Development Charge (MMC 13.28.040)</b>	<p>All new development or intensification of use shall be subject to SDCs.</p> <p>Latest charges are determined by the Master Fee Schedule available here: <a href="https://www.milwaukieoregon.gov/finance/fees-charges">https://www.milwaukieoregon.gov/finance/fees-charges</a></p> <p>An estimate will be provided.</p>
<input type="checkbox"/>	<b>Fee in Lieu of Construction (MMC 13.32)</b>	

**Public Places (MMC 12)**

<input checked="" type="checkbox"/>	<b>Right of Way Permit (MMC 12.08.020)</b>	<p>A ROW Permit will be required for any frontage improvements, utility work within the ROW, extension of public utilities, and/or driveway construction for the development.</p> <p>A full set of engineered civil plans is required as part of the ROW permit review process. An approved Engineer's Estimate is required and will be used to determine the Performance and Maintenance bonds required to complete this work.</p>
<input checked="" type="checkbox"/>	<b>Access Requirements (MMC 12.16.040)</b>	<p>Per MMC 12.16.040, private property must be provided with street access via accessways (driveways). These driveways must be constructed under a ROW permit in accordance with the current Milwaukie Public Works Standards.</p> <p>The proposed development will establish a shared accessway between all units.</p> <p>MMC Subsection 12.16.040.E.3 limits driveway approaches to a width ranging from 20 ft to 24 ft for shared accessways of 5-8 units on a collector street.</p>

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

An SDC estimate will be provided soon. Fees have recently changed as of July 1, 2024.

**BUILDING COMMENTS**

All drawings must be submitted electronically through [www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov)

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

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

Note: Plumbing and electrical plan reviews (when required) are done off site and are subject to that jurisdiction’s timelines. The City does not have any control over those timelines, so please plan accordingly.

Site utilities require a separate plumbing permit and will require plumbing plan review.

If you have any building related questions, please email us at [building@milwaukieoregon.gov](mailto:building@milwaukieoregon.gov).

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

**OTHER FEES**

<input checked="" type="checkbox"/>	<b>Construction Excise Tax</b> Affordable Housing CET – Applies to any project with a construction value of over 100,000.	<b>Calculation:</b> Valuation *12% (.12)
<input checked="" type="checkbox"/>	<b>Metro Excise Tax</b> Metro – Applies to any project with a construction value of over \$100,000.	<b>Calculation:</b> Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	<b>School Excise Tax</b> School CET – Applies to any new square footage.	<b>Calculation:</b> Commercial = \$0.69 a square foot, Residential = \$1.39 a square foot (not including garages)

**FIRE DISTRICT COMMENTS**

Please see the attached memorandum for fire district comments.

## COORDINATION WITH OTHER AGENCIES

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

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

## MISCELLANEOUS

### State or County Approvals Needed

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

### Arts Tax

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

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

<input type="checkbox"/>	Tree Removal Permit:	
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**Infrastructure/Utilities**

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

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

**Economic Development/Incentives**

<input type="checkbox"/>	Enterprise Zone:	
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<input type="checkbox"/>	Vertical Housing Tax Credit:	
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<input type="checkbox"/>	New Market Tax Credits:	
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<input type="checkbox"/>	Housing Resources:	
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**PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE**

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

Sincerely,

City of Milwaukie Development Review Team

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#### **BUILDING DEPARTMENT**

Patrick McLeod	Building Official	503-786-7611
Harmony Drake	Permit Coordinator	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

#### **ENGINEERING DEPARTMENT**

Jennifer Garbely	City Engineer	503-786-7534
Jeff Tolentino	Assistant City Engineer	503-786-7605
Jennifer Backhaus	Engineering Technician III	503-786-7608
(vacant)	Engineering Technician I	503-786-7609

#### **PLANNING DEPARTMENT**

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

#### **COMMUNITY DEVELOPMENT DEPARTMENT**

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

#### **SUSTAINABILTY DEPARTMENT**

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

#### **CLACKAMAS FIRE DISTRICT**

Shawn Olson	Fire Marshal	<a href="mailto:shawn.olson@ClackamasFire.com">shawn.olson@ClackamasFire.com</a>
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## Pre-Application Comments

**To:** City of Milwaukie

**From:** Shawn Olson, Fire Marshal, Clackamas Fire District #1

**Date:** 6-17-2024

**Re:** 11004 Stanley Ave.-4 plex

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

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### Fire Apparatus Access:

1. Fire department access to be established within 150' of all portions of a structure.
2. A 20' minimum clear, unobstructed width is required. 12' driving surface minimum
3. Fire department access roads greater than 150', require a fire department turnaround. Please include this dimension on the submitted access and water supply site plan.
  - a. Residential fire sprinklers can be installed in lieu of this requirement.
4. All fire department access roads to have minimum turning inside turning radius of 28' and outside radius of 48'.
5. No parking fire lanes to be painted red. Curbs to be painted on one side for roads 26-32' feet wide or 26' wide or less, no parking on both sides.
6. Access roads shall be constructed to withstand 75,000 lbs.
7. Provide address numbering that is clearly visible from the street for all buildings.
8. Developers of private streets less than 32 feet in width must establish a street maintenance agreement that provides for enforcement of parking restrictions.
- 9.

### Water Supply:

- 1) All new buildings shall have a firefighting water supply that meets the fire flow requirements of the Fire Code. Maximum spacing between hydrants on street frontage shall not exceed 500 feet.
- 2) Fire Hydrants, One and Two-Family Dwellings & Accessory Structures: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), additional fire hydrants and mains shall be provided.
- 3) For one- and two-family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply:
  - <3,600 square feet (including attached garage)  
1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction, (OFC Section B105.2)
  - >3,600 square feet (including attached garage shall meet fire flow requirements specified in Appendix B of the current Oregon Fire Code,

(OFC, Table B105.1) Shall meet hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)

- 4) Note: In lieu of the above fire flow requirements, residential fire sprinklers may be considered as an alternate when approved by the Fire Marshal.
- 5) Prior to the start of combustible construction required fire hydrants shall be operational and accessible.
- 6) Comments may not be all inclusive based on information provided.

When ready, submit all fire apparatus access and water supply plans to: [Fire Apparatus Access/Water Supply Plan Submittal](#)

If you have questions, please contact Clackamas Fire District @503-742-2663 or email at [shawn.olson@clackamasfire.com](mailto:shawn.olson@clackamasfire.com)