



# CITY OF MILWAUKIE

March 7, 2025

Garrett Sandberg  
10117 SE Sunnyside Rd F1123  
Clackamas, OR 97015

**Re: Preapplication Report**

Dear Garrett:

Enclosed is the Preapplication Report Summary from your meeting with the City on 02/20/2025, concerning your proposal for action on property located at 3315 & 3335 SE Llewellyn St.

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: 25-002PA

This report is provided as a follow-up to the meeting that was held on 2/20/2025 at 10:00 AM.

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

## APPLICANT AND PROJECT INFORMATION

<b>Applicant:</b>	Garrett Sandberg	<b>Applicant Role:</b> Permit Coord/Planning Mgr.
<b>Applicant Address:</b>	10117 SE Sunnyside Rd F1123, Clackamas, OR 97015	
<b>Company:</b>	DEZ Development LLC	
<b>Project Name:</b>	Multi-unit Residential Development	
<b>Project Address:</b>	3315 & 3335 SE Llewellyn St (1S1E25DC, lots 5900, 6100, 6200, & 6300)	<b>Zone:</b> GMU (General Mixed Use) and R-HD (High Density Residential)
<b>Project Description:</b>	Consolidate the existing underlying lots and develop 30 residential units on the site in a combination of 5-unit, 6-unit, and 8-unit buildings.	
<b>Current Use:</b>	Vacant (undeveloped)	
<b>Applicants Present:</b>	DEZ Development team = Slavik Dezhnyuk (owner & CEO), Tyson Okely (director of design), Brandon Parks (designer), Garrett Sandberg (permit coordinator & land use planning manager)	
<b>Staff Present:</b>	Patrick McLeod (Building Official), Harmony Drake (Permit Coordinator), Emilie Bushlen (Permit Technician), Jeff Tolentino (Assistant City Engineer), Courtney Wilson (Urban Forester), Brett Kever (Senior Planner)	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory)</b>	The property is split-zoned, with the western half zoned General Mixed Use (GMU) and the eastern half zoned High Density Residential (R-HD). Both zones allow multi-unit residential development as an outright permitted use.
<input checked="" type="checkbox"/>	<b>Dimensional Standards</b>	The subject property is comprised of four underlying lots of record. The western half (zoned GMU) is a single parcel that was reconfigured with a property line adjustment in 2024 (file #PLA-2024-002). The eastern half (zoned R-HD) is comprised of three historic lots from the Leo First Addition subdivision (platted in 1924). The overall property is approximately 36,350 sq ft in size (0.83 acres) and is undeveloped (used for informal parking). The property has frontage on two public streets: approximately 258 ft on Llewellyn Street and 140 ft on 34 <sup>th</sup> Avenue.

		<p><b>GMU zone standards:</b> Dimensional standards for the GMU zone are provided in Milwaukie Municipal Code (MMC) Table 19.303.3. Setback requirements for the GMU portion of the property are as follows:</p> <p>Minimum street setback along Llewellyn St = 15 ft (as per MMC 19.303.5, due to proximity to R-HD zone on south side of street)  Maximum street setback along Llewellyn St = 20 ft (as per MMC 19.303.4.C.2)  Side &amp; rear setbacks = 0 ft</p> <p>As per MMC Subsection 19.303.4.C.2, the street setback area may include usable open space (e.g., plazas, courtyards, terraces, and small parks. Usable open space may be counted toward the minimum vegetation requirements of the GMU zone.</p> <p>The commercial and residential edge treatment standards of the GMU zone do not apply to this site (MMC Figure 19.303.4.C.2.b and MMC Section 19.303.5, respectively).</p> <p>In the GMU zone, the base maximum height is 45 ft, with two height bonuses available as per MMC Subsection 19.303.4.B.3—one for new buildings that devote at least one story or 25% of the gross floor area to residential use (12 ft additional height), another for projects that receive green building certification as outlined in MMC Section 19.510 (12 ft additional height). To utilize both bonuses, a Type III variance would be required subject to MMC Subsection 19.911.7. No upper-story building stepback is required.</p> <p><b>R-HD zone standards:</b> Dimensional standards for the R-HD zone are provided in MMC Table 19.302.4. Setback requirements for the R-HD portion of the property are as follows:</p> <p>Front yard = 20 ft  Side yard = 5 ft  Street-side yard = 15 ft  Rear yard = 15 ft</p> <p>Maximum allowed building height in the R-HD zone is 45 ft. As per MMC Subsection 19.302.5.E, an additional 10 ft of building height may be permitted in excess of the maximum standard, in exchange for an additional 10% of site vegetation.</p> <p>The side-yard height plane standard only applies within the R-HD zone (not GMU) and does not apply to the street-side yard. Rising up at the minimum side-yard setback point, at the 25-ft height mark the structure must start sloping away from the side property line at no steeper an angle of 45°. If the Llewellyn Street frontage is determined to be the front property line, the side-yard height plane standard will not be at issue, since the 34<sup>th</sup> Avenue frontage will be the street-side boundary and the interior side boundary (western boundary) is in the GMU zone. If the 34<sup>th</sup> Avenue frontage is determined to be the front property line, structures nearest the northern boundary on the R-HD portion of the site will be subject to the side-yard height plane standard.</p> <p>Note that 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 (regardless of zone).</p>
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**Land Use Review Process**

<input checked="" type="checkbox"/>	<b>Applications Needed, Fees, and Review Type</b>	<p>The proposed project will require the following application(s) for land use review:</p> <p>Development Review (Type I or II) = \$200 or \$1,000  <i>(See Site Improvements section for more info.)</i></p> <p>Development Review will be the vehicle for confirming that the project meets the various relevant standards, particularly for design.</p>
<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 I applications, staff usually aims to issue a decision within the 30-day completeness review window, or at least in conjunction with signing off on the Planning Review portion of</p>

	<p>the building permit review. Any appeal of a Type I decision will be heard by the Planning Commission to establish a final local decision.</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>
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**Overlay Zones (MMC 19.400)**

<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>	

**Site Improvements/Site Context**

<input checked="" type="checkbox"/>	<b>Landscaping Requirements</b>	<p>The GMU zone requires a minimum of 15% of the site to be landscaping. A maximum of 85% of the lot area can be covered with structures taller than 18 inches above grade, not including eaves and overhangs.</p> <p>The R-HD zone requires a minimum of 15% of the site to be landscaping, including at least 40% vegetation in the front yard. At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents and not have extreme topography or dense vegetation that precludes access. A maximum of 50% of the lot area can be covered with structures taller than 18 inches above grade.</p>
<input checked="" type="checkbox"/>	<b>Site Design Standards</b>	<p>In the GMU zone, all new buildings must have at least primary entrance facing an abutting street, as per MMC Subsection 19.303.E. Minimum density for residential development in the GMU zone is 25 units/acre, with a maximum of 50 units/acre. Floor area ratio (FAR) standards do not apply to residential development.</p> <p>In the R-HD zone, as per MMC Subsection 19.302.5.H, multiunit buildings must not have an overall horizontal distance exceeding 150 linear feet as measured from end wall to end wall. Minimum density for residential development in the R-HD zone is 25 units/acre, with a maximum of 32 units/acre.</p>
<input checked="" type="checkbox"/>	<b>Onsite Pedestrian/Bike Improvements</b>	<p>The multi-unit design standards/guidelines of MMC Table 19.505.3.D address pedestrian circulation and bicycle parking.</p> <p>In addition, MMC Section 19.609 establishes standards for bicycle parking, including both long-term and short-term parking. For multi-unit residential development, a minimum of one (1) long-term space is required per unit, in addition to a total of two (2) short-term spaces (1 per 20 units, rounding up). MMC Subsection 19.609.4 establishes development standards for bicycle parking, including dimensional requirements and general standards for both long-term and short-term spaces.</p> <p>Where provided, the proposed attached garages will be considered sufficient as long-term parking for the associated units; the other required long-term spaces can be provided within the individual units as allowed.</p>

<input type="checkbox"/>	Connectivity to surrounding properties	
<input type="checkbox"/>	Circulation	
<input checked="" type="checkbox"/>	Building Design Standards (MMC 19.505)	MMC Table 19.505.3.D establishes design standards (clear & objective) and guidelines (discretionary) for multi-unit residential development. Design elements include private & public open space, pedestrian circulation, building orientation & entrances, etc. If all design standards can be met, the project can use the Type I Development Review process; where a design standard is not met, the project must address the corresponding design guideline(s) and must use the Type II Development Review process.
<input type="checkbox"/>	Downtown Design Standards (MMC 19.508)	
<b>Parking Standards (MMC 19.600)</b>		
<input type="checkbox"/>	Residential Off-Street Parking Requirements	
<input checked="" type="checkbox"/>	Multi-Family/Commercial Parking Requirements	<p>There is no minimum quantity of parking spaces required for the proposed development, but there is a requirement not to exceed a maximum of two (2) parking spaces per dwelling unit.</p> <p>The provision in MMC Subsection 19.303.4.C.2.f that vehicle parking is not permitted between the building and the street in the GMU zone is understood to NOT apply to the proposed townhouse-style driveways leading to garages for two proposed units fronting on Llewellyn Street. However, note that, given the requirement to provide access only from Llewellyn Street and not 34<sup>th</sup> Avenue (see notes below for Public Places—Access (MMC 12.16.040)), more than one accessway on Llewellyn Street appears to not be allowable due to the spacing requirements for driveways (at least 150 ft apart as per MMC Subsection 12.16.040.C.4) and required distance from intersections (at least 100 ft as per MMC Subsection 12.16.040.B.5).</p> <p>If a formal off-street parking area is proposed (as opposed to garage parking), note that MMC Section 19.606 provides standards for parking area design, landscaping, and other parking elements (including pedestrian circulation, lighting, etc.).</p> <p><b>EV charging requirements:</b> MMC Subsection 19.605.4 requires that new multi-unit residential development with five (5) or more units must include sufficient space for electrical service capacity to support at least a Level-2 electric vehicle (EV) charger at required EV charging spaces. Specifically, MMC Subsection 19.605.4.B provides two options for multi-unit development:</p> <ol style="list-style-type: none"> <li>(1) All (100%) of the newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or</li> <li>(2) At least 40% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.</li> </ol> <p>The EV charging standards apply even where garage parking is proposed.</p>
<b>Approval Criteria (MMC 19.900)</b>		
<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	

<input type="checkbox"/>	Conditional Use (MMC 19.905)	
<input checked="" type="checkbox"/>	Development Review (MMC 19.906)	As noted above, the development review process will be used to confirm compliance with the applicable development standards for the project, particularly the design standards. The approval criteria for development review are provided in MMC Subsection 19.906.4 and can be addressed as part of the narrative in the land use application submittal.
<input type="checkbox"/>	Variance (MMC 19.911)	
<b>Land Division (MMC Title 17)</b>		
<input type="checkbox"/>	Design Standards	
<input type="checkbox"/>	Preliminary Plat Requirements	
<input type="checkbox"/>	Final Plat Requirements (See Engineering Section of this Report)	
<input type="checkbox"/>	Other Requirements	The middle housing land division (MHL D) process is not available to multi-unit development.
<b>Sign Code Compliance (MMC Title 14)</b>		
<input checked="" type="checkbox"/>	Sign Requirements	Within the R-HD portion of the site, signage for multi-unit development is allowed as per MMC Table 14.16.02 and may be in the form of freestanding, wall, or awning signage.  Within the GMU portion of the site, signage is allowed as per MMC Table 14.16.040 in a wide array of formats.
<b>Noise (MMC Title 16)</b>		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
<b>Neighborhood District Associations</b>		
<input checked="" type="checkbox"/>	Ardenwald-Johnson Creek	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 Ardenwald-Johnson Creek NDA.
	Choose an item.	<b><u>Ardenwald-Johnson Creek NDA</u></b> Chris Holle-Bailey (Chair) = <a href="mailto:chrisardenwald@gmail.com">chrisardenwald@gmail.com</a>  Regular meeting is the fourth Monday of most months at 6:30pm at Milwaukie Café and Bottle Shop (9401 SE 32 <sup>nd</sup> Ave), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.
<b>Other Permits/Registration</b>		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
<b>Additional Planning Notes</b>		
For an overview of the City's efforts to incentivize affordable housing, see this handout: <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/housing_affordability/page/109071/affordable_housing_overview_2024_final.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/housing_affordability/page/109071/affordable_housing_overview_2024_final.pdf</a> .		

Planning staff is currently working on a proposal to establish additional incentives for affordable housing, based on a development providing a certain percentage of units that are available to residents at a certain percentage of Area Median Income (AMI). One work session with the City Council was held on January 7, 2025—see the [meeting page](#) for packet materials and a video of the discussion. A second discussion is scheduled at the regular session on March 18, 2025, with materials to be posted to that [meeting page](#) closer to the date.

## ENGINEERING & PUBLIC WORKS COMMENTS

### Public Facility Improvements (MMC 19.700)

<input checked="" type="checkbox"/>	<b>Applicability (MMC 19.702)</b>	<p>MMC Chapter 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 five new buildings with a total of 30 dwelling units. MMC 19.700 applies.</p>
<input type="checkbox"/>	<b>Transportation Facilities Review (MMC 19.703)</b>	Per MMC Subsection 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 that is beyond 200 ft of any designated arterial or collector roadway, so Metro and Clackamas County will not be notified. The site is not within 200 ft of a transit route as shown on Figure 7-3 of the TSP, so TriMet will not be notified.</p>
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	<p>Access Management: All development subject to MMC Chapter 19.700 must comply with access management standards contained in MMC Chapter 12.16.</p> <p>Clear Vision: All developments subject to MMC 19.700 must comply with clear vision standards contained in MMC Chapter 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>Half-street frontage improvements will be required on both street frontages to the subject property (i.e. Llewellyn Street and 34<sup>th</sup> Avenue). Required improvements on Llewellyn Street shall include a 6-ft-wide sidewalk, curb and gutter, 6-ft parking strip, 6-ft bicycle lane, and a 10-ft vehicle lane. Required improvements on 34<sup>th</sup> Avenue shall include a 6-ft-wide sidewalk, curb and gutter, 6-ft parking strip, and a 10-ft vehicle lane. A 3-ft landscape strip shall be allowed along 34<sup>th</sup> Avenue to accommodate street trees.</p> <p>Street improvement design is subject to plan review and approval. 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>	A 10-ft Public Utility Easement (PUE) will be required along the entire frontage of the development (Llewellyn Street and 34 <sup>th</sup> Avenue).

<b>Flood Hazard Area (MMC 18)</b>		
<input type="checkbox"/>	<b>Floodplain Development Permit (MMC 18.16.030)</b>	The site 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 erosion control (EC) measures will be required: gravel construction entrance/exit, perimeter sediment controls, protected catch basins, and proper material storage.</p> <p>Exposed soil must be covered nightly from Sept 1 – April 30 via tarps, loose straw, or other groundcovers.</p> <p>Erosion control and prevention is required as outlined in <a href="#">MMC Chapter 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 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>For more information, please visit <a href="https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control">https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control</a> or contact <a href="mailto:erosioncontrol@milwaukieoregon.gov">erosioncontrol@milwaukieoregon.gov</a>.</p>
<input checked="" type="checkbox"/>	<b>Tree Code (MMC 16.32)</b>	<p>The development tree code requires compliance and/or mitigation associated with the following four 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 Subsection 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-in diameter at breast height (DBH) or greater receive bonus canopy multipliers depending on their size.</p> <p>Bonds are required for tree protection and tree planting. Tree protection bonds are \$3,500 per tree and are held for 3 years. Tree planting bonds are \$3,500 per tree and are held for 5 years. These bonds are in place to ensure tree survival after construction.</p>



		<p>Note that removal fees for right-of-way tree removals will apply and are based on each tree's DBH. These fees can be found in the fee schedule.</p> <p>Submittal requirements are outlined in MMC Subsection 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC Section 16.32.042. Additional supportive documentation, including canopy lists and tree protection and planting guidance are available <a href="#">here</a>.</p> <p>The development tree code application is due at the time of the 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>
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**Public Services (MMC 13)**

<input checked="" type="checkbox"/>	<b>Water System (MMC 13.04)</b>	<p>A 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>Water meters must be place in the right -of-way and cannot be place on private property.</p> <p>An 8-in water line is available on 34<sup>th</sup> Avenue and a 4-in water line is available on Llewellyn Street.</p> <p>Connection fees will vary depending on whether the subject property is on the "shortside" or "longside" of the utility (i.e. whether the property is on the same or opposite side of the road as the utility respectively). The property would be considered on the shortside for the water line in 34<sup>th</sup> Avenue, and on the longside for the waterline in Llewellyn Street. Refer to the Milwaukie Consolidated Fee Schedule for more information: <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/finance/page/44991/fy_2025_26_consolidated_fee_schedule_v7.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/finance/page/44991/fy_2025_26_consolidated_fee_schedule_v7.pdf</a></p> <p>A Right-of-Way (ROW) Permit is required to complete any work in the public ROW, including any water utility connections performed in the ROW.</p>
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	<p>A new or upsized connection to City utilities is subject to plan and application review. Applications 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 sewer line is available on 34<sup>th</sup> Avenue along the entire frontage of the subject property, and an 8-in water line is available on Llewellyn Street for approximately the western half of the frontage (no existing sewer lines are available along the approximate eastern half of the frontage).</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 (National Pollutant Discharge Elimination System) permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual.</p> <p>Projects with new impervious surface area exceeding 500 sq ft must treat stormwater on site. Stormwater treatment is evaluated at the time of building permit review. A completed and notarized Operations and Maintenance Packet must be recorded with Clackamas County 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>	All new development or intensification of use shall be subject to SDCs. 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>
<input type="checkbox"/>	<b>Fee in Lieu of Construction (MMC 13.32)</b>	
<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> <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). In particular, all accessways shall be located at least one hundred (100) feet from any intersection for multi-unit residential properties of five (5) or more units. Note that 34<sup>th</sup> Avenue does not meet this standard; driveway access will have to be provided from Llewellyn Street only.</p> <p>These driveways must be constructed under a ROW permit in accordance with the current Milwaukie Public Works Standards.</p>
<input checked="" type="checkbox"/>	<b>Clear Vision (MMC 12.24)</b>	A clear vision area shall be maintained at all driveways and accessways.
<b>Additional Engineering &amp; Public Works Notes</b>		
No additional notes.		

## BUILDING COMMENTS

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

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

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at [www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov). Each permit type and sub-permit type are separate permits and are subject to the same time review times and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows. The 2022 OSSC (Oregon Structural Specialty Code) will apply to this project

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

Comments from the Clackamas Fire District are attached. Please contact the Fire District directly for any questions about fire-related issues.

## 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	
<p>Applicant must communicate directly with utility providers. These may include the following:</p> <ul style="list-style-type: none"> <li>• PGE</li> <li>• NW Natural</li> <li>• Clackamas River Water (CRW)</li> <li>• Telecomm (Comcast, Century Link)</li> <li>• Water Environmental Services (WES)</li> <li>• Garbage Collection (Waste Management, Hoodview Disposal and Recycling)</li> </ul>	
Economic Development/Incentives	
<input type="checkbox"/>	Enterprise Zone:
<input type="checkbox"/>	Vertical Housing Tax Credit:

<input type="checkbox"/>	<b>New Market Tax Credits:</b>	
<input checked="" type="checkbox"/>	<b>Housing Resources:</b>	For an overview of the City's efforts to incentivize affordable housing, see this handout: <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/housing_affordability/page/109071/affordable_housing_overview_2024_final.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/housing_affordability/page/109071/affordable_housing_overview_2024_final.pdf</a>

**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 Kolas	Senior Planner	503-786-7653
Brett Kolver	Senior Planner	503-786-7657
(vacant)	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

#### **SUSTAINABILTY 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:** 02-25-2025

**Re:** 25-002PA-SE Llewellyn St and 34<sup>th</sup> Ave.

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

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### **Fire Apparatus Access:**

1. Fire department access to be established within 150' of all portions of a structure.
2. 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](mailto:shawn.olson@clackamasfire.com)



# AFFORDABLE HOUSING OVERVIEW

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*City of Milwaukie*



## Background

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The City of Milwaukie has long identified housing affordability as a critical issue as many households struggle to afford their rent or mortgage. In order to help address this problem, the city declared a housing crisis in 2020, as well as implemented the [Milwaukie Housing Affordability Strategy](#) (MHAS) in 2018, which offered a five-year action plan (2018-2023) focused on supporting the development of new residential units, preventing displacement, retaining affordable housing stock, and connecting people to resources.

In 2023, the city adopted a [Housing Capacity Analysis](#) and [Housing Production Strategy](#) to build on the previous MHAS framework. Over the next several years, the city will continue to pursue the goals and actions of the Housing Production Strategy and update on an ongoing basis for the purposes of reducing barriers and offering more tools that incentivize affordable, income-restricted housing development. Below is a list of the available tools thus far:

## Construction Excise Tax (CET) Fund

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The Construction Excise Tax (CET) program was established in 2017 and memorialized in [Milwaukie Municipal Code Chapter 3.60 - Affordable Housing Construction Excise Tax](#). The CET is a 1% tax on development of \$100,000 or more in assessed construction value. (i.e., a development valued at \$100,000 would be charged \$1,000). As development continues throughout the city, the CET fund increases in proportionality.

The accumulated CET funds are deposited into several “buckets” depending on whether they originated from a residential or commercial/industrial project. Residential CET monies support first time homebuyer programs managed by the state and the construction of income-restricted affordable housing units for people making 80% area median income and below.

Commercial/industrial CET monies fund the construction of affordable housing units for people making 120% area median income and below (also known as “workforce” housing), as well as economic development-related activities and programs.

The city periodically solicits proposals for the use of CET funds. The last solicitation occurred in 2022 and awarded \$2M in funding for local affordable housing projects.

## Non-Profit Low-Income Housing Tax Exemption

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In 2024, the city and North Clackamas School District (who combined represent a majority of the local taxing authority) approved the Non-Profit Low-Income Housing Tax Exemption for qualifying projects anywhere within the city limits. The tax exemption is intended to benefit low-income renters by alleviating property tax burden on organizations that provide affordable housing units. The qualifying property must be located within the city, must be owned by a non-profit organization, and must serve tenants earning 60% or less of area median income (80% and less for those in their second and subsequent years of tenancy). To date, one development has received the exemption.

## System Development Charge Waivers

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In some cases where a developer is proposing deeply affordable housing (i.e., for people making 30% of the area median income), the city may consider waiving certain system development charges (SDCs) that are within its purview (i.e. transportation and water). This is highly dependent upon the city's financial resources and budget stability.

## Pre-Development Assistance

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For projects located within the city's [Urban Renewal Area](#), the city offers pre-development assistance grants for up to \$50,000. These grants can go toward items such as environmental assessments, conceptual design, feasibility studies, and other similar reports.

## Vertical Housing Development Zone (Sunset 2022)

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Until 2022, Milwaukie had a Vertical Housing Development Zone (VHDZ), in which qualified developments receive a 10-year property tax exemption for 20% per residential floor for the first four floors above ground floor commercial. In a VHDZ, additional partial tax exemptions are available if the developer builds affordable housing. The intent is to help create higher density, mixed-use, and transit-oriented development. Developments approved prior to the VHDZ sunseting will still receive the tax exemption once built.



**CITY OF MILWAUKIE**

*Last updated: June 2024*