



# CITY OF MILWAUKIE

June 9, 2022

Weston Sanaee  
15910 SE Oatfield Rd  
Portland, OR 97267

**Re: Preapplication Report**

Dear Weston:

Enclosed is the Preapplication Report Summary from your meeting with the City on May 26, 2022, concerning your proposal for action on property located at 10425 SE 42<sup>nd</sup> Ave.

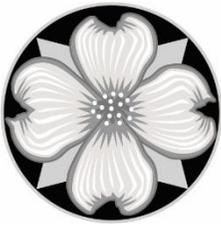
A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- 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,

Will First  
Administrative Specialist II



**CITY OF MILWAUKIE**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503.786.7600  
 planning@milwaukieoregon.gov  
 building@milwaukieoregon.gov  
 engineering@milwaukieoregon.gov

# Preapplication Conference Report

Project ID: 22-003PA

This report is provided as a follow-up to the meeting that was held on 5/26/2022 at 10:00 AM

The Milwaukie Municipal Code is available here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)

## APPLICANT AND PROJECT INFORMATION

|                             |  |                        |           |
|-----------------------------|--|------------------------|-----------|
| <b>Applicant:</b>           | Weston Sanaee  | <b>Applicant Role:</b> | Developer |
| <b>Applicant Address:</b>   | 15910 SE Oatfield Rd, Portland, OR 97267   |                        |           |
| <b>Company:</b>             |  |                        |           |
| <b>Project Name:</b>        | Site improvements to existing auto service/sales   |                        |           |
| <b>Project Address:</b>     | 10425 SE 42 <sup>nd</sup> Ave  | <b>Zone:</b>           | NMU       |
| <b>Project Description:</b> | Add 4-6 auto service bays in a new structure; improve existing structures; add low fence/wall along N & E frontages; reduce the scale of vehicle sales |                        |           |
| <b>Current Use:</b>         | Auto sales and service   |                        |           |
| <b>Applicants Present:</b>  | Weston Sanaee (applicant), Michael Parshall (architect)  |                        |           |
| <b>Staff Present:</b>       | Steve Adams, City Engineer; Jennifer Backhaus, Engineering Technician III; Brett Kelter, Senior Planner  |                        |           |

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

|                                     |   |   |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | <b>Use Standards (e.g., residential, commercial, accessory)</b> | <p>The property is zoned Neighborhood Mixed Use (NMU). Vehicle sales are not permitted in the NMU, so the vehicle sales component of the existing use is understood to be a legal nonconforming use. Vehicle repair and service is a conditional use in the NMU; there is no record of a previous conditional use approval for the existing use, so the vehicle repair and service component of the existing use is understood to be a de facto conditional use.</p> <p>Vehicle repair and service uses are permitted in commercial mixed-use zones like the NMU only when conducted within a completely enclosed building. This restriction is interpreted to mean that vehicles being repaired or serviced on the site must be stored inside a building or else parked in a formal parking space. The same restriction does not apply to vehicles for sale on the site, as the existing nonconforming sales use includes some sale vehicles displayed outside in non-designated parking spaces.</p> |
| <input checked="" type="checkbox"/> | <b>Dimensional Standards</b>                                    | The development standards for the NMU zones are provided in MMC Table 19.303.3. No land division is proposed, so the lot size and street frontage standards are not applicable.   |

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|                                     |   | The minimum floor area ratio (FAR) is 0.5:1. The maximum building height is three stories or 45 ft, whichever is less, with no height bonuses available. There are no frontage occupancy requirements.   |
| <b>Land Use Review Process</b>      |   |  |
| <input checked="" type="checkbox"/> | <b>Applications Needed, Fees, and Review Type</b> | <p>An application for major modification of a Conditional Use is required to adjust the existing use as proposed. Depending on the specifics of the final proposal, a variance(s) to certain standards may be required.</p> <ul style="list-style-type: none"> <li>• Conditional Use modification (major) (Type III) = \$2,000</li> <li>• (potentially) Variance (Type II or III) = \$750 or \$1,500 (w/ discount for multiple applications)</li> </ul> <p><u>Note:</u> For multiple applications processed concurrently, there is a 25% discount offered for each application fee after paying full price for the most expensive application.</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>Where multiple applications with different review types are processed concurrently, the package is processed according to the highest review type.</p> <p>In the Type III application process, a public hearing with the Planning Commission will be scheduled once the application is deemed complete. At present, meetings are being conducted in a hybrid format, with the option of participating in person at City Hall or online via Zoom.</p> <p>Public notice of the hearing will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. At least 14 days before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued.</p> <p>Staff will prepare a report with analysis of the proposal and a recommendation that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission for a decision.</p> <p>With Type III review, issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. If no appeal is received within the 15-day window, the decision becomes final. Any appeal of a Type III decision would be heard by the City Council for the final local decision.</p> <p>Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p> <p>The 2022 schedule for Planning Commission hearings, including dates by which an application must be deemed complete to be eligible for a particular hearing date, is attached for reference.</p> |
| <b>Overlay Zones (MMC 19.400)</b>   |   |  |
| <input type="checkbox"/>            | <b>Willamette Greenway</b>                        | (There are no special 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>Setback Requirements</b>                            | <p>There is no minimum yard setback from the street or from side or rear property lines; however, there is a maximum setback from the street of 10 ft.</p> <p>MMC Subsection 19.501.2 and MMC Table 19.501.2.A establish additional yard setbacks for King Road and 42<sup>nd</sup> Avenue, measured from the centerline of the public right-of-way (ROW). For King Road, the additional setback is 40 ft from ROW center line; for 42<sup>nd</sup> Avenue between Harrison Street and King Road, the additional setback is 30 ft from ROW center line. At this location, the ROW centerline for King Road is approximately 28.5 ft from the subject property boundary, so an additional 11.5 ft (approximate) of setback is required. The ROW centerline for 42<sup>nd</sup> Avenue is approximately 33.5 ft from the subject property boundary, so the additional setback is already met on that frontage.</p> <p>As per MMC Subsection 19.303.4.c.2.c, these additional setback requirements of MMC 19.501.2 override the maximum street-side setback standard (10 ft max) of the NMU zone.</p> <p>MMC Subsection 19.504.10 establishes setbacks applicable to commercial development within 500 ft of existing or planned transit routes, limiting the setbacks of individual buildings to no more than 30 ft from the right-of-way. For sites with multiple buildings, the maximum distance from the transit street to a public entrance of the primary building is 100 ft.</p> |
| <input checked="" type="checkbox"/>   | <b>Landscaping Requirements and Lot Coverage</b>       | <p>The minimum vegetation requirement for the NMU zone is 15%, with a maximum lot coverage of 85%. As per MMC Subsection 19.504.7, no more than 20% of the required vegetation area may be covered in mulch or bark dust.</p>  |
| <input checked="" type="checkbox"/>   | <b>On-site Walkways and Circulation (MMC 19.504.9)</b> | <p>MMC Subsection 19.504.9 establishes standards for on-site walkways that connect parts of the site where the public is invited to walk as well as that link the site with the public street sidewalk system. Redevelopment projects must endeavor to bring the site closer to conformance with these standards.</p> <p>Walkways should connect building entrances to one another as well as to adjacent public streets and existing or planned transit stops. Note that new walkways must be at least 5 ft wide and constructed with a hard-surface material that is permeable for stormwater. Walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways must be lighted to and average 0.5 footcandle level.</p>   |
| <input type="checkbox"/>              | <b>Connectivity to surrounding properties</b>          |  |
| <input checked="" type="checkbox"/>   | <b>Building Design Standards (MMC 19.505)</b>          | <p>MMC Subsection 19.505.7 provides design standards for nonresidential development, applicable to the street-facing façades of new buildings within the commercial mixed-use zones. The design standards do not apply to additions to existing buildings.</p> <p>MMC Subsection 19.505.7.C provides standards for eight design elements: corners (not applicable to this particular site), weather protection, exterior building materials, windows and doors, roofs, rooftop equipment and screening, ground-level screening, and rooftop structures. A variance to the building design standards can be processed through Type II review, pursuant to MMC Subsection 19.911.3.B.7.</p>  |
| <input type="checkbox"/>              | <b>Downtown Design Standards (MMC 19.508)</b>          |  |
| <b>Parking Standards (MMC 19.600)</b> |  |  |
| <input checked="" type="checkbox"/>   | <b>Applicability (MMC 19.602)</b>                      | <p>Existing nonconforming parking areas must be brought into full conformance when development results in an increase of 100% or more of the existing floor area and/or structure footprint.</p> <p>When development results in an increase of less than 100% of the existing floor area and/or structure footprint, the parking area must be brought closer into conformance—the</p>  |

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|                                     |   | material costs of such improvements are limited to no more than 10% of the associated permit value. Areas of focus for improvements include paving and striping, providing the minimum number of spaces, bicycle parking, landscaping existing buffers and islands, creating new landscaping areas, and other items as determined by the Planning Manager.   |
| <input checked="" type="checkbox"/> | <b>Commercial Parking Requirements (MMC 19.605)</b>     | For vehicle repair, a minimum of two spaces per 1,000 sq ft of floor area is required, with a maximum of 2.5 spaces per 1,000 sq ft allowed. For bulk retail, including vehicle sales, a minimum of one space per 1,000 sq ft of floor area is required, with a maximum of three spaces per 1,000 sq ft of floor area. Note that floor area, as defined in MMC Section 19.201, relates to buildings and does not include exterior off-street parking spaces where vehicles being repaired or offered for sale may be parked.   |
| <input checked="" type="checkbox"/> | <b>Parking Area Design and Landscaping (MMC 19.606)</b> | <p>Parking space dimensions are based on the angle of the stall—for standard 90° spaces, the minimum dimensions are 9 ft by 18 ft, with a minimum 22-ft-wide drive aisle.</p> <p>Perimeter landscaping is required at the periphery of the parking area, with a minimum width of 8 ft where adjacent to the public right-of-way and 6-ft width where adjacent to other properties (measured from the inside of curbs). Within the landscaped perimeter, at least one tree must be planted every 30 lineal feet (as evenly spaced as practicable), rounding up where the calculation does not produce a whole number.</p> <p>Where adjacent to residential uses, parking areas must have a continuous visual screen (fence, wall, landscaping, earthen berm with plantings, etc.) that is opaque throughout the year from 1 ft to 4 ft above ground to adequately screen vehicle lights.</p> <p>Interior landscaping is required where there are more than 10 parking spaces, at the ratio of 25 sq ft per parking space. Planting areas must be at least 120 sq ft in area, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least one tree must be planted per island; for divider medians between opposing rows of parking, at least one tree must be planted per 40 lineal feet.</p> <p>Required trees must be species that are expected to provide a minimum 20-ft diameter shade canopy within 10 years of planting.</p> <p>Perimeter and interior landscaping count toward the minimum vegetation required for the overall site.</p> <p>Other parking area design standards (MMC Subsection 19.606.3) include requirements for wheel stops, pedestrian access, and lighting. All required parking areas must be paved and striped. Wheel stops must have a minimum 4-in height and prevent vehicles from encroaching into public rights-of-way, adjacent landscaping, and pedestrian walkways.</p> <p>Along collector and arterial streets (42<sup>nd</sup> Ave is an arterial, the King Rd frontage is a neighborhood route), no parking space can be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of sidewalk. Parking drive aisles must align with the approved driveway access and must not be wider than the approved access within 10 ft of the right-of-way boundary.</p> <p>Pedestrian access must be provided so that no parking space is farther than 100 ft (measured along drive aisles) from a building entrance or walkway that meets the standards of MMC 19.504.9.</p> <p>Lighting is required for parking areas with more than 10 spaces; the Planning Manager can require lighting for smaller parking areas if there are safety concerns. Lighting should not cause light trespass of more than 0.5 footcandles at the site boundaries; luminaries should have a cutoff angle of 90° or greater; pedestrian walkways and bicycle parking areas must have a minimum illumination level of 0.5 footcandles.</p> |
| <input checked="" type="checkbox"/> | <b>Bicycle Parking (MMC 19.609)</b>                     | Bike parking is required in number at a minimum of 10% of the number of required vehicle parking spaces. Bike parking spaces must be at least 6 ft long and 2 ft wide, with a 5-ft-wide access aisle. Bike racks must be securely anchored and designed to allow the frame and one wheel to be locked using a U-shaped shackle lock. Bicycle parking facilities must be provided within 50 ft of a main building entrance, dispersed for multiple entrances.   |

| <b>Approval Criteria (MMC 19.900)</b>      |   |  |
|--|---|--|
| <input type="checkbox"/>                   | <b>Community Service Use (CSU) (MMC 19.904)</b> |  |
| <input checked="" type="checkbox"/>        | <b>Conditional Use (MMC 19.905)</b>             | <p>The approval criteria for new conditional uses and major modifications to existing conditional uses are provided in MMC Subsection 19.905.4.A. These include suitability of the subject property for the proposed use, the operating and physical characteristics of the proposed use, mitigation of identified impacts, compliance with other applicable standards, consistency with applicable Comprehensive Plan policies, and adequate transportation facilities and public utilities.</p> <p>Conditions of approval may be imposed, with the types of limitations and requirements outlined in MMC Subsection 19.905.5.</p> <p>Upon approval, the City will issue a Conditional Use Permit that must be recorded prior to commencing the approved use.</p> |
| <input checked="" type="checkbox"/>        | <b>Development Review (MMC 19.906)</b>          | <p>Development review is how changes in use or modifications of existing uses are normally handled, but in the case of a conditional use, the Conditional Use modification process described above will take the place of a separate Development Review application. The project's compliance with various applicable standards (such as the NMU development standards, off-street parking standards, etc.) will be evaluated through the Conditional Use review process.</p>  |
| <input checked="" type="checkbox"/>        | <b>Variance (MMC 19.911)</b>                    | <p>If the proposal requires any variances, they will be handled with either Type II or Type III review. Variances eligible for Type II review are listed in MMC Subsection 19.911.3.B.</p> <p>Variance approval criteria are established in MMC Subsection 19.911.4, with Type II variances addressing 19.911.4.A and Type III variances addressing 19.911.4.B.</p> <p>Staff has determined that an addition to any existing structure on the site will only have to come closer to conformance with applicable standards (such as for setbacks, FAR, design standards, etc.) and will not require a variance. However, any new structure must meet the applicable standards or else request a variance.</p>   |
| <b>Land Division (MMC Title 17)</b>        |   |  |
| <input type="checkbox"/>                   | <b>Design Standards</b>                         | No land division or boundary changes are proposed.   |
| <input type="checkbox"/>                   | <b>Preliminary Plat Requirements</b>            |  |
| <input type="checkbox"/>                   | <b>Final Plat Requirements</b>                  |  |
| <b>Sign Code Compliance (MMC Title 14)</b> |   |  |
| <input checked="" type="checkbox"/>        | <b>Sign Requirements</b>                        | Signage allowances for commercial zones like the NMU are outlined in MMC Section 14.16.040.  |
| <b>Noise (MMC Title 16)</b>                |   |  |
| <input type="checkbox"/>                   | <b>Noise Mitigation (MMC 16.24)</b>             |  |
| <b>Neighborhood District Associations</b>  |   |  |
| <input checked="" type="checkbox"/>        | <b>Hector Campbell</b>                          | 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 site is within the Hector Campbell NDA.   |
|  | Choose an item.                                 |  |

|  |                 |   |
|--|-----------------|---|
|  | Choose an item. | <p><b><u>NDA Chair</u></b></p> <p>Corinn DeTorres</p> <p>corinn@chapeltheatreMilwaukie.com</p> <p>Regular meeting—quarterly, next is July 13, 2022 (6:00 p.m. to 8:00 p.m.)</p> |
|--|-----------------|---|

**Other Permits/Registration**

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

**Additional Planning Notes**

**ENGINEERING & PUBLIC WORKS COMMENTS**

**Public Facility Improvements (MMC 19.700)**

|                                     |   |  |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | <b>Applicability (MMC 19.702)</b>   | <p>MMC 19.702 establishes the applicability of MMC 19.700, including partitions, subdivisions, replants, 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 would add new vehicle bays increasing the gross floor area and intensifying use. MMC 19.700 applies.</p>   |
| <input type="checkbox"/>            | <b>Transportation Facilities Review (MMC 19.703)</b>  | A Transportation Facilities Review (TFR) Land Use Application is not required.   |
| <input type="checkbox"/>            | <b>Transportation Impact Study (MMC 19.704)</b>   | A Transportation Impact Study (TIS) is not required.   |
| <input checked="" type="checkbox"/> | <b>Rough Proportionality (MMC 19.705)</b>   | <p>The subject property is developed with an existing vehicle repair and sales business and has frontage on both King Road and 42<sup>nd</sup> Avenue. The subject property currently has one accessway on King Road, and two accessways on 42<sup>nd</sup> Avenue.</p> <p>The King Road frontage has 5-ft wide setback sidewalk with landscape planter strip and curb. The 42<sup>nd</sup> Avenue frontage has 5-ft wide curb-tight sidewalk and curb.</p> <p>As part of this development the north accessway on the 42<sup>nd</sup> Avenue frontage must be closed. The applicant has proposed closing both accessways on the 42<sup>nd</sup> Avenue frontage. New curb and sidewalk will need to be constructed by the applicant in place of all removed accessways.</p> <p>ROW dedication for either frontage will not be required. Street improvements outside of the necessary curb and sidewalk repairs at the removed accessways will not be required.</p> |
| <input checked="" type="checkbox"/> | <b>Agency Notification (MMC 19.707)</b>   | <p>The City shall provide notice to the following agencies:</p> <ol style="list-style-type: none"> <li>1. Metro</li> <li>2. Clackamas County</li> <li>3. TriMet</li> </ol>   |
| <input checked="" type="checkbox"/> | <b>Transportation Requirements (MMC 19.708)</b> <ol style="list-style-type: none"> <li>1. General Requirements</li> <li>2. Street Design Standards</li> </ol> | The applicant is responsible for removing the northern driveway/accessway on the 42 <sup>nd</sup> Avenue frontage. The applicant has proposed to remove both driveways/accessways on 42 <sup>nd</sup> Avenue in advance of the city's future intersection improvements for 42 <sup>nd</sup> Avenue and   |

|  |   |   |
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|  | <b>3. Sidewalk Requirements</b>           | <p>King Road. New sidewalk and curb must be constructed in place of the removed driveways/accessways.</p> <ol style="list-style-type: none"> <li>1. General Requirements <ol style="list-style-type: none"> <li>a. Access Management: All development subject to MMC 19.700 shall comply with access management standards contained in MMC 12.16</li> <li>b. Clear Vision: All development subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24</li> </ol> </li> <li>2. Street Design Standards <ol style="list-style-type: none"> <li>a. The improved right-of-way shall have a curb-tight sidewalk width of 4-ft to match existing sidewalk. A future city project will construct street improvements on 42<sup>nd</sup> Avenue.</li> </ol> </li> <li>3. Sidewalk Requirements <ol style="list-style-type: none"> <li>a. Sidewalks shall be provided on the public street frontage of 42<sup>nd</sup> Avenue per the requirements of this chapter. Sidewalks shall be constructed within the existing and/or dedicated public right-of-way and designed in accordance with the Public Works Standards and the City of Milwaukie Americans with Disabilities Act Transition Plan.</li> </ol> </li> </ol> <p>A Right-of-Way permit is required to construct any improvements in the public right-of-way.</p> |
| <input type="checkbox"/>                 | <b>Utility Requirements (MMC 19.709)</b>  | <p>The existing utilities are sufficient for this development.</p> <p>Any proposed increase in sewer or water utilities will require Engineering Review.</p>  |
| <b>Flood Hazard Area (MMC 18)</b>        |   |   |
| <input type="checkbox"/>                 | <b>Development Permit (MMC 18.04.100)</b> | The subject property is not located in a designated flood hazard area.  |
| <input type="checkbox"/>                 | <b>General Standards (MMC 18.04.150)</b>  |   |
| <input type="checkbox"/>                 | <b>Specific Standards (MMC 18.04.160)</b> |   |
| <input type="checkbox"/>                 | <b>Floodways (MMC 18.04.170)</b>          |   |
| <b>Environmental Protection (MMC 16)</b> |   |   |
| <input type="checkbox"/>                 | <b>Weak Foundation Soils (MMC 16.16)</b>  | The proposed development is not located in the City-regulated soil hazard area.   |
| <input type="checkbox"/>                 | <b>Erosion Control (MMC 16.28)</b>        |   |
| <input type="checkbox"/>                 | <b>Tree Protections (MMC 16.32)</b>       |   |
| <b>Public Services (MMC 13)</b>          |   |   |
| <input type="checkbox"/>                 | <b>Water System (MMC 13.04)</b>           | If new or upgraded water systems are desired, a Right-of-Way permit is required. Water meter equipment charges and system development charges will apply.   |
| <input type="checkbox"/>                 | <b>Sewer System (MMC 13.12)</b>           | <p>A system development charge must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer.</p> <p>New or upgraded connections to the city's sewer system will require a Right-of-Way permit.</p>   |
| <input checked="" type="checkbox"/>      | <b>Stormwater Management (MMC 13.14)</b>  | Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual. Applicant will be required to provide an infiltration test to be completed by a Geotechnical engineer.  |

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|                                     |  | At the time of development, the applicant will need to install a drywell or other approved overflow management discharge point for runoff from the ROW to assure that rain garden(s) or swale(s) are not overwhelmed during a storm event.<br><br>A system development charge must be paid prior to building permit issuance. |
| <input checked="" type="checkbox"/> | <b>System Development Charge (MMC 13.28.040)</b> | All new development or intensification of use shall be subject to system development charges.<br><br>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>   |   |

**Public Places (MMC 12)**

|                                     |  |   |
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| <input checked="" type="checkbox"/> | <b>Right of Way Permit (MMC 12.08.020)</b> | A Right-of-Way Permit will be required for all frontage improvements, utility work within the right-of-way, driveway/accessway removal, and sidewalk construction.  |
| <input checked="" type="checkbox"/> | <b>Access Requirements (MMC 12.16.040)</b> | Per MMC 12.16.040, private property shall be provided street access via accessways (driveways). These driveways shall be constructed under a right-of-way permit in accordance with the current Milwaukie Public Works Standards<br><br>1. The north driveway/accessway on 42 <sup>nd</sup> Avenue must be closed and replaced with new curb and sidewalk. The applicant has proposed removing both driveways/accessways on the 42 <sup>nd</sup> Avenue frontage. Site access will be taken from the existing driveway/accessway on the King Road frontage which has a Local/Neighborhood classification. |
| <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**

A future city project will update the current traffic pattern for the 42<sup>nd</sup> Avenue and King Road intersection. No design is finalized, however the potential impacts for this development would be limited access from 42<sup>nd</sup> Avenue. Should the applicant choose to keep the southern driveway/accessway on 42<sup>nd</sup> Avenue, access will eventually be limited to a Right-in/Right-out pattern. Primary access from King Road is recommended.

Future right-of-way improvements will likely include sidewalk widening on the west side of 42<sup>nd</sup> Avenue and the removal of the existing turn-lane.

A Right-of-Way permit is required for all work in the public Right-of-Way.

An estimated SDC invoice has been provided. This estimate is based on current fiscal year fees and is subject to change after July 1<sup>st</sup>. Fees are also based on development assumptions regarding building footprint, not upsizing utilities, and new impervious surface. These fees are subject to change based on changes to the submitted plans.

## 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 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](mailto:building@milwaukieoregon.gov).

### Additional Building Notes

Mechanical ventilation will need to be addressed for any alterations to building.

## OTHER FEES

|                                     |  |  |
|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | <b>Construction Excise Tax</b><br>Affordable Housing CET – Applies to any project with a construction value of over \$100,000. | The applicant should be aware that this fee exists and may apply depending on the construction value.<br><br><b>Calculation:</b><br>Valuation *1% (0.1)  |
| <input checked="" type="checkbox"/> | <b>Metro Excise Tax</b><br>Metro – Applies to any project with a construction value of over \$100,000.                         | The applicant should be aware that this fee exists and may apply depending on the construction value.<br><br><b>Calculation:</b><br>Valuation *0.12% (0.0012)  |
| <input checked="" type="checkbox"/> | <b>School Excise Tax</b><br>School CET – Applies to any new square footage.  | The applicant should be aware that this fee exists and may apply depending on the construction value.<br><br><b>Calculation:</b><br>Commercial = \$0.69 a square foot,<br>Residential = \$1.39 a square foot (not including garages) |

## FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

## COORDINATION WITH OTHER AGENCIES

**Applicant 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

Boiler Approval (State)

Elevator Approval (State)

Health Department Approval (County)

### Arts Tax

Neighborhood Office Permit

### Other Right-of-Way Permits

Major:

Minor:

Painted Intersection Program Permits:

artMOB Application

Traffic Control Plan (Engineering)

Parklet:

Parklet Application/ Planning Approval

Engineering Approval

Building Approval

Sidewalk Café:

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**

**Enterprise Zone:**

**Vertical Housing Tax Credit:**

**New Market Tax Credits:**

**Housing Resources:**

**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**

|                         |                          |              |
|-------------------------|--------------------------|--------------|
| Samantha Vandagriff     | Building Official        | 503-786-7611 |
| Harmony Drake           | Permit Technician        | 503-786-7623 |
| Stephanie Marcinkiewicz | Inspector/Plans Examiner | 503-786-7636 |

**ENGINEERING DEPARTMENT**

|                   |                            |              |
|-------------------|----------------------------|--------------|
| Steve Adams       | City Engineer              | 503-786-7605 |
| Jennifer Backhaus | Engineering Technician III | 503-786-7608 |

**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    | Assistant Planner | 503-786-7661 |

**COMMUNITY DEVELOPMENT DEPARTMENT**

|                |                                 |              |
|----------------|---------------------------------|--------------|
| Joseph Briglio | Community Development Director  | 503-786-7616 |
| Mandy Byrd     | Development Project Manager     | 503-786-7692 |
| Janine Gates   | Housing & Econ. Dev. Prog. Mgr. | 503-786-7627 |
| Emilie Bushlen | Administrative Specialist II    | 503-786-7600 |
| Will First     | Administrative Specialist II    | 503-786-7600 |

**CLACKAMAS FIRE DISTRICT**

|             |              |              |
|-------------|--------------|--------------|
| Shawn Olson | Fire Marshal | 503-655-8211 |
|-------------|--------------|--------------|



Permit Record: 0

SDCs

Street Address: 0

Prepared By: JMB

Date: 6/9/2022

| SDC                  | Reimbursement | Improvement | Administration | Total     |
|----------------------|---------------|-------------|----------------|-----------|
| Parks                | \$ -          | \$ -        | \$ -           | \$ -      |
| Transportation       | \$ -          | \$ -        | \$ -           | \$ -      |
| Storm Drainage       | \$ -          | \$ 917.41   | \$ -           | \$ 917.41 |
| Water                | \$ -          | \$ -        | \$ -           | \$ -      |
| Sewer                | \$ -          | \$ -        | \$ -           | \$ -      |
| Water Meter Set Fee  | \$ -          | \$ -        | \$ -           | \$ -      |
| Review Fee           | \$ -          | \$ -        | \$ -           | \$ -      |
| Wastewater Treatment | \$ -          | \$ -        | \$ -           | \$ -      |
|                      |               |             |                |           |
|                      |               |             | Total          | \$ 917.41 |

Fees subject to change until final plans and permit issuance



Permit Record: 22-003PA

SDCs

Street Address: 10425 SE 42nd Ave

Prepared By: JMB

Date: 6/9/2022

| SDC                  | Reimbursement | Improvement | Administration | Total     |
|----------------------|---------------|-------------|----------------|-----------|
| Parks                | \$ -          | \$ -        | \$ -           | \$ -      |
| Transportation       | \$ -          | \$ -        | \$ -           | \$ -      |
| Storm Drainage       | \$ -          | \$ 917.41   | \$ -           | \$ 917.41 |
| Water                | \$ -          | \$ -        | \$ -           | \$ -      |
| Sewer                | \$ -          | \$ -        | \$ -           | \$ -      |
| Water Meter Set Fee  | \$ -          | \$ -        | \$ -           | \$ -      |
| Review Fee           | \$ -          | \$ -        | \$ 75.00       | \$ 75.00  |
| Wastewater Treatment | \$ -          | \$ -        | \$ -           | \$ -      |
|                      |               |             |                |           |
|                      |               |             | Total          | \$ 992.41 |

Fees subject to change until final plans and permit issuance



**MILWAUKIE PLANNING**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503.786.7600  
 planning@milwaukieoregon.gov

# 2022 Planning Commission Hearing Schedule

## About the Deadlines

- Applications can be submitted at any time.
- The City must deem an application complete on or before the **COMPLETE APPLICATION DEADLINE** in order for the application to be eligible for the **FIRST POTENTIAL HEARING DATE**.<sup>2</sup>
- Since applications are rarely complete upon first submission, the City recommends application submission 2 weeks in advance of the **COMPLETE APPLICATION DEADLINE** to allow time for you to make the application complete.<sup>3</sup>
- New information submitted after the **NEW INFORMATION DEADLINE** could cause your hearing date be continued.

## About the Scheduling Process

- Complete applications are scheduled for hearing in the order in which they are deemed complete.
- There is no guarantee of any particular hearing date.<sup>4</sup> However, City staff can provide you with up-to-date hearing date availability and scheduling information upon request.
- There are things over which neither you nor the City has control that may prevent your application from being heard on a specific date.  
 (For example, the hearing schedule may already be full or a previous hearing may need to be continued to the next available hearing date.)
- The City reserves the right to schedule City business items on the Planning Commission agenda as needed and to cancel any scheduled Planning Commission meeting.
- Some applications require a hearing before the Planning Commission and City Council. Check with staff for City Council hearing schedule information.
- Hearing schedule is subject to change.<sup>5</sup>

| 2022 Planning Commission<br>Hearing Schedule |                          |                              |
|--|--------------------------|------------------------------|
| Complete Application Deadline <sup>1</sup>   | New Information Deadline | First Potential Hearing Date |
| Nov 24, 2021                                 | Dec 13, 2021             | Jan 11, 2022                 |
| Dec 10, 2021                                 | Dec 27, 2021             | Jan 25, 2022                 |
| Dec 23, 2021                                 | Jan 10                   | Feb 08, 2022                 |
| Jan 07                                       | Jan 24                   | Feb 22, 2022                 |
| Jan 21                                       | Feb 07                   | Mar 08, 2022                 |
| Feb 04                                       | Feb 18                   | Mar 22, 2022                 |
| Feb 25                                       | Mar 14                   | Apr 12, 2022                 |
| Mar 11                                       | Mar 28                   | Apr 26, 2022                 |
| Mar 25                                       | Apr 11                   | May 10, 2022                 |
| Apr 08                                       | Apr 25                   | May 24, 2022                 |
| Apr 29                                       | May 16                   | Jun 14, 2022                 |
| May 13                                       | May 27                   | Jun 28, 2022                 |
| May 27                                       | Jun 13                   | Jul 12, 2022                 |
| Jun 10                                       | Jun 27                   | Jul 26, 2022                 |
| Jun 24                                       | Jul 11                   | Aug 09, 2022                 |
| Jul 08                                       | Jul 25                   | Aug 23, 2022                 |
| Jul 29                                       | Aug 15                   | Sep 13, 2022                 |
| Aug 12                                       | Aug 29                   | Sep 27, 2022                 |
| Aug 26                                       | Sep 12                   | Oct 11, 2022                 |
| Sep 09                                       | Sep 26                   | Oct 25, 2022                 |
| Sep 23                                       | Oct 10                   | Nov 08, 2022                 |
| Oct 07                                       | Oct 24                   | Nov 22, 2022                 |
| Oct 28                                       | Nov 14                   | Dec 13, 2022                 |
| <b>No Meeting December 21, 2021</b>          |                          |                              |
| Nov 23                                       | Dec 12                   | Jan 10, 2023                 |
| Dec 09                                       | Dec 23                   | Jan 24, 2023                 |

<sup>1</sup> City staff needs a minimum of 46 days to prepare an application for hearing.  
<sup>2</sup> Items needed for application completeness vary by application type and project complexity. If a preapplication conference is required for an application and/or for a related traffic impact study, the City will not accept the application until the required conferences are held.  
<sup>3</sup> Under Oregon law, the City has 30 days to review an application for completeness.  
<sup>4</sup> As required by Oregon law, the City will issue a decision within 120 days of the deemed complete date, unless you grant a waiver.  
<sup>5</sup> For most current info, see Planning Commission page: <https://www.milwaukieoregon.gov/bc-pc>