



CITY OF MILWAUKIE

December 5, 2024

Jeff Vanderdasson
915 SW Rimrock Way, Ste 201-230
Redmond, OR 97756

Re: Preapplication Report

Dear Jeff:

Enclosed is the Preapplication Report Summary from your meeting with the City on 11/21/2024, concerning your proposal for action on property located at 4920 SE Lake Rd.

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

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

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

Sincerely,

Petra Johnson
Administrative Specialist II



CITY OF MILWAUKIE
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Preapplication Conference Report

Project ID: 24-010PA

This report is provided as a follow-up to the meeting that was held on 11/21/2024 at 10:00 AM

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

APPLICANT AND PROJECT INFORMATION

Applicant:	Jeff Vanderdasson	Applicant Role: Engineer
Applicant Address:	915 SW Rimrock Way, Ste 201-230, Redmond, OR 97756	
Company:	Vando Development LLC	
Project Name:	Lake Road subdivision	
Project Address:	4920 SE Lake Rd	Zone: R-MD (after annexation)
Project Description:	Annexation and 5-lot subdivision (Phase 1)	
Current Use:	SFR	
Applicants Present:	Jeff Vanderdasson, Eugene Monaco (property owner)	
Staff Present:	Vera Kalias (Senior Planner), Jeff Tolentino (Assistant City Engineer), Ben Green (Engineering Technician II), Courtney Wilson (Urban Forester), Riley Gill (Environmental Services Coordinator), Patrick McLeod (Building Official), Harmony Drake (Permit Coordinator)	

PLANNING COMMENTS

Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	After annexation into the City, 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. https://ecode360.com/43866076
<input checked="" type="checkbox"/>	Dimensional Standards	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: Front yard = 20 ft Side yard = 5 ft & 10 ft Rear yard = 20 ft Maximum Building Height <ul style="list-style-type: none"> 35 ft

		<p>Maximum Lot Coverage</p> <ul style="list-style-type: none"> • 30% for lots 7,000+ sq ft • 35% for lots 5,000 – 6,999 sq ft <p>Side-Yard Height Plane</p> <ul style="list-style-type: none"> • 20 ft/45 degrees <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>https://ecode360.com/43866076</p> <p>Dimensional standards on the flag lots are discussed below.</p>
☑	<p>Flag Lot/Back Lot Development Standards</p>	<p>Development standards on flag lots differs from traditional lots as follows:</p> <p>Front yard = 30 ft (20 ft if middle housing) Side yard = 10 ft Rear yard = 30 ft (20 ft if middle housing)</p> <p>Flag lots must have frontage or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.</p> <p>Abutting flag lots must have a combined frontage and accessway of 25 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot cannot be less than 15 ft.</p> <p>Additional details available here: https://ecode360.com/43868007</p>
<p>Land Use Review Process</p>		
☑	<p>Applications Needed, Fees, and Review Type</p>	<p>The proposal includes annexation of the property into the City followed by a subdivision to divide the property into 5 lots in Phase 1 (4 building lots on the south end of the property plus the remaining lot for the existing house).</p> <ul style="list-style-type: none"> • Annexation: \$150 • Type II Variance: \$1,000 • Subdivision (Type II): \$4,400 + \$100 per lot over 4 lots • Final Plat: \$200 <p><u>Note:</u> For multiple applications, there is a 25% discount offered for each application fee beyond the most expensive one.</p>
☑	<p>Application Process</p>	<p><u>Expedited Annexation:</u> https://www.milwaukieoregon.gov/planning/annexation-application-and-instructions</p> <p>Annexation process:</p> <ul style="list-style-type: none"> • Application submittal: <ul style="list-style-type: none"> ○ Expedited annexation application form: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38451/annexexpedited_application.pdf ○ Expedited annexation petition forms: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38451/annexppetitionpacket_forms.pdf • Staff processes application, including: <ul style="list-style-type: none"> ○ Legal description for portion of Lake Road ○ Submittal to Department of Revenue (DOR) ○ Required notices to abutters ○ City Council review ○ Submittal to Metro and Secretary of State • Annexation process can take 2-3 months depending on surveyor, DOR response, City Council schedule, and final acceptance by Secretary of State

		<p>Note: the required information for the annexation application is provided by the applicant and Clackamas County, including certifications. Please be sure that all required information is submitted.</p> <p>Property <u>must</u> be annexed into the city prior to application for land division.</p> <p><u>Subdivision</u></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.</p> <p>For Type II applications, within 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.</p> <p>With Type II review, 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 would be heard by the Planning Commission for the final local decision.</p> <p><u>Type II Variance</u></p> <p>If a Type II variance to minimum setbacks is requested, then this material must be submitted along with the subdivision materials, as they will be reviewed concurrently. The application narrative must include information about the development standards, requested variances, site plan with building envelopes, and responses to all applicable Type II variance approval criteria. See variance section below.</p>
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Overlay Zones (MMC 19.400)

<input type="checkbox"/>	Willamette Greenway	The site is not in the Willamette Greenway
<input type="checkbox"/>	Natural Resources	There are no designated natural resources on the subject property.
<input type="checkbox"/>	Historic Preservation	
<input type="checkbox"/>	Flex Space Overlay	

Site Improvements/Site Context

<input checked="" type="checkbox"/>	Landscaping Requirements	<p>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.</p> <p>https://ecode360.com/43866076</p>
<input type="checkbox"/>	Onsite Pedestrian/Bike Improvements	
<input type="checkbox"/>	Connectivity to surrounding properties	
<input type="checkbox"/>	Circulation	
<input checked="" type="checkbox"/>	Building Design Standards (MMC 19.505)	Design standards for new single detached and middle housing dwellings are provided in MMC Subsection 19.505.1.

		<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>Note that the design standards, except for main entrance, apply to both the front of the dwelling and to the side of the homes within 50 ft of the street.</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.</p> <p>https://ecode360.com/43862921</p> <p>R-MD zoning worksheet: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/43721/r-md_zonews_form.pdf</p> <p>Design standards worksheet (required for each dwelling unit): https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/123753/one_to_four_units_design_standards_form_revised_aug2024.pdf</p>
<input type="checkbox"/>	Downtown Design Review (MMC 19.907) and Downtown Design Standards (MMC 19.508)	
Parking Standards (MMC 19.600)		
<input checked="" type="checkbox"/>	Residential Off-Street Parking Requirements	As of Jan. 1, 2023, the city can no longer require a minimum quantity of off-street vehicle parking for this site. If off-street parking is provided, it must meet the standards for off-street parking in residential areas found in MMC 19.607 .
<input type="checkbox"/>	Commercial Parking Requirements (MMC 19.600)	
Approval Criteria (MMC 19.900)		
<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	
<input type="checkbox"/>	Conditional Use (MMC 19.905)	
<input checked="" type="checkbox"/>	Variance (MMC 19.911)	<p>The applicant indicated that Type II variances to minimum setbacks on the flag lots will be sought. Application narrative must include specific setback requests, site plan with proposed building envelopes to confirm requested variances, and responses to all applicable Type II variance approval criteria: https://ecode360.com/43873021.</p> <p>Permitted Type II variances are listed here: https://ecode360.com/43872999. Variance requests that exceed the Type II amounts will be processed as Type III variances.</p>
Land Division (MMC Title 17)		
<input checked="" type="checkbox"/>	Design Standards	MMC Chapter 17.28 establishes design standards for newly created and modified lots in the city. Notably, lots shall contain necessary utility easements as described in MMC Section 17.28.030 and shall conform to the general lot design standards in MMC Section 17.28.040 .

		<p>Flag lot design standards can be found in MMC 17.28.050-070: https://ecode360.com/43859827.</p>
<input checked="" type="checkbox"/>	<p>Preliminary Plat Requirements</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 the preliminary plat established in MMC Chapter 17.20.</p> <p>MMC Section 17.18.040 establishes approval criteria for preliminary plats. 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"> (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) a detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards. <p>MMC Section 17.16.050 provides application requirements for a subdivision application. They include:</p> <ol style="list-style-type: none"> 1) Completed application form signed by all owners of the property included in the proposal. 2) The application fee as adopted by the City Council. 3) Completed and signed "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate additional information as may be required by the application checklist. 4) All information specified on the "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate. 5) Requirements and information specified in Chapter 17.20; and 6) Any additional information as may be needed to demonstrate compliance with approval criteria. <p>Preliminary plat checklist: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/preliminaryplatchecklist.pdf</p>
<input checked="" type="checkbox"/>	<p>Final Plat Requirements (See Engineering Section of this Report)</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 17.24.</p> <p>MMC Section 17.18.030 establishes the following approval criteria for final plats:</p> <ol style="list-style-type: none"> (1) Compliance with the preliminary plat approved by the approval authority, with all conditions of approval satisfied. (2) The preliminary plat approval has not lapsed. (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. (4) The plat contains a donation to the public of all common improvements, including streets, roads, parks, sewage disposal, and water supply systems.

		<p>(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.</p> <p>(6) The plat complies with the Zoning Ordinance and other applicable ordinances and regulations.</p> <p>(7) Submission of signed deeds when access control strips are shown on the plat.</p> <p>(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.</p> <p>Note: construction of all 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.</p> <p>Final plat checklist: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/finalplatchecklist.pdf</p>
<input type="checkbox"/>	Other Requirements	
Sign Code Compliance (MMC Title 14)		
<input type="checkbox"/>	Sign Requirements	
Noise (MMC Title 16)		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
Neighborhood District Associations		
<input checked="" type="checkbox"/>	<p>Lake Road</p> <p>Choose an item.</p> <p>Choose an item.</p>	<p>Prior to submitting the subdivision 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 Lake Road NDA.</p> <p>Lake NDA contact Debby Patten, Co-Chair: lakeroadndachair@gmail.com Carla Bantz, Co-Chair: lakeroadndacochair@gmail.com</p> <p>Regular meeting schedule is the second Wednesday of most months. Meetings are typically held at Milwaukie Floral and Garden, 3306 SE Lake Rd, but please check the City calendar to confirm whether the meeting will be in person, online, or both.</p> <p>https://www.milwaukieoregon.gov/citymanager/lake-road-nda</p>
Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
<p>The applicant has asked about adding notations to the final plat limiting development on the newly created lots unless additional right-of-way is dedicated. This would minimize the amount of dedication required for Phase 1. However, linking a final plat to future</p>		

development (particularly if permitted outright by the zoning code) and additional infrastructure is inappropriate for a land division document. A final plat is not the vehicle for development limitations and infrastructure requirements. It creates lots, easements, etc. as applicable, not restrictions on future development.

ENGINEERING & PUBLIC WORKS COMMENTS

Public Facility Improvements (MMC 19.700)

<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	<p>MMC 19.702 establishes the applicability of MMC 19.700, including to partitions, subdivisions, replats, new construction, and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.</p> <p>The proposal is to establish a four-lot subdivision while maintaining the existing dwelling unit – phase I. MMC 19.700 applies.</p> <p>Facility improvements are required as part of this development. See MMC 19.708 Transportation Requirements and MMC 13.32 Fee in Lieu of Construction for more information.</p>
<input type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	Per MMC 19.703.2, because the proposed development does not trigger a Transportation Impact Study (TIS), a Transportation Facilities Review (TFR) application is not required.
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)	A Transportation Impact Study (TIS) is not required.
<input checked="" type="checkbox"/>	Agency Notification (MMC 19.707)	<p>The city must provide notification to the following agencies under certain circumstances.</p> <p>Oregon Department of Transportation (ODOT) whenever a proposed development is within 200 ft of a state highway. The development is not within 200 ft of a state Highway 224, ODOT will not be notified.</p> <p>ODOT Rail Division whenever the proposed development is within 300 ft of a public railroad crossing. The development is not within 300 ft of a rail crossing; ODOT Rail Division will not be notified.</p> <p>Metro and Clackamas County when a development is within 200 ft of a designated arterial or collector roadway as identified in Figure 8-1 of the Transportation System Plan (TSP). The development is within 200 ft of Lake Road, an arterial street identified in the TSP. Metro and Clackamas County will be notified.</p> <p>TriMet if the 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). Lake Road has an existing bus route, so TriMet will be notified.</p>
<input checked="" type="checkbox"/>	Transportation Requirements (MMC 19.708)	<p>Access Management: All development subject to MMC 19.700 must comply with access management standards contained in MMC 12.16.</p> <p>Clear Vision: All developments subject to MMC 19.700 must comply with clear vision standards contained in MMC 12.24.</p> <p>All new streets shall be dedicated, designed, and improved in accordance with MMC 19.700 and the city's Public Works Standards.</p> <p>ROW dedication for an extension of Barbara Lynn Way will be required - the width of the dedication must be 54 ft. Any structures, such as private retaining walls, that would be within the newly dedicated right of way, may remain but are subject to a ROW encroachment permit: https://www.milwaukieoregon.gov/engineering/right-way-permit-application.</p> <p>Street improvement design is subject to plan review and approval.</p>

		Phase I Right-of-Way improvements for the extension of Barbra Lynn Way into the project site include (but are not limited to): Curb & gutter, 20-ft paved width, and on-street parking. The applicant must provide engineered plans for review and approval prior to permit issuance and construction. A Right-of-Way permit is required to construct all right-of-way improvements.
<input checked="" type="checkbox"/>	Utility Requirements (MMC 19.709)	A 10-ft public utility easement (PUE) will be required along the northern Barbara Lynn Way frontages. Abandonment of existing city mainlines within the property is allowable subject to plan review and permit approval. The applicant must provide engineering plans for review prior to permit issuance and construction. A Right-of-Way permit is required to construct these improvements.
Flood Hazard Area (MMC 18)		
<input type="checkbox"/>	Development Permit (MMC 18.16.030)	The subject property is not in a flood hazard zone.
<input type="checkbox"/>	General Standards (MMC 18.04.150)	
<input type="checkbox"/>	Compensatory Storage (MMC 18.20.020)	
<input type="checkbox"/>	Floodways (MMC 18.20.010.B)	
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	
<input checked="" type="checkbox"/>	Erosion Control (MMC 16.28)	Retain existing vegetation, the best erosion prevention, to the max extent. Work is permitted only in the identified project area. Land outside the project area must not be disturbed. The water quality area will accumulate sediment during construction. Sediment must be removed when the storage zone is half-full and relocated so that it will not erode from site. Solid waste generated from the demolition of the existing structure can be a major run-off pollutant. Additional containers or more frequent collections should be planned during the demolition phase. Construction sites 5 acres or more are subject to 1200-C requirements. Details can be found here: https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx Erosion control and prevention is required as outlined in MMC16.28 Standard Erosion Prevention and Sediment Control notes Projects that disturb more than 500 sq ft within the City of Milwaukie limits require an Erosion Control Permit from the City's Building Department. Even projects that are less than 500 sq ft may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project. Please review the City's Erosion Prevention and Sediment Control requirements . The applicant is encouraged to use the City's adopted Erosion Prevention and Sediment Control Planning & Design Manual (2020) for assistance in designing an erosion control plan. Development sites between 1 acre and 5 acres should apply for a 1200-CN permit as outlined on https://www.milwaukieoregon.gov/publicworks/1200cn . 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

		<p>DEQ website at https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx. Applicants do not need to submit a permit to DEQ if under 5 acres in site size.</p> <p>For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control or contact Riley Gill at erosioncontrol@milwaukieoregon.gov.</p>
<input checked="" type="checkbox"/>	<p>Tree Code (MMC 16.32)</p>	<p>All public trees over 2" in diameter at breast height (DBH) are regulated by the public tree code. Public trees are to be protected through development and included on the inventory and protection plan required by the private development tree code (MMC 16.32.042). Public tree removals require an approved permit for removal, which includes a notice period lasting 14 days but can extend to 28 days if public comment is received.</p> <p>Public trees require a permit for planting (free) – visit milwaukieoregon.gov/trees to learn more.</p> <p>Frontage improvements include tree replanting requirements in the public right-of-way (ROW) following the public works standards. Public trees may count for partial credit in the development tree code as described in MMC 16.32.042.</p> <p>The tax lots included in the development site will be subject to the development tree code (MMC 16.32.042 A-H.) Note that the lot with the existing house will not be required to meet 40% canopy coverage at this time. It will be subject to the development tree code if it is developed in the future.</p> <p>The development tree code requires compliance and/or mitigation associated with the following standards:</p> <ul style="list-style-type: none"> - Preservation standard - Planting standard - Protection standard - Soil volume standard <p>For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage here. Mitigation fees are outlined in the city's fee schedule. The applicant may seek a variance for one or more of these standards through a Type III variance process (MMC 16.32.042.E).</p> <p>Note that there is no preservation mitigation fee assessed for trees removed above the 30% canopy cover threshold. The lot must provide a minimum of 40% canopy, either by planting or by paying a mitigation fee of \$5 per sq ft of needed canopy. Large-diameter trees receive bonus canopy multipliers depending on their size.</p> <p>Bonds are required for tree protection and tree planting as outlined in the fee schedule.</p> <p>Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional supportive documentation, including canopy lists and tree protection and planting guidance are available at www.milwaukieoregon.gov/trees.</p> <p>The development tree code application is due at time of building permit application unless a variance is being requested through the land use application process. Building permits will not be approved without completion and approval of the development tree code application.</p> <p>For more information, please contact urbanforest@milwaukieoregon.gov or call 503-786-7655.</p>
<p>Public Services (MMC 13)</p>		
<input checked="" type="checkbox"/>	<p>Water System (MMC 13.04)</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: https://www.milwaukieoregon.gov/building/water-connection-application</p> <p>A system development charge (SDC) and a water service connection fee must be paid prior to any new or upsized connections to city water.</p>

		<p>Multiple water meters may be allowed subject to plan review. Water meters must be placed in the right-of-way and cannot be placed on private property.</p> <p>A ROW Permit is required to complete this work.</p>
<input checked="" type="checkbox"/>	Sewer System (MMC 13.12)	<p>New or upsized connections to City utilities are subject to plan and application review.</p> <p>An SDC must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer.</p> <p>A ROW Permit is required to complete this work.</p>
<input checked="" type="checkbox"/>	Stormwater Management (MMC 13.14)	<p>Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual.</p> <p>Stormwater facilities are subject to plan review and approval prior to permit issuance and construction. An Operations & Maintenance form is required prior to occupancy.</p> <p>An SDC must be paid prior to building permit issuance.</p> <p>The applicant has stated that they believed they were entitled to a connection to the stormwater collection system serving the neighboring Cereghino Farms subdivision, including the stormwater detention basin located at the southern end of Sprout Lane.</p> <ul style="list-style-type: none"> • The applicant believes they were entitled to access to the collection in Cereghino Farms, because a 2018 stormwater report developed by AKS Engineering for the Cereghino Farms subdivision discusses sizing the collection system to accommodate runoff from selected neighboring properties, including the property proposed for this development (4920 SE Lake Rd). • Per Clackamas County staff, there were no conditions of approval on the Cereghino subdivision requiring offsite lots to be included in the stormwater system design. • In the stormwater report cited above, each lot in Cereghino Farms was assumed to have 2,500 sq ft of impervious (house plus driveway, patios, etc.) for 55 lots. When permits were submitted for construction, each lot had a home that exceeded the 2,500 sq ft, not including driveways, patios, etc. The City of Milwaukie communicated this to the Cereghino Farms design engineer during permit review, and the City requested the engineer to revise the pond design to accommodate the offsite lots. The developer refused to revise the plans, so after further discussion with the engineer, the City approved the plans on condition from that engineer that it would be understood by all parties that the stormwater collection systems would only serve the Cereghino Farms Subdivision. Likewise, the offsite lots (including the 4920 SE Lake Rd property) would not be served by the Cereghino Farms collection system. The Cereghino Farms design Engineer agreed that this understanding would be acceptable. • Therefore, the proposed project would not be able to connect to the Cereghino Farms stormwater system as currently built. The applicant must provide onsite stormwater management, or improve the existing Cereghino Farms collection system to provide adequate capacity for the proposed project. <p>The applicant must submit a preliminary stormwater management plan that addresses stormwater mitigation for the project as part of the land division application. The submitted plans must address onsite stormwater management.</p> <p>If the applicant intends to connect to the Cereghino Farms system, then the report must include any downstream capacity in the Cereghino Farms collection system. Likewise, the submitted plans must address any necessary improvements to the existing Cereghino Farms collection system.</p>
<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	<p>All new development or intensification of use shall be subject to SDCs.</p> <p>Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges</p>

		An estimate will be provided upon request. Actual charges are subject to final plans and review.
<input type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	

Public Places (MMC 12)

<input checked="" type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	<p>A ROW Permit will be required for utility work within the ROW, accessway construction or abandonment, and any frontage improvements constructed.</p> <p>An Engineer's Estimate for all public improvements is required prior to permit issuance. An initial ROW permit fee of 1.5% of the initial estimate is due prior to permit review.</p> <p>A performance bond for 130% of the final Engineer's Estimate and a ROW permit fee of 5.5% (less the original permit review fee) is required prior to permit issuance. A maintenance bond for 10% of the Engineer's Estimate is required at the end of construction pending final as-built approval.</p>
<input checked="" type="checkbox"/>	Access Requirements (MMC 12.16.040)	<p>Per MMC 12.16.040, private property must be provided with street access via accessways (driveways). These driveways must be constructed under a ROW permit in accordance with the current Milwaukie Public Works Standards.</p> <p>The number of accessways on collectors and near state highways must be minimized whenever possible. The development must remove all accessways connecting to Harrison Street. Proposed accessway locations on 32nd Avenue and Meek Street are subject to plan review.</p>
<input checked="" type="checkbox"/>	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.

Additional Engineering & Public Works Notes

Final ROW requirements and System Development Charges are subject to final design and plan review.

SDC estimates can be provided pending further information on unit sizes, total impervious surface area, and water service sizes: <https://www.milwaukieoregon.gov/engineering/system-development-charges-sdcs>.

Phase II, the development of the northern lots would trigger further right-of-way improvements.

BUILDING COMMENTS

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

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

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

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.

Building permit fee calculator: <https://www.milwaukieoregon.gov/building/building-department-fees>

All construction will fall under the current residential code

OTHER FEES

<input checked="" type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *.12% (.12)
<input checked="" type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.78 a square foot, Residential = \$1.56 a square foot (not including garages)

FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

COORDINATION WITH OTHER AGENCIES

Applicant must communicate directly with outside agencies. These may include 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:	

Infrastructure/Utilities

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

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

Economic Development/Incentives

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

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

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

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Patrick McLeod	Building Official	503-786-7611
Harmony Drake	Permit Coordinator	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636
Emilie Bushlen	Permit Technician	503-786-7669

ENGINEERING DEPARTMENT

Jennifer Garbely	City Engineer	503-786-7534
Jeff Tolentino	Assistant City Engineer	503-786-7605
Ben Green	Engineering Technician II	503-786-7547

PLANNING DEPARTMENT

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

COMMUNITY DEVELOPMENT DEPARTMENT

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

SUSTAINABILITY DEPARTMENT

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

CLACKAMAS FIRE DISTRICT

Shawn Olson	Fire Marshal	shawn.olson@ClackamasFire.com
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DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

PRE-APPLICATION INFORMATION FROM DEVELOPMENT ENGINEERING

All information is considered informal, based on current Zoning and Development Ordinance requirements, current Roadway Standards requirements, and current Comprehensive Plan requirements. Prior to the submittal of a development application, the applicant is encouraged to contact staff to insure that these preapplication comments reflect the current standards.

FILE NO. 24-010PA, 5-Lot Subdivision, 4920 SE Lake Road.

LEGAL: 22E06BA00800

DATE: November 20, 2024

MEETING DATE: November 21, 2024

Engineering Staff: Kenneth Kent

Direct: 503-742-4673

Email: kenken@clackamas.us

- 1) The applicant is proposing a two phase development, including a 5-lot subdivision in phase one, and a 3-lot partition in phase 2.
- 2) With annexation of the property into the City of Milwaukie, SE Lake Road will remain under Clackamas County jurisdiction, unless the city requests a separate transfer of jurisdiction of the roadway.
- 3) SE Lake Rd is identified as an “existing arterial” on Comprehensive Plan Map 5-3 Essential Pedestrian Network. Standard curb exists throughout the frontage and sidewalk exists on adjacent properties, the applicant will be required to design and construct a separated 5 foot sidewalk along the frontage of SE Lake Rd. If necessary, the sidewalk can meander around the existing tree at the west end of the frontage.
- 4) The County has adopted access control standards to provide positive impact on traffic safety and efficiency for County and State roads. These standards promote shared access points to comply with access control, spacing standards, and to promote safer operations. Applicable references include ZDO section 1007, and Clackamas County Roadway Standards Section 220.

A further division of Lot 1 in Phase 2 is indicated, but proposed access is not identified. Although the access serving the existing dwelling can be retained, access for future lots does not meet access standards and should be from a lower classification roadway (SE Barbara Lynn Way). It should be noted that the County has a **Design Modification** process to request consideration of possible access to SE Lake Road for a future partition of Lot 1.

There is no guarantee of approval, but it would be necessary to identify constraints that limit the ability to provide access from SE Barbara Lynn Way. The subdivision application should identify access for phase 2, either to SE Barbara Lynn Way, or if approved through a Design Modification, to SE Lake Road.

- 5) Applicant shall dedicate approximately 15 feet of right-of-way, or as necessary to provide for a 40-foot half-street right-of-way width along SE Lake Rd per standard detail C140 of the Clackamas County Roadway Standards (three-lane urban minor arterial) or to include the required improvements, whichever is greater. Applicant shall grant an eight-foot wide easement for signs, slopes, sidewalks and public utilities along the entire SE Lake Rd frontage.
- 6) The applicant will be required to construct a minimum 12-foot wide, concrete driveway approach per Drawing D650.
- 7) Consistent with Section 240.2(e), existing accesses subject to land use approval where ADT is increased by 20 or fewer trips, the applicant shall provide adequate stopping sight distance per Table 2-10. SE Lake Rd has a posted speed of 40 mph, therefore the applicant will be required to provide a minimum 305 feet of stopping sight distance along SE Lake Rd.
- 8) Prior to final plat approval, the development shall meet the requirement set forth in Section 190 of the Roadway Standards for Substantial Completion including but not limited to:
 - a) All existing and proposed right-of-way dedications and easements are shown on preliminary plat.
 - b) All frontage improvements are completed and approved.
 - c) All Development Permit conditions of approval have been met.
- 9) Applicant shall obtain a permit from the County Engineering Section prior to plat recording.

Pre-Application Comments

To: City of Milwaukie

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

Date: 12/04/2024

Re: 24-010PA-5 Lot Subdivision

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:

Fire Apparatus Access:

1. Fire department access to be established within 150' of all portions of a structure.
2. The minimum driving surface for fire apparatus is 20' wide for subdivisions. No on-street parking allowed.
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 (NFPA 13D) 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.

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 firefighting 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)

Note: In lieu of the above fire flow requirements, residential fire sprinklers may be considered as an alternate when approved by the Fire Marshal.

- 4) Prior to the start of combustible construction required fire hydrants shall be operational and accessible.
- 5) 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