



# CITY OF MILWAUKIE

December 12, 2024

Dan Lajoie  
143 John Adams St.  
Oregon City, OR 97045

**Re: Preapplication Report**

Dear Dan:

Enclosed is the Preapplication Report Summary from your meeting with the City on 11/27/2024, concerning your proposal for action on property located at 12201 & 12207 SE River Road.

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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 building@milwaukieoregon.gov  
 engineering@milwaukieoregon.gov

# Preapplication Conference Report

Project ID: 24-012PA

This report is provided as a follow-up to the meeting that was held on 11/27/2024 at 9:30 AM.

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

## APPLICANT AND PROJECT INFORMATION

<b>Applicant:</b>	Dan Lajoie	<b>Applicant Role:</b> Architect/Designer
<b>Applicant Address:</b>	143 John Adams St, Oregon City, OR 97045	
<b>Company:</b>	Departure Architecture	
<b>Project Name:</b>	Attached duplex	
<b>Project Address:</b>	12201 & 12207 SE River Rd (1S1E36CC, lots 2901 & 2902)	<b>Zone:</b> R-MD (Moderate Density Residential)
<b>Project Description:</b>	Consolidate the lots and construct a duplex on the property in such a way as to maintain the future option for a middle housing land division process to put each unit on its own lot.	
<b>Current Use:</b>	Vacant (undeveloped)	
<b>Applicants Present:</b>	Dan Lajoie (architect, Departure Architecture), Emma Sagor (applicant), Tristan Shephard (applicant), Tanis Knight (applicant)	
<b>Staff Present:</b>	Brett Kelter (Senior Planner), Courtney Wilson (Urban Forester), Riley Gill (Environmental Services Coordinator), Patrick McLeod (Building Official), Jeff Tolentino (Assistant City Engineer), Chris Benn (Engineering Tech II), Michael Groome (Engineering Tech II)	

## 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 two tax lots representing two historic subdivision lots (lots 1 &amp; 3 from Block 4 of the Robertson subdivision, platted in 1884). It is approximately 10,615 sq ft in size (0.23 acres) and is currently undeveloped. The property has 100 ft of street frontage each on Wren Street and River Road.</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</p>

		<p>Street-side yard = 20 ft (applicant has proposed reducing this to 15 ft with a variance) Rear yard = 20 ft</p> <p>Side yard height plane = At minimum setback, at the 20-ft height mark the structure must start sloping 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 but to the property as a whole.</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>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>Lot consolidation (Type I) = \$200 Variance application (Type II) = \$1,000 Parking modification (Type II) = \$1,000</p> <p><u>Note:</u> For multiple applications processed concurrently, the full price is collected for the most expensive application, with a 25% discount offered for each other application fee.</p> <p>For a future middle housing partition, the following current fees would apply:</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>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><u>Middle housing land division note:</u> A middle housing land division (MHLD) 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. The preliminary plat MHLD is processed with an expedited Type II review, in which the state requires a decision to be issued within 63 days of being deemed complete. Staff will work within the Type II process as quickly as possible to meet the expedited timeline. Following this preliminary approval, the recording of a final plat completes the process</p> <p>The preliminary MHLD may be submitted concurrently with a variance application and can be initiated in conjunction with the submittal of building permits for the new units.</p> <p>The final plat for the MHLD can be signed as soon after the preliminary plat approval as any associated conditions of approval have been met (including construction of, bonding for, or payment of a fee in lieu of any required frontage improvements), and not necessarily in conjunction with any particular stage of construction on the site itself. However, please note that if the final plat is signed before construction of the new units is complete, any changes</p>
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		<p>to the approved/approvable building plans may necessitate the re-recording of the final plat.</p> <p>One of the approval criteria for a MHL is compliance with applicable building codes, so if the MHL process is initiated in conjunction with the building permit review and the review process nears the end of the 63-day clock and the corresponding middle housing development permits have not been approved or at least deemed approvable, staff will ask the applicant to extend the clock or else will issue a denial of the proposed MHL.</p> <p>With this in mind, the applicant may prefer to apply first for the variance and parking modification to ensure that the proposed design is approvable with respect to land use requirements before submitting for building permits and MHL.</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 proposed driveways will suffice. Walkways must be constructed with a hard surface material and must be no less than 3 ft wide.
<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.</p> <p>Site design standards include a requirement 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 for side and rear boundaries but only up to 42 in (3.5 ft) where in front of the front face of the primary structure. Clear vision requirements (MMC Chapter 12.24) also apply at driveways and intersections. 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>	

**Parking Standards (MMC 19.600)**

<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 one space per dwelling unit. Where garages are proposed, the associated driveway areas are not counted in the calculation of parking spaces. As originally proposed with one single-car and one double-car garage, the development would provide a total of three off-street parking spaces, which is one more than the maximum allowed for the development of two units. A parking modification request would be required to retain the extra space. (<u>Note</u>: If half of the double-car garage is used for storage and does not have a vehicle-sized door or a driveway leading to it, that space would not count against the parking maximum—only if it could realistically be used for parking.)</p> <p>MMC Subsection 19.605.2 establishes the process for making a request to exceed the maximum parking requirement. These requests are processed with Type II review and should address the approval criteria in MMC Subsection 19.605.2.C to make the case for the proposed increase—unusual characteristics of the proposed development, absence of alternatives, and smallest increase necessary.</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. (Take special note of the 30% street-side limitation, given the original proposal to provide a double-car driveway on that frontage and the fact that the street-side yard extends only to the eastern edge of the proposed primary structure—the front yard extends from the southern boundary all the way to the northern boundary. See Figure 19.607.1.D for an illustration.) No more than three parking spaces (9 ft by 18 ft in dimension) can be in the required front yard (based on the minimum setback).</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>
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<input type="checkbox"/>	<b>Multi-Family/Commercial Parking Requirements</b>	
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**Approval Criteria (MMC 19.900)**

<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 checked="" type="checkbox"/>	<b>Variance (MMC 19.911)</b>	<p>A Type II variance can be requested to reduce the required street-side yard setback by 25%, from 20 ft down to 15 ft. MMC Subsection 19.911.4.A establishes the following approval criteria for Type II variances:</p> <ol style="list-style-type: none"> <li>1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.</li> <li>2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.</li> <li>3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.</li> <li>4. Impacts from the proposed variance will be mitigated to the extent practicable.</li> </ol>
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		5. The proposed variance would allow the development to preserve a priority tree or trees or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32 (when applicable).
<b>Land Division (MMC Title 17)</b>		
<input checked="" type="checkbox"/>	<b>Design Standards</b>	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.
<input checked="" type="checkbox"/>	<b>Preliminary Plat Requirements</b>	<p>This information is applicable if a middle housing land division is proposed at some point. 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> <li>2) The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.</li> <li>3) The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).</li> <li>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.</li> <li>5) A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.</li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>1) The proposed plat complies with Title 19 and other applicable regulations and standards.</li> <li>2) The proposed land division allows for reasonable development and does not create the need for a variance.</li> <li>3) The proposed subdivision plat name is not duplicative and satisfies all applicable standards of ORS 92.090(1).</li> <li>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.</li> <li>5) Specific approval criteria for middle housing land divisions: <ol style="list-style-type: none"> <li>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</li> </ol> </li> </ol>

		<p>structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19.</p> <ul style="list-style-type: none"> <li>b. The middle housing development is in compliance with the land use regulations applicable to the parent lot allowed under ORS 197.758(5).</li> <li>c. Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.</li> <li>d. Easements will be provided as necessary for each dwelling unit on the site for: <ul style="list-style-type: none"> <li>i. Locating, accessing, replacing, and servicing all utilities;</li> <li>ii. Pedestrian access from each dwelling unit to a private or public road;</li> <li>iii. Any common use areas or shared building elements;</li> <li>iv. Any dedicated driveways or parking; and</li> <li>v. Any dedicated common area.</li> </ul> </li> <li>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.</li> <li>f. Buildings or structures on a subplot will comply with applicable building codes provisions relating to new property lines.</li> <li>g. Structures or buildings located on the sublots will comply with the Oregon Residential Specialty Code.</li> <li>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.</li> <li>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.</li> </ul> <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> <ul 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> </ul> <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> <ul 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> </ul>

		<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>9) The final plat includes the following:</p> <ul 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> </ul> <p>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.</p> <p>11) All public improvements have been installed and inspected and have been approved.</p> <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>
<input type="checkbox"/>	<b>Other Requirements</b>	
<b>Sign Code Compliance (MMC Title 14)</b>		
<input type="checkbox"/>	<b>Sign Requirements</b>	
<b>Noise (MMC Title 16)</b>		
<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>	
<b>Neighborhood District Associations</b>		
	<b>Historic Milwaukie</b>	



<input checked="" type="checkbox"/>	<p><b>Lake Road</b></p> <p>Choose an item.</p>	<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 Island Station NDA.</p> <p><b>Island Station NDA</b> Charles Bird (Chair) = <a href="mailto:charlesbird@juno.com">charlesbird@juno.com</a></p> <p>Regular meeting is the third Wednesday of most months at 6:30pm at Two Sisters Play Café (11923 SE McLoughlin Blvd), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.</p>
<b>Other Permits/Registration</b>		
<input type="checkbox"/>	<b>Business Registration</b>	
<input type="checkbox"/>	<b>Home Occupation Compliance (MMC 19.507)</b>	
<b>Additional Planning Notes</b>		
<p>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.</p>		
<b>ENGINEERING &amp; PUBLIC WORKS COMMENTS</b>		
<b>Public Facility Improvements (MMC 19.700)</b>		
<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 one new duplex or two townhomes. 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>	The proposed development does not trigger a Transportation Impact Study.
<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 River Road, which is an arterial roadway, so Metro and Clackamas County will be notified. The site is within 200 ft of a transit route as shown on Figure 7-3 of the TSP, so TriMet will 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>All new streets shall be dedicated, designed, and improved in accordance with MMC 19.700 and the city's Public Works Standards.</p> <p>Existing roadway condition on Wren is acceptable and no roadway improvements are required.</p> <p>Street improvement design is subject to plan review and approval. A 5-ft-wide sidewalk, with a planter strip (approximately 5 ft wide), 100 ft in length will be required on Wren Street. Sidewalk shall be located 6 in from the property line.</p> <p>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.</p>
<input checked="" type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	<p>Sewer utilities are available from River Road. Water utilities are available from Wren Street and River Road.</p> <p>A right of way permit will be required to perform any work within the ROW.</p> <p>Milwaukie only provides Storm, Sewer, and Water utilities. Any other utilities, (PGE, NW Natural, etc.) are all managed under Franchise Utility Operators, and the owner/developer team will need to coordinate those utility connections separately. A Franchise Utility Permit will need to be filed by the Operator with the City of Milwaukie in order to conduct work in the Right of Way.</p> <p>Owner/Developer team would need to coordinate with PGE to relocate the guy wires. If PGE will be relocated, PGE will need to file a Franchise Utility Permit with the City of Milwaukie to perform the work.</p> <p>There is a street moratorium on River Road expiring May 2026. As of November 2024, the roadway is in the fourth year of moratorium. Fourth year moratorium streets have a \$100 per sq ft surcharge for surface restoration. A \$3000 minimum deposit is also required to ensure any restoration is constructed to City Standards. See fee schedule for more information.</p>
<b>Flood Hazard Area (MMC 18)</b>		
<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>	
<b>Environmental Protection (MMC 16)</b>		
<input type="checkbox"/>	<b>Weak Foundation Soils (MMC 16.16)</b>	
<input checked="" type="checkbox"/>	<b>Erosion Control (MMC 16.28)</b>	<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>Exposed soil is required to be covered nightly during wet season (Sept 1 – April 30) via loose straw, tarps, temporary seeding, etc.</p> <p>Erosion control and prevention is required as outlined in <a href="#">MMC 16.28</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</p>

		<p>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/wa/wqpermits/Pages/Stormwater-Construction.aspx">https://www.oregon.gov/deq/wa/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"/>	<p><b>Tree Code (MMC 16.32)</b></p>	<p>The tax lots 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 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 city's <a href="#">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 provide a minimum of 40% canopy, either by planting or by paying a mitigation fee of \$5 per sq ft of needed canopy. Trees 12" DBH or greater 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 <a href="http://www.milwaukieoregon.gov/trees">www.milwaukieoregon.gov/trees</a>.</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 <a href="mailto:urbanforest@milwaukieoregon.gov">urbanforest@milwaukieoregon.gov</a> or call 503-786-7655.</p>
<p><b>Public Services (MMC 13)</b></p>		
<input checked="" type="checkbox"/>	<p><b>Water System (MMC 13.04)</b></p>	<p>A new water utility connection for each unit is required for this development to be eligible for land division. A single water utility connection may be used for a duplex.</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>The current property has the water line running from River Road, through the property and to the property directly east of the subject property. The applicant will need to coordinate relocation of this water line with the adjacent homeowner.</p> <p>A 6-in water main located in Wren Street is available for connection and extension for northern lot while the 8-in water main on River Rd has already been connected and extended to Meter M0609750 for the southern lot.</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. A single wastewater utility connection may be used for a duplex.</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-in wastewater main on River Road 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 sq ft must be treated on site. Stormwater treatment is evaluated at the time of building permit review. A completed and notarized Operations and Maintenance Packet is required prior to final occupancy and as part of the Final Engineering Inspection.</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 is provided in the Additional Engineering &amp; Public Works Notes.</p>
<input type="checkbox"/>	<b>Fee in Lieu of Construction (MMC 13.32)</b>	<p>FILOC can be paid for the sidewalk on Wren Street at \$59 per linear foot, or \$5,900.</p>
<b>Public Places (MMC 12)</b>		
<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> <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. Review fee includes:</p> <ul style="list-style-type: none"> <li>• Plan Review</li> <li>• Review Submittals</li> <li>• Invoicing Utility fees <ul style="list-style-type: none"> <li>○ Water meter service installation fees (see fee schedule)</li> <li>○ \$1500 street opening deposit</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Inspection will be assigned as pending by the engineering tech. Inspection shall be scheduled the evening before and we do not complete them on Fridays. <ul style="list-style-type: none"> <li>○ Proof roll – verify subgrade</li> <li>○ Sewer <ul style="list-style-type: none"> <li>▪ Connection</li> </ul> </li> <li>○ Water <ul style="list-style-type: none"> <li>▪ Water Main Testing – pressure and chlorination</li> <li>▪ Main connection to existing infrastructure</li> </ul> </li> </ul> </li> </ul>
<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 an accessway on Wren Street for the northern lot and an accessway on River Road for the southern lot.</p> <p>River Road accessway will need an on-site turn-around in order to avoid backing out on River Road.</p> <p>Due to electrical poles and guy wires affecting the accessway to the southern lot, the Owner/Developer team will need to coordinate with PGE to relocate the guy wires.</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.

**Additional Engineering & Public Works Notes**

The ADU has been eliminated from the project, affecting the SDC estimate.

SDC estimate is as follows (**Fees subject to change until final plans and permit issuance**):

- Parks
  - Reimbursement: \$7,216.00
- Transportation
  - Reimbursement: \$167.03
  - Improvement: \$3,330.77
  - **Total: \$3,497.80**
- Storm Drainage
  - Improvement: \$2,591.20
- Water
  - Reimbursement: \$1,995.00
  - Improvement: \$17,791.60
  - Administration: \$1,504.80
  - **Total: \$21,291.40**
- Sewer
  - Reimbursement: \$1,908.42
  - Improvement: \$281.31
  - Administration: \$46.17
  - **Total: \$2,235.90**
- Water Meter Set Fee
  - Reimbursement: \$600.00
- Review Fee
  - Administration: \$165.00
- Wastewater Treatment (Clackamas County)
  - Reimbursement: \$17,290.00
- **SDC Total: \$54,887.30**

Submittals required for work in the ROW (likely only sewer and water connections) will likely include concrete mix design, pipe and appurtenance materials, trench backfill materials, roadway base material, and asphalt.

## 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. Duplexes are covered under the Oregon Residential Specialty Code. 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.

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 = \$0.82 per sq ft Residential = \$1.63 per sq ft (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 |  |
|--------------------------|----------------------------|--|

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

**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	503-786-7638
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636
Emilie Bushlen	Building Permit Technician	503-786-7669

**ENGINEERING DEPARTMENT**

Jennifer Garbely	City Engineer	503-786-7534
Jeff Tolentino	Assistant City Engineer	503-786-7644
Chris Benn	Engineering Technician II	503-786-7617
Michael Groome	Engineering Technician II	503-786-7671

**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	<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:** 12/12/2024

**Re:** 24-0112PA-2 Single Family Residence with ADU

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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.
  - a. ADU to be included to meet this requirement
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 (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 Oregon 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)

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](mailto:shawn.olson@clackamasfire.com)