

September 9, 2022

Kristina & Roy Weedman PO Box 535 Boring, OR 97009

### **Re: Preapplication Report**

Dear Kristina & Roy:

Enclosed is the Preapplication Report Summary from your meeting with the City on August 25, 2022, concerning your proposal for action on property located at 13200 SE Where Else Ln.

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: 22-010PA

### This report is provided as a follow-up to the meeting that was held on 8/25/2022 at 10:00 AM

### The Milwaukie Municipal Code is available here: <u>www.qcode.us/codes/milwaukie/</u>

### **APPLICANT AND PROJECT INFORMATION**

Арр	Applicant: Kristina & Ro		y Weedman Applicant Role:		
Арр	Applicant Address: PO Box 535		Boring, OR 97009		
Con	npany:				
Proj	ect Name:	Simple Partit	ion		
Proj	ect Address:	13200 SE Wh	ere Else Ln <b>Zone:</b> R-MD		
Proj	ect Description:		e property to put the existing house on its own lot and leave the northern part of the property vided in the future.		
Curr	ent Use:	Existing single	e-unit house		
		Kristina & Ro (surveyor/en	by Weedman, with Izabell Weedman (owners); Jason De Paz (realtor); Paul Roeger ngineer)		
Staf	Staff Present: Brett Kelver (		(Senior Planner); Jennifer Backhaus (Engineering Tech III); Courtney Wilson (Urban Forester)		
	PLANNING COMMENTS				
	Zoning Compliance (MMC Title 19)				
Ø	Use Standards (e.g commercial, acce		The property is zoned Moderate Density Residential (R-MD), which allows a variety of residential housing types, including single-unit detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster development.		
Ø	Dimensional Standards		Dimensional standards for the R-MD zone are provided in Milwaukie Municipal Code (MMC) Section 19.301 (specifically in MMC Subsection 19.301.4), and they vary somewhat depending on the lot size.		
			The proposed partition would establish the existing house on its own new lot, which would be over 7,000 sq ft in area. Minimum lot width is 60 ft, minimum depth is 80 ft, with at least 3 ft of street frontage required. Front, rear, and street-side setbacks are 20 ft, with side setbacks of 5 ft on one side and 10 ft on the other (for interior lots). MMC Section 19.201 (Definitions) provides some explanation of determining front, side, and rear yards as well as lot width and lot depth, which may apply to the proposed "parent" lot that will retain the existing house.		

	Land Use Review Process		
and Review Type Natural Resource review to address the designated natural resour		An application for Partition Replat is required to create the proposed new lots, with a Natural Resource review to address the designated natural resource areas on the site. Following the preliminary plat approval, a Final Plat application will be needed as part of the process to officially establish the lots.	
		<ul> <li>Partition Replat (Type II review) = \$2,000</li> <li>Natural Resource review (Type II) = \$750 (w/ discount for multiple applications)</li> </ul>	
		Note: For multiple applications processed concurrently, there is a 25% discount offered for each application fee after paying full price for the most expensive application.	
		• Final Plat (Type I review) = \$200 (processed after the preliminary plat approval)	
	Application Process	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.	
		For Type II applications, within 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.	
		With Type II 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 Planning Commission for the final local decision.	
		Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.	
		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.	
	Overlay Zones (MMC 19.400)		

Willamette Greenway	
Natural Resources (MMC 19.402)	The subject property borders Kellogg Creek to the south and includes designated Water Quality Resource (WQR) and Habitat Conservation Area (HCA). Land divisions on properties with WQR and HCA resources are subject to the requirements of MMC Subsection 19.402.13. Partitions are considered "low impact" and can go through the Type II review process if 100% of the WQR and at least 90% of the HCA can be placed in a separate unbuildable tract, protected by a conservation restriction. Otherwise, the partition must go through the more extensive Type III review process, with an impact evaluation and alternatives assessment report. If the applicant feels that the WQR or HCA boundary is inaccurate, MMC Subsection 19.402.15 establishes the procedures and process for verifying the boundaries of WQR and HCA resources.
Historic Preservation	
Flex Space Overlay	

	Site Improvements/Site Context				
⊠	Landscaping Requirements	The minimum vegetation requirement for R-MD lots 7,000 sq ft or larger in area is 30% of lot area; the maximum lot coverage is 30%.			
	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)				
	Connectivity to surrounding properties				
	Circulation				
	Building Design Standards (MMC 19.505)	Design standards for new single-unit detached and middle housing residential dwellings are provided in MMC Subsection 19.505.1. The proposed partition does not trigger applicability of those standards for the existing house, but they will be applicable to any new development on the new vacant parcel.			
	Downtown Design Standards (MMC 19.508)				
		Parking Standards (MMC 19.600)			
	Residential Off-Street Parking Requirements	MMC Table 19.605.1 establishes parking quantity requirements, including a requirement for 1 off-street parking space per primary dwelling unit. The proposed partition must demonstrate that the standard is met for the existing house.			
		Additional standards for residential off-street parking are provided in MMC Section 19.607.			
	Multi-Family/Commercial Parking Requirements				
		Approval Criteria (MMC 19.900)			
	Community Service Use (CSU) (MMC 19.904)				
	Conditional Use (MMC 19.905)				
	Development Review (MMC 19.906)				
	Variance (MMC 19.911)				
	Land Division (MMC Title 17)				
	Design Standards	MMC Section 17.28.040 establishes general standards for lot design, including a requirement for rectilinear lots (as practicable) and limits on compound lot line segments. Cumulative lateral changes in the direction of 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 is granted.			
	Preliminary Plat Requirements	MMC Section 17.16.060 provides application requirements and procedures for preliminary plats, including a reference to the City's preliminary plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for preliminary plat established in MMC Chapter 17.20.			

	MMC Section 17.12.040 establishes approval criteria for preliminary plats. The application must include a narrative description demonstrating that the proposal meets all applicable	
	code requirements and design standards, and it must meet the following criteria:	
	(1) the proposed plat complies with Title 19 and other applicable regulations & standards;	
	(2) the proposed land division allows for reasonable development and does not create the need for a variance;	
	(3) the proposed subdivision plat name is not duplicative and satisfies all applicable standards of ORS 92.090(1); and	
	(4) the streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street pattern.	
Final Plat Requirements (See Engineering Section of this Report)	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 final plat established in MMC Chapter 17.24.	
	MMC Section 17.12.050 establishes the following approval criteria for final plats:	
	(1) Compliance with the preliminary plat approved by the approval authority, with all conditions of approval satisfied.	
	(2) The preliminary plat approval 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 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 the Zoning Ordinance 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. The plat must indicate the initial point of the survey and give the dimensions and kind of such monument and its reference to some corner established by the U.S. Survey or giving two or more objects for identifying its location.	
	Note that construction of all required public improvements must be completed, inspected, and accepted by the City prior to the City's sign-off on the final plat, unless an arrangement for bonding or other interim measure is made and agreed upon by the City. In the case of the proposed partition, public improvements will not be required until such time as the new vacant parcel is developed or further divided.	
	Sign Code Compliance (MMC Title 14)	
Sign Requirements		
	Noise (MMC Title 16)	
Noise Mitigation (MMC 16.24)		

	Neighborhood District Associations				
⊠	Lake Road Choose an item.	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 Lake Road NDA.			
	Choose an item.	Lake Road NDA Co-Chairs Debbie Patten and Carla Bantz			
		lakeroadndachair@gmail.com			
		Regular meeting—second Wednesday of most months, 6:30pm (next is Sept. 14, 2022)			
		Other Permits/Registration			
	Business Registration				
	Home Occupation Compliance (MMC 19.507)				
		Additional Planning Notes			
that	In order to meet the minimum density requirement of the R-MD zone, the new vacant parcel will likely require a note on the plat that it must be further divided in order to meet minimum density. Future development on the new vacant parcel will be required to demonstrate compliance with the R-MD minimum density standard.				
	E	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 to partitions, subdivisions, replats, and new construction.			
	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)				
⊠	Transportation Requirements (MMC 19.708)	On property fronting Where Else Ln, a 9-ft right-of-way (ROW) dedication will be required. This matches the western edge of ROW for those properties north of 13200 SE Where Else Ln.			
		On property fronting the extension of Elsewhere Lane, either a 25-ft dedication + 15-ft public water easement, or a 34-ft dedication will be required. A 30-ft dedication + 10-ft water easement may also be acceptable. Engineering staff can make a final determination prior to application submittal.			
		Near the south end of Where Else Ln, the street curves to the east. Up to an additional 16-ft dedication (25-ft total) will be required. With the irregular dedication on the east side, Engineering staff will need to determine a final configuration for the required dedication in this location.			

Utility Requirements (MMC 19.709)	Along frontages to both Where Else Lane and Elsewhere Ln, a 10-ft public utility easement (PUE) will be required. On Elsewhere Ln, the PUE and required public water easement can overlap, or be one and the same (with the 30-ft dedication option).	
	Flood Hazard Area (MMC 18)	
Development Permit (MMC 18.16.030)	The subject property is adjacent to Kellogg Creek and includes identified floodway and 100-year floodplain areas. However, the existing house is not located within a flood hazard areas and the proposed partition does not include any new development in a flood hazard area, so no floodplain development permit is required.	
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)		
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 lots included in the development site are subject to the development tree code (MMC 16.32.042 A-H). The development tree code and the included standards apply to each tax lot independently. If the applicant consolidates tax lots, the final consolidated tax lot would be subject to the development tree code.	
	The development tree code requires for this development compliance and/or mitigation associated with the following standards:	
	<ul> <li>Preservation standard</li> <li>Planting Standard</li> <li>Protection Standard</li> <li>Soil volume standard.</li> </ul>	
	For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage <u>here</u> . Mitigation fees are outlined in the <u>Master Fee Schedule</u> . 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 <a href="http://www.milwaukieoregon.gov/trees">www.milwaukieoregon.gov/trees</a> .	
		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 503-786-7655.	
		Public Services (MMC 13)	
	Water System (MMC 13.04)	No new connections to public utilities are required or proposed with the proposed partition.	
	Sewer System (MMC 13.12)		
	Stormwater Management (MMC 13.14)		
	System Development Charge (MMC 13.28.040)		
	Fee in Lieu of Construction (MMC 13.32)	No public improvements are required for the proposed partition.	
		Public Places (MMC 12)	
⊠	Right of Way Permit (MMC 12.08.020)	A Right-of-Way Permit will be required for all frontage improvements, utility work within the right-of-way, and driveway construction for each lot.	
Ø	Access Requirements (MMC 12.16.040) Per MMC 12.16.040, private property must be provided street access via accessways (driveways). These driveways must be constructed under a right-of-way permit in accordance with the current Milwaukie Public Works Standards		
Ø	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 d	rawings must be submitted electro	onically through <u>www.buildingpermits.oregon.gov</u>	
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: <a href="https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx">https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx</a> .			
All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at <u>www.buildingpermits.oregon.gov</u> . 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 <u>building@milwaukieoregon.gov</u>.

Additional Building Notes				
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				
Pleas	e see the attached memorandum for fire district comments.			
С	OORDINATION 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 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				
	Affordable Housing CET – Applies to any project with a construction value of over 100,000. Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000. School Excise Tax School CET – Applies to any new square footage. Pleas Pleas Dicant must communicate directly Metro Trimet North Clackamas School Distri North Clackamas Parks and R Oregon Parks and Recreation ODOT/ODOT Rail Department of State Lands Oregon Marine Board Oregon Marine Board Oregon Department of Fish ar State Historic Preservation Offi Clackamas County Transported Boiler Approval (State) Health Department Approval (County)			

Other Right-of-Way Permits				
	Mo	ijor:		
	Minor:			
		inted Intersection Program mits:		
		artMOB Application		
		Traffic Control Plan (Engineering)		
	Pa	rklet:		
		Parklet Application/ Planning Approval		
		Engineering Approval		
		Building Approval		
	Sid	ewalk Café:		
	Tre	e 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			
	Ent	erprise Zone:		
	Ve	rtical Housing Tax Credit:		
	Ne	w Market Tax Credits:		
	Но	using 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			
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 503-786-7651	
COMMUNITY DEVELOPMENT DEPART	IMENT		
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	

# **Clackamas Fire District #1**



## **Pre-Application Comments:**

To: Brett Kelver, Senior Planner, City of Milwaukie

From: Shawn Olson, Fire Marshal, Clackamas Fire District #1

Date: 08-25-2022

Re: 22-010PA-13200 SE Where Else Lane-Partition

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

### Fire Department Apparatus Access:

1. Provide address numbering that is clearly visible from the street.

2. Access roads shall be within 150' of all portions of the exterior wall of the first story of a building measured by an approved route around the exterior of the building.

3. Driveways serving up to three, single family dwellings or duplexes may be reduced to 12 feet in width but shall provide 20 feet of clear width.

- 4. Provide an approved turnaround for dead end access roads exceeding 150 feet in length.
- 5. Gates across access roads must be pre-approved by the fire district.

6. When any fire apparatus access road exceeds 400 feet in length, turnouts 10 feet wide and 30 feet long shall be provided in addition to the required road width and shall be placed no more than 400 feet apart, unless otherwise approved by the fire code official.

7. Access roads between 12% and 15% grade will only be approved if fire sprinklers are installed in all new structures served by the road. Access roads in excess of 15% grade are generally not approved.

### Water Supply:

1. Fire hydrants, one- and two-family dwellings and accessory structures: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exerior of the structure(s), additional fire hydrants and mains shall be provided.

2. The minimum available fire flow for single family dwellings served by a municipal water supply shall be 1,000 gallons per minute @20 psi. Single family homes over 3,600 sq.ft. Require additional fire flow. See Appendix B of the Oregon Fire Code.

3. The applicant must obtain a stamp of approval from Clackamas Fire District #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.

4. Please see our design guide at for additional information and guidance: https://clackamasfire.com/fire-prevention/new-construction-resources/

If you have questions please contact Fire Marshal Shawn Olson at <u>shawn.olson@clackamasfire.com</u> or by calling 503-742-2663.

### Submit fire apparatus access and water supply site plans to:

https://clackamasfire.com/access-and-water-supply-plan-review-submittal/