

October 13, 2022

Alec Shah 18531 S Upper Highland Rd Beavercreek, OR 97004

Re: Preapplication Report

Dear Alec:

Enclosed is the Preapplication Report Summary from your meeting with the City on September 29, 2022, concerning your proposal for action on property located at 10610 SE Home Avenue.

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,

Emilie Bushlen

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: 22-011PA

This report is provided as a follow-up to the meeting that was held on 9/29/2022 at 10:00 AM

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

	APPLICANT AND PROJECT INFORMATION				
App	licant:	Alec Shah	Applicant Role: Property Owner/Developer		
App	licant Address:	18531 S Upp	er Highland Rd, Beavercreek, OR 97004		
Con	npany:				
Proj	ect Name:	Duplex deve	elopment & partition		
Proj	ect Address:	10610 SE Hoi	me Ave Zone: R-MD		
Proj	ect Description:		luplex unit in existing detached garage; separate the garage from the existing house; use the ing partition process to put each dwelling unit on its own lot.		
Curi	ent Use:	Existing single	e-unit house		
App	licants Present:	Alec Shah (d	owner)		
Ryan [Coord		Ryan Dyar (/ Coordinator	er (Senior Planner); Jennifer Backhaus (Engineering Tech III); Eanna Zaya (Engineering Tech I); r (Assistant Planner); Courtney Wilson (Urban Forester); Galen Hoshovsky (Environmental Services For); Natalie Rogers (Climate & Natural Resources Manager); Joseph Briglio (Community ment Director)		
			PLANNING COMMENTS		
			Zoning Compliance (MMC Title 19)		
×	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.		
×	Dimensional Stand	lards	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 subject property (Lot 3 from the subdivision approved with land use file #R-2021-004), is approximately 9,700 sq ft and so would allow the proposed establishment of a duplex in the existing detached garage. For a conventional division of the property, the minimum lot width is 60 ft, minimum depth is 80 ft, with at least 35 ft of street frontage required. If the applicant elected to use the middle housing land division process, these dimensional requirements are not applicable to each of the new middle housing lots.		

	Land Use Review Process			
×	Applications Needed, Fees, and Review Type	No land use application is required for the proposed establishment of a duplex on the site—that form of development is allowed outright in the R-MD zone. The applicant will need to obtain the necessary development permits from the Building Department for demolition of the connecting breezeway and for converting portions of the detached garage into habitable space.		
		To divide the newly developed duplex property to place each dwelling unit on its own lot, an application for Partition Replat will be required. Following approval of the preliminary plat, a final plat application is required.		
		 Partition Replat (Type II review) = \$2,000 Final Plat (Type I review) = \$200 (processed after the preliminary plat approval) 		
City's initial review. For a middle housing land division, a determination of the appropriate completeness will be issued within 21 days. If the application is deemed incomp		The applicant must submit a complete electronic copy of all application materials for the City's initial review. For a middle housing land division, a determination of the application's completeness will be issued within 21 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 II decision would be heard by the Planning Commission for the final local decision. As required by state law, the final decision on a middle housing land division (including an appeal, if necessary) must be issued within 63 days of the application being deemed complete.		
		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	There are no special overlays on the subject property.		
	Natural 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. However, because the proposed duplex development involves conversion of an existing structure, the design standards are not applicable. This includes the requirement for a minimum of 6 ft of separation between detached units (MMC 19.505.1.D) not being applicable—no variance is needed from this requirement.	
		Note: Although the existing garage is connected to the house with a covered breezeway and extended roof, it does not meet the threshold to be considered attached as per MMC Subsection 19.502.2.A.1.b.(4) and so is understood to be a detached accessory structure. While there is a fully enclosed passage between the house and garage, the garage does not share a common wall with the house that is the longer of either 20 ft or 40% of the overall length of the house wall.	
	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. For most middle housing development (duplexes, triplexes, quadplexes, and townhouses), no off-street parking is required, with a maximum of 1 off-street space per unit.	
		Additional standards for residential off-street parking are provided in MMC Section 19.607.	
	Multi-Family/Commercial Parking Requirements	cial	
		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. However, the design standards are not applicable to lots created through the middle housing land division process.	
		Note: The preliminary plat approved with R-2021-004 has not yet been finalized. That will not preclude the applicant from obtaining the necessary permits to establish a detached duplex on the property. However, the proposed middle housing land division should not be initiated until the final plat associated with R-2021-004 is recorded, unless the applicant wishes to void that subdivision approval.	

×	Preliminary Plat Requirements	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 is 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 and 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				
×	Hector Campbell	Prior to submitting the application, the applicant is encouraged (but not required) to			
	Choose an item.	present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Hector Campbell NDA.			
	Choose an item.	Hector Campbell NDA Chair			
		Corinn de Torres			
		corinn@chapeltheatremilwaukie.com			
		Quarterly meetings—next meeting is Wednesday, January 11, 2023 (6-8pm)			
	L	Other Permits/Registration			
	Business Registration				
	Home Occupation Compliance (MMC 19.507)				
	Additional Planning Notes				
	Ī	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, 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 establish a new duplex unit and to partition the existing lot into two. 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)	No agency notification is required as part of this development.			
×	Transportation Requirements (MMC 19.708) Access Management: All development subject to MMC 19.700 shall comply with a 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.			
		For the new lot, payment of a Fee In Lieu of Construction (FILOC) is recommended for the entire frontage of Home Avenue (less the width of any new accessways). See MMC 13.32 Fee In Lieu of Construction (FILOC).			

		The applicant may choose instead to construct all frontage improvements which will include new curb, gutter, and sidewalk.	
×	Utility Requirements (MMC 19.709)	A 10-ft public utility easement (PUE) will be required along the Home Avenue frontage, and a 5-ft PUE will be required along the proposed Harrison Street extension.	
		Flood Hazard Area (MMC 18)	
	Development Permit (MMC 18.16.030)	The subject property is not in a flood hazard zone.	
	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 requirements</u> . The applicant is encouraged to use the City's adopted <u>Erosion Prevention and Sediment Control Planning & Design Manual (2020)</u> for assistance in designing an erosion control plan.	
		Development sites between 1 acre and 5 acres should apply for a 1200-CN permit as outlined on https://www.milwaukieoregon.gov/publicworks/1200cn . Applicants will use the DEQ 1200-C permit application but submit it to the city for review and approval through the Milwaukie Erosion and Sediment Control Program. A 1200-C permit can be found on the DEQ website at https://www.oregon.gov/deq/wq/wapermits/Pages/Stormwater-Construction.aspx . Applicants do not need to submit a permit to DEQ if under 5 acres in site size. For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-	
		prevention-and-control or contact erosioncontrol@milwaukieoregon.gov.	
code. Public trees a inventory and prote 16.32.042). Public tree notice period lasting		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 milwaukieoregon.gov/trees 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 will be subject to the development tree code (MMC 16.32.042 A-H). If dividing the existing lot, 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:

- Preservation standard
- Planting Standard
- Protection Standard
- Soil volume standard.

For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage here. Mitigation fees are outlined in the 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 503-786-7655.

Public Services (MMC 13)

⊠	Water System (MMC 13.04)	The newly created lot will require a new water connection. Connection to City utilities is subject to plan and application review. Applications for city utility billing connections shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application	
		A system development charge and a water service connection fee must be paid prior to new connections to city water.	
		Connecting to the existing water main in Home Avenue will require payment of Moratorium Fees or extended asphalt repair. Connection to the proposed water line extension in the proposed Harrison Street connection will not incur Moratorium Fees or extended asphalt repair.	
⊠	Sewer System (MMC 13.12)	The newly created lot will require a new sewer connection. Connection and extension of City utilities is subject to plan and application review.	
		An 8" Concrete sewer main is available via easement to the north of the property.	
		A system development charge must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer.	
⊠	Stormwater Management (MMC 13.14)	Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual.	
		A system development charge must be paid prior to building permit issuance.	
	System Development Charge (MMC 13.28.040) All new development or intensification of use shall be subject to system developments charges.		

		Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges	
×	Fee in Lieu of Construction (MMC 13.32)	Payment of the Fee in Lieu of Construction (FILOC) for the entire new frontage on Home Avenue is available rather than constructing improvements. The fee is calculated at \$89/LF. The exact length will exclude the new ADA ramp and the accessway width.	
		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 the new lot.	
×	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.	
		A shared accessway between the existing lot and the new lot is recommended due to site constraints. The new approach design is subject to plan review and a Right-of-Way Permit is required.	
⊠	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.	
		Additional Fnaineering & Public Works Notes	

Additional Engineering & Public Works Notes

Any changes to the proposed subdivision for Home Ave and Harrison Street may have impacts on utility connections and frontage improvement requirements.

An SDC estimate will be provided as soon as possible.

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.

All buildings must meet the Oregon Residential Specialty Code (ORSC) after new lots lines are established.

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	se 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 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)			
Par	rklet:			
	Parklet Application/ Planning Approval			
	Engineering Approval			
	Building Approval			
Sid	ewalk Café:			
Tre	e Removal Permit:			
		Infrastructure/Utilities		
 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 503-786-7661			
COMMUNITY DEVELOPMENT DEPARTMENT					
Joseph Briglio Mandy Byrd (vacant) Emilie Bushlen (vacant)	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