

August 11, 2022

Lance Nelson 4185 SE Filbert St Milwaukie, OR 97222

Re: Preapplication Report

Dear Lance:

Enclosed is the Preapplication Report Summary from your meeting with the City on July 28, 2022, concerning your proposal for action on property located at 4185 SE Filbert 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,

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: 22-008PA

This report is provided as a follow-up to the meeting that was held on 7/28/2022 at 10:00 AM

The Milwaukie Municipal Code is available here: www.qcode.us/codes/milwaukie/

	APPLICANT AND PROJECT INFORMATION				
App	Applicant: Lance Nelson		n Applicant Role: Property Owner		
App	olicant Address:	4185 SE Filbe	rt St		
Con	mpany:	N/A			
Proj	ect Name:	Filbert St Par	tition/Replat		
Proj	ect Address:	4185 SE Filbe	rt St Zone: R-MD		
Proj	replat, the a		partition (through a replat process) a 15,056 sq ft lot into two properties. Subsequent to the pplicant plans to convert the existing detached garage into a single-family dwelling and existing accessory structure into an ADU for the new dwelling.		
Curi	rent Use:	Residential;	ingle-family dwelling		
App	Applicants Present: Lance Nelso		n; Gemma Wilson		
Staf	Staff Present: Ryan Dyar, A		Assistant Planner; Jennifer Backhaus, Engineering Technician III		
			PLANNING COMMENTS		
			Zoning Compliance (MMC Title 19)		
	Use Standards (e.g., residential, commercial, accessory) (MMC 19.301.2)		In the Moderate Density Residential Zone (R-MD), single-detached residential uses are permitted outright according to Milwaukie Municipal Code (MMC) 19.301.2. A property was single-family dwelling is allowed up to two accessory dwelling units (ADU) per MMC 19.910.1.		
×	Dimensional Stand	lards	Dimensional standards for the Moderate Density Residential (R-MD) zoned lots are provided in Milwaukie Municipal Code (MMC) Table 19.301.4. The minimum lot size for a single-family dwelling is 5,000 sq ft, with a minimum width of 50 ft and a minimum depth of 80 ft. For lots larger than 7,000 sq ft, the minimum width is 60 ft, and the minimum depth is 80 ft. Standard lots must have a minimum of 35 ft of frontage on a public street. The minimum density for the R-MD zone depends on the size of the lot. Please consult table MMC 19.301.4 MMC Subsection 19.202.4 establishes procedures for rounding density calculations.		

		Development standards for the lots themselves (including setbacks, building height, lot coverage, minimum vegetation, etc.) are also found in MMC Table 19.301.4 and are more relevant at the building permit stage, except where existing structures will remain.				
		Land Use Review Process				
\boxtimes	Applications Needed	Replat (Type II)				
		Per MMC 17.12.020, a replat is required when making changes to a lot in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, including an increase or decrease in the number of lots. The applicant should submit a complete electronic copy of all application materials listed in MMC 19.1003.2 for the City's initial review. The applicant should also note the approval criteria for a replat in MMC 17.12.30.A. These criteria should be addressed in the applicant's detailed statement demonstrating how the proposal meets all applicable approval criteria.				
		Variance (Type II)				
		Per MMC Table 19.301.4, the rear yard setback in the Moderate Density Zone (R-MD) is 20 ft for a lot that is over 5,000 sq ft. The site plan shows a setback of approximately 15 ft for the new single-family dwelling. Per MMC 19.911.3.B, the applicant can request a reduction of up to 25% (5 ft) of a rear yard width standard through a Type II review. The applicant should submit a complete electronic copy of all application materials listed in MMC 19.1003.2 for the City's initial review. The applicant should also note the approval criteria for a Type II variance in MMC 19.911.4.A. These criteria should be addressed in the applicant's detailed statement demonstrating how the proposal meets all applicable approval criteria.				
		Final Plat (Type I)				
		Following approval of a replat application, the applicant is required to submit a final plat application, which is processed in accordance with the Type I procedure.				
	Fees	 Replat (Type II) = \$1,000 Variance (Type II) = \$1,000 (reduced to \$750 with discount) Final Plat (Type I) = \$200 (will be processed separately, after replat approval) Note: For multiple applications, there is a 25% discount offered for each application fee beyond the most expensive one. 				
	Review Type:	The applicant should be aware that a Type II review is processed in accordance with the				
	Type II (Replat & Variance)	procedural requirements in MMC 19.1005. Accordingly, the application will be referred to the proximate neighborhood associations and affected City departments or other governmental agencies. Public notice will be mailed to the applicant, the property owner of record of the subject property, and the owners of record of properties within 300 ft of the perimeter of the subject property. If no comments are received within 14 days from the				
	Type I (Final Plat)	date of referral, the City will presume that no comments will be submitted.				
		In compliance with the provisions in ORS 197.311, the city will deem the application complete or incomplete within 30-days of receiving the application. Once deemed complete, the city has a total of 120 days to issue a notice of decision approving or denying the application. City staff aims to issue decisions much more quickly than what state law permits—typically a two-month timeframe for Type II decisions. Type II decisions are made at an administrative level by the City's Planning Manager. Once a decision has been issued, the applicant has 15 days from the date of its mailing to appeal the decision in writing before it becomes final. An appeal would be heard in a public hearing by the Planning Commission as a final decision maker.				
		Overlay Zones (MMC 19.400)				
	Willamette Greenway					
	Natural Resources					

	Historic Preservation	
	Flex Space Overlay	
		Site Improvements/Site Context
×	Landscaping Requirements (MMC 19.301, 19.504.6)	 For single-family residential development, there are only a few specific requirements for landscaping: Minimum vegetation requirement = 25% of lot area for lots between 5,000 and 6,999 sq ft and 30% for lots 7,000 sq ft and up. Front yard minimum vegetation = 40% of the front yard (measured between the front face of the house and the front property, so not simply the area within the required front yard setback of 20 ft) 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. Related to landscaping, parking and maneuvering areas cannot exceed 50% of the front yard area (as per MMC Subsection 19.607.1.D).
	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	
	Connectivity to surrounding properties	
	Circulation	
×	Building Design Standards (MMC 19.505)	MMC Subsection 19.505.1 provides design standards for single-family dwellings, including building articulation, street-facing façade design, main entrances, and detailed design. Compliance with these standards will be confirmed at the building permit stage.
	Downtown Design Standards (MMC 19.508)	
		Parking Standards (MMC 19.600)
	Residential Off-Street Parking Requirements	As per MMC Table 19.605.1, a minimum of one off-street parking space is required per single-family dwelling unit. MMC Section 19.607 establishes requirements for residential off-street parking. The required parking space must be at least 9 ft wide and 18 ft deep and cannot be within an adjacent public street right-of-way, over an access easement, or over a public sidewalk. All required parking spaces, as well as all parking and maneuvering areas within a required front or side yard, must have a durable and dust-free surface.
	Multi-Family/Commercial Parking Requirements	
		Approval Criteria (MMC 19.900)
	Community Service Use (CSU) (MMC 19.904)	
	Conditional Use (MMC 19.905)	

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	Development Review (MMC 19.906)				
	Variance (MMC 19.911)	It appears that variances will be required for the rear yard setback of the new single-family dwelling. Up to 3 variance requests can be included in a single variance application (for that single application fee). MMC 19.911.2.B allows for limited variations to numerical standards in the code, including a variance of up to 25% to a front, rear, or street side yard width standard. MMC 19.911.4.A established approval criteria for Type II variances in general. The applicant shall address all the criteria in that section.			
		With multiple variance requests, if any of the variances require Type III review, all variances must be evaluated with Type III review. MMC 19.911.4.B establishes approval criteria for Type III variances in general. The applicant may choose to use either the broadly applicable Discretionary Relief criteria or the more narrowly focused Economic Hardship criteria, though please note that the Economic Hardship criteria are quite stringent.			
		Land Division (MMC Title 17)			
⊠	Design Standards MMC Section 17.28.040 establishes general standards for lot design, including a require for rectilinear lots (as practicable) and limits on compound lot line segments. Cumulative lateral changes in the direction of the side or rear lot lines must not exceed 10% of the distance between opposing lot corners along a given lot line unless a Type III variance in granted. The site plan provided shows a property configuration that complies with this standard.				
⊠	Preliminary Plat Requirements	MMC Section 17.16.050 provides application requirements for a replat. This list includes full submission requirements for a preliminary plat. With the replat application, please provide a preliminary plat created by a professional licensed land surveyor in accordance with the requirements in MMC 17.20.			
×	Final Plat Requirements	MMC Section 17.16.070 provides application requirements and procedures for final plats, with a reference to the City's final plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for the final plat established in MMC Chapter 17.24.			
		MMC Section 17.12.050 establishes the following approval criteria for final plats. The final plat application will be required upon approval of an application for a replat.			
		Sign Code Compliance (MMC Title 14)			
	Sign Requirements				
		Noise (MMC Title 16)			
	Noise Mitigation (MMC 16.24)				
		Neighborhood District Associations			
×	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			
	Lewelling	(NDA). In this case, the site is within Ardenwald-Johnson Creek NDA and within 300 ft of the Lewelling NDA.			
	Choose an item.				
		Ardenwald-Johnson Creek NDA Chair			
		Matt Rinker			
		mattrinker@hotmail.com			

		Regular meeting—6:30 p.m. on the fourth Monday of most months, except July and August.			
		Lewelling NDA Chair			
		Rebecca Stavenjord			
		lewellingndachair@gmail.com			
		Regular meeting—6:30 p.m. on the second Wednesday of most months.			
		Other Permits/Registration			
	Business Registration				
	Home Occupation Compliance (MMC 19.507)				
		Additional Planning Notes			
	I	ENGINEERING & PUBLIC WORKS COMMENTS			
		Public Facility Improvements (MMC 19.700)			
	Applicability (MMC 19.702)	MMC 19.702 establishes the applicability of MMC 19.700 including 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.			
		The proposed development is to partition the existing lot and to create one new single-family dwelling and an accessory dwelling unit. MMC 19,700 applies.			
	Transportation Facilities Review (MMC 19.703)	A Transportation Facilities Review (TFR) Land Use Application is not required.			
	Transportation Impact Study (MMC 19.704)	A Transportation Impact Study (TIS) is not required.			
×	Agency Notification (MMC 19.707)	The City shall provide notice of the development to Clackamas County and Metro as the proposed development is within 200 feet of a designated collector roadway.			
⊠	Transportation Requirements (MMC 19.708)	Access Management: All development subject to MMC 19.700 shall comply with access management standards contained in MMC 12.16.			
		Clear Vision: All developments subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24.			
		42 nd Avenue has existing curb and sidewalk. No additional frontage improvements are required as part of this development.			
	Utility Requirements	No public utility upgrades are required as part of this development.			
	(MMC 19.709)	See MMC 13.04 Water System, MMC 13.12 Sewer System, and MMC 13.14 Stormwater Management for individual private utility requirements.			
		Flood Hazard Area (MMC 18)			
	Development Permit (MMC 18.16.030)	The subject property is not located in a designated flood hazard area.			

	General Standards (MMC 18.04.150)	
	Compensatory Storage (MMC 18.20.020)	
	Floodways (MMC 18.20.010.B)	
		Environmental Protection (MMC 16)
	Weak Foundation Soils (MMC 16.16)	
×	Erosion Control (MMC 16.28)	Erosion control and prevention is required as outlined in MMC16.28
		Standard Erosion Prevention and Sediment Control notes
		Projects that disturb more than 500 square feet within the City of Milwaukie limits require an Erosion Control Permit from the City's Building Department. Even projects that are less than 500 square feet may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.
		Please review the City's <u>Erosion Prevention and Sediment Control</u> requirements. The applicant is encouraged to use the City's adopted <u>Erosion Prevention and Sediment Control Planning & Design Manual (2008)</u> for assistance in designing an erosion control plan.
		For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control or contact erosioncontrol@milwaukieoregon.gov .
	Tree Code (MMC 16.32)	All public trees over 2" in diameter at breast height (DBH) are regulated by the public tree code. Public trees are to be protected through development and included on the inventory and protection plan required by the private development tree code (MMC 16.32.042). Public tree removals require an approved permit for removal, which includes a notice period lasting 14 days but can extend to 28 days if public comment is received.
		Public trees require a permit for planting (free) – visit <u>milwaukieoregon.gov/trees</u> to learn more.
		Frontage improvements include tree replanting requirements in the ROW following the public works standards. Public trees may count for partial credit in the development tree code as described in MMC 16.32.042.
		The tax lot included in the development site is subject to the development tree code (MMC 16.32.042 A-H).
		The development tree code requires for this development compliance and/or mitigation associated with the following standards:
		 Preservation standard Planting Standard Protection Standard Soil volume standard
		For more information on these standards, view the supplemental documents on the residential development tree code webpage here . Mitigation fees are outlined in the Master 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)
		Bonds are required for tree protection and post development warranties as outlined in the Master Fee Schedule.
		Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional

		supportive documentation, including canopy lists and tree protection and planting guidance are available at www.milwaukieoregon.gov/trees .			
		The development tree code application is due at time of building permit application unless a variance is being requested through the land use application process. Building permits will not be approved without completion and approval of the development tree code application.			
	For more information, please contact <u>urbanforest@milwaukieoregon.gov</u> or call 50, 7655.				
		Public Services (MMC 13)			
×	Water System (MMC 13.04)	The newly created lot will require a new water connection. Connection of 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 .			
		A System Development Charge (SDC) must be paid prior to new connections to city water. See section MMC 13.28.040 System Development Charge.			
		A Right-of-Way Permit is required prior to starting any work in the public right-of-way: https://www.milwaukieoregon.gov/engineering/right-way-permit-application			
⊠	Sewer System (MMC 13.12) The newly created lot will require a new sewer connection. Connection of City utilities subject to plan and application review.				
		A System Development Charge (SDC) must be paid prior to new connections to city water. See section MMC 13.28.040 System Development Charge.			
		A Right-of-Way Permit is required prior to starting any work in the public right-of-way: https://www.milwaukieoregon.gov/engineering/right-way-permit-application			
	Stormwater Management (MMC 13.14)	Stormwater mitigation and treatment is required for all new impervious surfaces more than 500 square feet. Existing structures and impervious surfaces will not require additional stormwater mitigation and treatment measures.			
		All new development or intensification of use shall be subject to system development charges. See section MMC 13.28.040 System Development Charge.			
⊠	System Development Charge (MMC 13.28.040) All new development or intensification of use shall be subject to System Development Charges (SDCs).				
		An estimate has been provided based on the initial plans provided as part of this application. Actual fees may vary based on plan review.			
		All system development charges must be paid prior to building permit issuance.			
	Fee in Lieu of Construction (MMC 13.32)	Fee in Lieu of Construction (FILOC) is not required as part of this development.			
		Public Places (MMC 12)			
⊠	Right of Way Permit (MMC 12.08.020)	A Right-of-Way permit is required for any work in the public right-of-way, any new or altered connections to public utilities, or work on any accessways.			
		Right-of-Way Permit application: https://www.milwaukieoregon.gov/engineering/right-way-permit-application			
	Access Requirements (MMC 12.16.040)	No alterations to the driveway are proposed as part of this development. Any alterations to the existing driveway shall comply with MMC 12.16.040.			
×	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.			

Additional Engineering & Public Works Notes

An estimated System Development Charges fee sheet has been provided. Please note that these fees can change based on updates to the plans, additional information regarding plumbing fixtures, or any alterations or additions to public utilities such as water or wastewater.

42nd Avenue is scheduled to be repaided by Summer of 2024. Utility connections should be completed prior to repaining to avoid moratorium street repair fees.

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.

Additional Building Notes

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

The ADU will need to meet the current IRC along with it's Appendix Q since it's under 400 sq feet. Fire Sprinklers will be required for the ADU since it's regulated out of the IRC. Structures larger than 400 square feet are regulated out of the regular adopted 2021 Oregon Residential Specialty Code and it does not require fire sprinklers. If the ADU is closer than 3 feet to the property line or 6 feet from other structures, a fire wall will be required.

	OTHER FEES				
	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *12% (.12)			
Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.		Calculation: Valuation *.12% (.0012)			
×	School Excise Tax School CET – Applies to any new square footage. Calculation: Commercial = \$0.69 a square foot, 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				
Boi	ler Approval (State)			
Ele	vator Approval (State)			
Hed (Cd	alth Department Approval ounty)			
		Arts Tax		
Nei	ighborhood Office Permit			
		Other Right-of-Way Permits		
Ma	jor:			
☐ Minor:				
	nted Intersection Program mits:			
	artMOB Application			
	Traffic Control Plan (Engineering)			
Par	klet:			
	Parklet Application/ Planning Approval			
	Engineering Approval			
	Building Approval			
Sid	ewalk 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 NOTI	E 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		
Samantha Vandagriff Harmony Drake Stephanie Marcinkiewicz	Building Official Permit Technician Inspector/Plans Examiner	503-786-7611 503-786-7623 503-786-7636
ENGINEERING DEPARTMENT		
Steve Adams Jennifer Backhaus	City Engineer Engineering Technician III	503-786-7605 503-786-7608
PLANNING DEPARTMENT		
Laura Weigel Vera Kolias Brett Kelver Adam Heroux Ryan Dyar	Planning Manager Senior Planner Senior Planner Associate Planner Assistant Planner	503-786-7654 503-786-7653 503-786-7657 503-786-7658 503-786-7661
COMMUNITY DEVELOPMENT DEPA	ARTMENT	
Joseph Briglio Mandy Byrd Janine Gates Emilie Bushlen Will First	Community Development Director Development Programs Manager Housing & Econ. Dev. Prog. Mgr. Administrative Specialist II Administrative Specialist II	503-786-7616 503-786-7692 503-786-7627 503-786-7600 503-786-7600
SUSTAINABILTY DEPARTMENT		
Natalie Rogers Courtney Wilson Galen Hoshovsky	Climate & Natural Resources Mgr. Urban Forester Environmental Services Coordinator	503-786-7668 503-786-7697 503-786-7660
CLACKAMAS FIRE DISTRICT		

Shawn Olson

Lieutenant Deputy Fire Marshal

shawn.olson@ClackamasFire.com



Permit Record:

22-008PA

SDCs

Street Address: 4185 SE Filbert St

Prepared By: JMB

Date: 8/11/2022

SDC	Reimbursement		Improv	ement	Administration	Total
Parks	\$	5,977.50	\$	-	\$ -	\$ 5,977.50
Transportation	\$	186.45	\$	3,710.85	\$ -	\$ 3,897.30
Storm Drainage	\$	-	\$	1,039.00	\$ -	\$ 1,039.00
Water	\$	1,115.00	\$	926.00	\$ 156.00	\$ 2,197.00
Sewer	\$	1,363.50	\$	201.00	\$ 33.00	\$ 1,597.50
Water Meter Set Fee	\$	250.00	\$	-	\$ -	\$ 250.00
Review Fee	\$	<u>-</u>	\$	-	\$ 165.00	\$ 165.00
Wastewater Treatment	\$	13,760.00	\$	-	\$ -	\$ 13,760.00
Fees subject to change until final plans and permit issuance					\$ 28,883.30	