



CITY OF MILWAUKIE

March 20, 2025

Zac Horton
2000 SW 1st Ave. #420
Portland, OR 97201

Re: Preapplication Report

Dear Zac:

Enclosed is the Preapplication Report Summary from your meeting with the City on 03/06/2025, concerning your proposal for action on property located at 9111 SE 29th Ave.

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

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

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

Sincerely,

Petra Johnson
Administrative Specialist II



CITY OF MILWAUKIE
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 Milwaukie OR 97222
 503.786.7555
 planning@milwaukieoregon.gov
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Preapplication Conference Report

Project ID: 25-003PA

This report is provided as a follow-up to the meeting that was held on 3/6/2025 at 10:00 AM

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

APPLICANT AND PROJECT INFORMATION

Applicant:	Zac Horton	Applicant Role: Representative
Applicant Address:	2000 SW 1 st Avenue #420 Portland, OR 97201	
Company:	Faster Permits	
Project Name:	29 th Avenue Cottage Cluster Development	
Project Address:	9111 SE 29 th Avenue	Zone: R-MD
Project Description:	Demolish existing house and driveway. Construct a 7-unit cottage cluster with no off-street parking.	
Current Use:	Single detached dwelling	
Applicants Present:	Zac Horton (Applicant Representative); Bryce Rosenbaum (Owner); Matt Edwards (Owner)	
Staff Present:	Ryan Dyar (Associate Planner); Stephanie Marcinkiewicz (Inspector/Plans Examiner); Jeff Tolentino (Assistant City Engineer); Courtney Wilson (Urban Forester).	

PLANNING COMMENTS

Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	The property is zoned Moderate Density Residential (R-MD), which allows a variety of residential housing types depending on lot size, including single-unit detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster development
<input checked="" type="checkbox"/>	Dimensional Standards	Dimensional standards for the R-MD zone are provided in Milwaukie Municipal Code (MMC) Section 19.301 (specifically in MMC Table 19.301.4) and vary depending on lot size. There are specific setback and separation requirements for cottage cluster developments in MMC Table 19.505.4.C.1 that replace the base zone setback requirements found in MMC Section 19.301 (linked above). The preliminary site plan submitted for the pre-application conference show setbacks for the following requirements established in this subsection: <ul style="list-style-type: none"> - Front: (min 10 ft, max 20 ft) - Side: (min 5 ft) - Rear: (min 5 ft) (min 10 ft if structure height taller than 15 ft)

Land Use Review Process

<input checked="" type="checkbox"/>	Applications Needed	<p>No land use application is required for middle housing development unless a variance is requested. Applicable standards for development will be reviewed and confirmed as part of the building permit review.</p> <p>The applicant has proposed a middle housing land division. A middle housing land division is a land division that establishes unique lots for middle housing that has been developed or approved for development and should not be confused with a land division to create standard lots that may later be developed with middle housing. Middle housing land divisions are processed with an expedited Type II review and are recorded with a final plat to complete the process.</p> <ul style="list-style-type: none"> • Middle housing land division (Type II) = \$2,000 • Final Plat for middle housing land division (Type I) = \$200 <p>The complete City of Milwaukie Fiscal Year 25/26 Consolidated Fee Schedule can be found here: https://www.milwaukieoregon.gov/finance/fees-charges.</p>
<input checked="" type="checkbox"/>	Review Type: Type II	<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. <u>Note:</u> For a middle housing land division, a completeness determination will be issued within 21 days.</p> <p>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, an administrative decision by the Planning Manager will be issued as soon as possible once the application has been determined to be complete.</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 (Type I and Type II) 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 I or II decision would be heard by the Planning Commission for the final local decision.</p> <p>Note that the state requires land use decisions to be issued within 120 days of being deemed complete. For middle housing land divisions, which are processed using Type II review, the decision deadline is 63 days.</p>
Overlay Zones (MMC 19.400)		
<input type="checkbox"/>	Willamette Greenway	The property is not within the Willamette Greenway Overlay Zone.
<input type="checkbox"/>	Natural Resources	There are no designated natural resources on the subject property.
<input type="checkbox"/>	Historic Preservation	The property is not on the city's Historic Resource Property List.
<input type="checkbox"/>	Flex Space Overlay	The property is not within the Flex Space Overlay Zone.
Site Improvements/Site Context		
<input checked="" type="checkbox"/>	Landscaping Requirements and Site Design Standard (19.301, 19.505, and 19.504)	<p>For cottage cluster development in the R-MD zone, the minimum vegetation standards in MMC Table 19.301.4 are replaced by the standards in MMC Table 19.505.4.C.1, which allows for a maximum of 60% of the lot area to be impervious, and requires at least 35% of the lot area be vegetated.</p> <p>Common open space must be provided with a courtyard for each cottage cluster, equal in size to at least 150 sq ft per cottage. The common courtyard must be a single, contiguous</p>

		<p>piece; must be abutted by cottages on at least two sides; and must be a minimum of 15 ft wide at its narrowest dimension. The courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area and may also include recreational amenities. Impervious elements must not exceed 75% of the total courtyard area. See MMC Subsection 19.505.4 for more details.</p> <p>The preliminary site plan shows a 15 ft wide common area that appears to comply with minimum width, minimum area, and maximum impervious surface standards. The materials submitted for the pre-application conference did not include a vegetation plan and so staff could not confirm that all vegetation requirements are met.</p> <p>As per Subsection MMC 19.504.5, no more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.</p>
<input checked="" type="checkbox"/>	Onsite Pedestrian Circulation (19.505)	<p>Onsite Pedestrian Circulation: As per MMC Subsection 19.505.4.E.3, cottage cluster developments shall have continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and any vehicle and bicycle parking areas. Walkways must be constructed with a hard-surface material, and no less than 3 ft wide. Where adjacent to parking areas where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. Walkways must be separated from vehicle parking and maneuvering areas (if provided) by physical barriers such as planter strips, raised curbs, or bollards. At least one pedestrian connection to an abutting street frontage is required for each 200 linear ft of street frontage. The preliminary site plan shows a 4 ft wide sidewalk connecting the cottages to the common area and abutting street frontage. The site plan will also need to show a connection to the required bicycle parking area(s). The lot width is approximately 75' and so only one connection to the abutting right-of-way is required.</p>
<input checked="" type="checkbox"/>	Building Design Standards (MMC 19.505)	<p>Design standards for cottage cluster development are provided in MMC 19.505.4.</p> <p>Key points for cottage cluster development:</p> <ul style="list-style-type: none"> • No maximum density. • Max. building footprint is 900 sq ft; max. average floor area per unit is 1,400 sq ft. • Maximum building height is 25 ft or 2 stories, whichever is greater; however, in the space between 5 and 10 ft from the rear property line, maximum height is 15 ft. • Minimum 6-ft separation between structures. • Side and rear setbacks are 5 ft. • Minimum front site setback is 10 ft; maximum is 20 ft. • Per cluster, a minimum of 3 cottages are required, with a maximum of 12 permitted. • Clusters must be separated by a minimum of 10 ft. • Standards for common open space are established in MMC Subsection 19.505.4.E.2. <p>As proposed, the preliminary site plan appears to meet the above requirements.</p> <p>Cottage Orientation: Each cottage must either abut the common courtyard or be directly connected to it by a pedestrian path. At least 50% of the cottages within a cluster must be oriented toward the courtyard: have a main entrance facing the courtyard, within 10 ft of the courtyard, and connected to the courtyard by a pedestrian path. Cottages within 20 ft of a street property line may have their entrance facing the street.</p> <p>The preliminary site plan shows cottages that appear to comply with the orientation requirements; all cottages either face the common courtyard, street, or have their main entrance located within 10 ft of the courtyard.</p> <p>Detailed Design Standards: Each cottage is required to comply with the detailed design standards in MMC Subsection 19.505.4.D.4.</p> <p>Articulation: See MMC Subsection 19.505.4.D.4.a.</p> <p>Eyes on the Street: See MMC Subsection 19.505.4.D.4.b.</p> <p>Main Entrance: See MMC Subsection 19.505.4.D.4.c.</p>

		<p>Detailed Design: See MMC Subsection 19.505.4.D.4.d.</p> <p>The applicant indicated that the building plans submitted with the pre-application materials are stock plans and that similar but different plans will be submitted for permitting. Staff reviewed the submitted plans for consistency with the above standards and found the following: the articulation standard is not applicable; the main entrance standard appears to be met; the 15% "eyes on the street" standard appears to be met; and the two cottage designs proposed fail to meet the detailed design standard requirement.</p>
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Parking Standards (MMC 19.600)

<input checked="" type="checkbox"/>	Residential Off-Street Parking Requirements (19.605)	<p>MMC Table 19.605.1 establishes auto parking maximum quantity requirements. No minimum amount of off-street parking is required in the City of Milwaukie for any use. For cottage clusters, a maximum of 1 off-street parking space per unit is allowed. MMC Subsection 19.505.4.E.4 provides off-street parking requirements specific to cottage cluster development.</p> <p>The preliminary site plan submitted for the pre-application conference does not show any off-street auto parking for the development.</p>
<input checked="" type="checkbox"/>	Onsite Bicycle Parking (19.609)	<p>For cottage cluster development per MMC Subsection 19.609.2, a minimum of 1.5 long-term (see standards in MMC Subsection 19.609.4.A and 19.609.4.B) bicycle parking spaces must be provided per dwelling unit. In addition, a minimum of 0.5 short-term (see standards in MMC Subsection 19.609.4.A and 19.609.4.C) or guest bicycle parking spaces per unit are required. With 7 units proposed, this amounts to a minimum requirement of 12 long-term spaces and 4 short-term spaces. As noted during the pre-application conference, the applicant did not include any bicycle parking details on their site plan.</p>

Approval Criteria (MMC 19.900)

<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	
<input type="checkbox"/>	Conditional Use (MMC 19.905)	
<input type="checkbox"/>	Development Review (MMC 19.906)	
<input checked="" type="checkbox"/>	Variance (MMC 19.911)	<p>If variances are requested to any applicable standard, they will be processed with either Type II or Type III review, depending on the request. The list of eligible Type II variances is provided in MMC Subsection 19.911.3.B. Approval criteria for variances (both Type II and Type III) are provided in MMC 19.911.4.</p>

Land Division (MMC Title 17)

<input checked="" type="checkbox"/>	Design Standards (MMC 17.28)	<p>MMC Section 17.28 establishes design standards for land division applications. For a middle housing land division (MHL), many of the standards in this section are not applicable. However, any application narrative for a MHL preliminary plat should address the criteria in MMC Subsection 17.28.010 Conformity of Subdivision, MMC Subsection 17.28.020 Public Facility Improvements, MMC Subsection 17.28.030 Easements,</p>
<input checked="" type="checkbox"/>	Preliminary Plat Requirements	<p>MMC Section 17.26 includes process requirements and approval criteria for Middle Housing Land Divisions (MHLs). As noted above, MHLs are processed through a two-step process, preliminary plat and then final plat approval.</p> <p>MMC Subsection 17.26.010.D establishes the following criteria for a preliminary plat:</p>

		<p>a. The middle housing development complies with the Oregon Residential Specialty code and the applicable middle housing regulations in this code. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and middle housing regulations in Titles 12 and 19.</p> <p>b. The middle housing development is in compliance with the land use regulations applicable to the parent lot allowed under ORS 197.758(5).</p> <p>c. Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.</p> <p>d. Easements will be provided as necessary for each dwelling unit on the site for:</p> <ol style="list-style-type: none"> (1) Locating, accessing, replacing, and servicing all utilities; (2) Pedestrian access from each dwelling unit to a private or public road; (3) Any common use areas or shared building elements; (4) Any dedicated driveways or parking; and (5) Any dedicated common area. <p>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.</p> <p>f. Buildings or structures on a subplot will comply with applicable building codes provisions relating to new property lines.</p> <p>g. Structures or buildings located on the sublots will comply with the Oregon Residential Specialty Code.</p> <p>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.</p> <p>i. The proposed middle housing land division will not cause any existing improvements on the sublots to be inconsistent with applicable standards in this land use code.</p>
<input checked="" type="checkbox"/>	<p>Final Plat Requirements (See Engineering Section of this Report)</p>	<p>MMC Section 17.026.010 provides application requirements and procedures for a Middle Housing Land Division (MHL) Final Plat, with 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 established in the MMC.</p> <p>MMC Subsection 17.26.010.F establishes the following approval criteria for a final plat:</p> <ol style="list-style-type: none"> 1. The final plat complies with the preliminary plat approved by the approval authority and all conditions of approval have been satisfied. 2. The preliminary plat has not lapsed. 3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities. 4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal, and water supply systems. 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. 6. The plat complies with Title 19 and other applicable ordinances and regulations. 7. Submission of signed deeds when access control strips are shown on the plat. 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, and indicating the initial point of the survey, and giving

		<p>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"> a. A note prohibiting further division of the sublots; b. Labels and descriptions for all tracts; c. A reference to any deed restrictions imposed on the lot or sublots as a condition of approval of the original lot creation, subplot plat, or development approval; and 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. <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"> a. A description of the common elements located in tracts. 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. c. An establishment of use rights for common elements, including responsibility for enforcement, and d. A maintenance agreement for common elements, including an allocation or method of determining liability for a failure to maintain.
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Sign Code Compliance (MMC Title 14)

<input checked="" type="checkbox"/>	Sign Requirements	For cottage cluster development, the only signage allowed would be from the list of exempt signs in MMC Section 14.12.010 (e.g., one non-illuminated sign of up to 4 sq ft in area and 3 ft in height). The applicant did not indicate in their pre-application materials that the development would include signage.
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Noise (MMC Title 16)

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

<input checked="" type="checkbox"/>	<p>Ardenwald-Johnson Creek</p> <hr/> <p>Choose an item.</p> <hr/> <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 both the Ardenwald-Johnson Creek and Lewelling NDAs.</p> <p><u>Ardenwald-Johnson Creek NDA Chair</u></p> <p>Chris Holle-Bailey chrisardenwald@gmail.com</p> <p>Regular meeting is fourth Monday of most months—next meeting is Monday, March 24, 2025, at 6:30 pm. Meetings are typically at the Milwaukie Café and Bottle Shop (9401 SE 32nd Ave), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.</p>
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Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
ENGINEERING & PUBLIC WORKS COMMENTS		
Public Facility Improvements (MMC 19.700)		
<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	<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 a 7-unit cottage cluster. MMC 19.700 applies.</p>
<input type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	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"/>	Transportation Impact Study (MMC 19.704)	The proposed development does not trigger a Transportation Impact Study.
<input type="checkbox"/>	Agency Notification (MMC 19.707)	<p>The City must provide notification to ODOT if the proposed development generates more than 100 vehicle trips per day, is within 200 ft of a State Highway, or is within 1,320 ft of a State highway interchange ramp. 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 will have less than 100 vehicle trips, is not within 200 feet of a State Highway, and is not within 1,320 if a State highway interchange ramp, so ODOT will not be notified. The subject property 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"/>	Transportation Requirements (MMC 19.708)	<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>Transportation improvements shall be required along the 29th Ave. frontage for the subject property, including a 5-ft-wide sidewalk, curb and gutter, a 8-ft parking strip (the 8-ft parking strip will include 6-ft of new asphalt, and a 2-ft asphalt tie-in to the existing roadway).</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"/>	Utility Requirements (MMC 19.709)	A 10-ft Public Utility Easement (PUE) will be required along the entire SE 29 th Ave. frontage of the development.
Flood Hazard Area (MMC 18)		
<input type="checkbox"/>	Development Permit (MMC 18.16.030)	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"/>	General Standards (MMC 18.04.150)	The proposed development is not subject to the flood hazard requirements of Title 18.
<input type="checkbox"/>	Compensatory Storage (MMC 18.20.020)	The proposed development is not subject to the flood hazard requirements of Title 18.
<input type="checkbox"/>	Floodways (MMC 18.20.010.B)	The proposed development is not subject to the flood hazard requirements of Title 18.
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	
<input checked="" type="checkbox"/>	Erosion Control (MMC 16.28)	<p>Common 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 MMC16.28.</p> <p>Standard Erosion Prevention and Sediment Control notes</p> <p>Projects that disturb more than 500 sq ft within the City of Milwaukie limits require an Erosion Control Permit from the City's Building Department. Even projects that are less than 500 sq ft may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.</p> <p>Please review the City's Erosion Prevention and Sediment Control requirements. The applicant is encouraged to use the City's adopted Erosion Prevention and Sediment Control Planning & Design Manual (2020) for assistance in designing an erosion control plan.</p> <p>For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control or contact erosioncontrol@milwaukieoregon.gov.</p>
<input checked="" type="checkbox"/>	Tree Code (MMC 16.32)	<p>The development tree code requires compliance and/or mitigation associated with the following four standards:</p> <ul style="list-style-type: none"> - Preservation standard - Planting standard - Protection standard - Soil volume standard <p>For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage here. Mitigation fees are outlined in the city's fee schedule. The applicant may seek a variance for one or more of these standards through a Type III variance process (MMC 16.32.042.E).</p> <p>Note that there is no preservation mitigation fee assessed for trees removed above the 30% canopy cover threshold. The lot must provide a minimum of 40% canopy, either by planting</p>

		<p>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. 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 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 here.</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 urbanforest@milwaukieoregon.gov or call 503-786-7655.</p>
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Public Services (MMC 13)

<input checked="" type="checkbox"/>	<p>Water System (MMC 13.04)</p>	<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: https://www.milwaukieoregon.gov/building/water-connection-application</p> <p>A system development charge (SDC) and a water service connection fee must be paid prior to any new or upsized connections to city water.</p> <p>Water meters must be placed in the right-of-way and cannot be placed on private property.</p> <p>An 8-in water line is available on SE 29th Ave.</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 subject property would be considered on the longside for the waterline located in SE 29th Ave. Refer to the Milwaukie Consolidated Fee Schedule for more information: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/finance/page/44991/fy_2025_26_consolidated_fee_schedule_v7.pdf</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"/>	<p>Sewer System (MMC 13.12)</p>	<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 in SE 29th Ave. along the entire frontage of the subject property.</p> <p>A ROW Permit is required to complete this work.</p> <p>A wastewater SDC must be paid prior to building permit issuance.</p>
<input checked="" type="checkbox"/>	<p>Stormwater Management (MMC 13.14)</p>	<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</p>

		and notarized Operations and Maintenance Packet must be recorded with Clackamas County prior to final occupancy and as part of the Final Engineering Inspection. A Stormwater SDC must be paid prior to building permit issuance.
<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	All new development or intensification of use shall be subject to SDCs. Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges
<input checked="" type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	The applicant may request to pay a fee in lieu of construction for the required facility improvements (MMC 13.32).

Public Places (MMC 12)

<input checked="" type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	<p>A ROW Permit will be required for 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 review 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"> • Plan Review • Review Submittals • Invoicing Utility fees <ul style="list-style-type: none"> o Water meter service installation fees (see fee schedule) o \$1500 street opening deposit • 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"> o Proof roll – verify subgrade o Sidewalk - forms, final o Sewer - connection o Water - Water Main Testing (pressure and chlorination), Main connection to existing infrastructure
<input type="checkbox"/>	Access Requirements (MMC 12.16.040)	Accessways (driveways) shall conform to MMC 12.16.040. Specifically, per MMC 12.16.040.B.4, the nearest edge of the driveway apron must be at least five (5) feet from the side property line in residential districts, and per MMC 12.60.040.E.4, multi-unit residential or cottage cluster developments with between five (5) and eight (8) units must have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets ... and a maximum driveway apron width of twenty-four (24) feet. SE 29 th Avenue is considered a neighborhood street.
<input type="checkbox"/>	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.

Additional Engineering & Public Works Notes

BUILDING COMMENTS

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

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

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

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

Site utilities require a separate plumbing permit and will require plumbing plan review. **NOTE:** The grading plan submitted to the Engineering Department does not cover this review.

If you have any building related questions, please email us at building@milwaukieoregon.gov.

The 2023 Oregon Residential Specialty Code will apply to this project. Private utility easements are fine to run plumbing lines as long as the private easement is recorded prior to final.

e.g. sprinklers, accessibility, alarms, bathrooms, exits, elevator

OTHER FEES

<input checked="" type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *1% (0.01)
<input checked="" type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.82 a square foot, Residential = \$1.63 a square foot (not including garages)

FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

COORDINATION WITH OTHER AGENCIES

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

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

- Clackamas County Transportation and Development

MISCELLANEOUS

State or County Approvals Needed

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

Arts Tax

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

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

Infrastructure/Utilities

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

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

Economic Development/Incentives

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

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

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

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

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

ENGINEERING DEPARTMENT

Jennifer Garbely	City Engineer	503-786-7605
Jeff Tolentino	Assistant City Engineer	503-786-7544
Ben Green	Engineering Technician II	503-786-7547

PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Koliass	Senior Planner	503-786-7653
Brett Kolver	Senior Planner	503-786-7657
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	503-786-7603

SUSTAINABILITY DEPARTMENT

Katie Gavares	Climate & Natural Resources Mgr.	503-786-7668
Courtney Wilson	Urban Forester	503-786-7697
Riley Gill	Environmental Services Coordinator	503-786-7660

CLACKAMAS FIRE DISTRICT

Shawn Olson	Fire Marshal	shawn.olson@ClackamasFire.com
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