**MILWAUKIE PLANNING**

6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503-786-7630  
planning@milwaukieoregon.gov

# Application for Land Use Action

Primary File #: R-2022-003; VR-2022-010

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Amendment to Maps and/or       | <input checked="" type="checkbox"/> Land Division:         | <input type="checkbox"/> Residential Dwelling:                                     |
| <input type="checkbox"/> Comprehensive Plan Map         | <input checked="" type="checkbox"/> Partition              | <input type="checkbox"/> Manufactured Dwelling Park                                |
| <input type="checkbox"/> Amendment                      | <input type="checkbox"/> Property Line Adjustment          | <input type="checkbox"/> Temporary Dwelling Unit                                   |
| <input type="checkbox"/> Zoning Text Amendment          | <input checked="" type="checkbox"/> Replat                 |  |
| <input type="checkbox"/> Zoning Map Amendment           | <input type="checkbox"/> Subdivision                       | <input type="checkbox"/> Transportation Facilities Review**                        |
| <input type="checkbox"/> Code Interpretation            | <input type="checkbox"/> Miscellaneous:                    | <input checked="" type="checkbox"/> Variance:                                      |
| <input type="checkbox"/> Community Service Use          | <input type="checkbox"/> Barbed Wire Fencing               | <input type="checkbox"/> Use Exception   |
| <input type="checkbox"/> Conditional Use                | <input type="checkbox"/> Mixed Use Overlay Review          | <input checked="" type="checkbox"/> Variance                                       |
| <input type="checkbox"/> Development Review             | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Willamette Greenway Review                                |
| <input type="checkbox"/> Director Determination         | <input type="checkbox"/> Natural Resource Review**         | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Downtown Design Review         | <input type="checkbox"/> Nonconforming Use Alteration      | <b>Use separate application forms for:</b>   |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Parking:                          | <input type="checkbox"/> Annexation and/or Boundary Change                         |
| <input type="checkbox"/> Historic Resource:             | <input type="checkbox"/> Quantity Determination            | <input type="checkbox"/> Compensation for Reduction in Property Value (Measure 37) |
| <input type="checkbox"/> Alteration                     | <input type="checkbox"/> Quantity Modification             | <input type="checkbox"/> Daily Display Sign  |
| <input type="checkbox"/> Demolition                     | <input type="checkbox"/> Shared Parking                    | <input type="checkbox"/> Appeal  |
| <input type="checkbox"/> Status Designation             | <input type="checkbox"/> Structured Parking                |  |
| <input type="checkbox"/> Status Deletion                | <input type="checkbox"/> Planned Development               |  |

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **Lance Nelson**

Mailing address: **4185 SE Filbert St** State/Zip: **OR 97222**

Phone(s): **(971) 404-8467** Email: **lance.nels@gmail.com**

*Please note: The information submitted in this application may be subject to public records law.*

**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

**SITE INFORMATION:**

Address: **4185 SE Filbert St** Map & Tax Lot(s): **11E25AD06800**

Comprehensive Plan Designation: **OR2196** Zoning: **R-MD** Size of property: **15,197 square feet**

**PROPOSAL (describe briefly):**

Proposal to partition (through a replat process) a 15,197 sq. ft. lot into two properties. Subsequent to the replat, applicant plans to convert the existing detached garage into a single-family dwelling and convert an existing accessory dwelling structure into an ADU for the new dwelling.

**SIGNATURE:** I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: *Lance Nelson*

Lance Nelson

Date: 10/5/2022

159D02BFA0A605

**IMPORTANT INFORMATION ON REVERSE SIDE**

\*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

\*\* Natural Resource and Transportation Review applications **may require a refundable deposit.**

**WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION** (excerpted from MMC Subsection 19.1001.6.A):

**Type I, II, III, and IV** applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

**Type V** applications may be initiated by any individual.

**PREAPPLICATION CONFERENCE:**

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

**DEPOSITS:**

Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form)

**REVIEW TYPES:**

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

**THIS SECTION FOR OFFICE USE ONLY:**

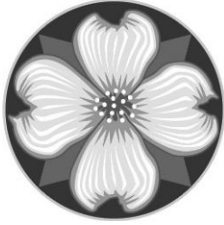
FILE TYPE	FILE NUMBER	AMOUNT (after discount, if any)	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	R-2022-003	\$ 2,000			Application materials received on October 5, 2022.  Application fees received on October 7, 2022.
Concurrent application files	VR-2022-010	\$ 750	25%	Multiple Applications	
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
<b>TOTAL AMOUNT RECEIVED: \$ 2,750.00</b>			<b>RECEIPT #: 24463</b>		<b>RCD BY: R.Dyar, Assistant Planner</b>

**Associated application file #s** (appeals, modifications, previous approvals, etc.):

**Neighborhood District Association(s):** Ardenwald-Johnson Creek , Lewelling

**Notes:** Application for a replat partition and a variance to reduce the rear yard setback for the existing accessory structure.





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 6101 SE Johnson Creek Blvd  
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# Submittal Requirements

**For all Land Use Applications  
 (except Annexations and Development Review)**

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov) for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.  
*Applications without the required application forms and fees will not be accepted.*
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.  
*Where written authorization is required, applications without written authorization will not be accepted.*
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.  
*Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.*
4. **Detailed statement** that demonstrates how the proposal meets the following:
  - A. All applicable development standards (listed below):
    1. **Base zone standards** in Chapter 19.300.
    2. **Overlay zone standards** in Chapter 19.400.
    3. **Supplementary development regulations** in Chapter 19.500.
    4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
    5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
  - B. All applicable application-specific approval criteria (check with staff).
  - C. Compliance with the Tree Code (MMC 16.32): [www.milwaukieoregon.gov/trees](http://www.milwaukieoregon.gov/trees)  
*These standards can be found in the MMC, here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)*
5. **Site plan(s), preliminary plat, or final plat** as appropriate.  
*See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.*
6. **Copy of valid preapplication conference report**, when a conference was required.

**APPLICATION PREPARATION REQUIREMENTS:**


- Electronic copies of all application materials are required at the time of submittal.

**ADDITIONAL INFORMATION:**

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: [www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association](http://www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association).
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

As the authorized applicant I, (print name) Lance Nelson, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 

Date: 10/5/2022

**Official Use Only**

Date Received (date stamp below):

Received by: \_\_\_\_\_

## PARTITION REPLAT NARRATIVE

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### I. GENERAL INFORMATION.

<b>Applicant:</b>	Lance Nelson 4185 SE Filbert Street Milwaukie, OR 97222 (971) 404-8467
<b>Applicant's Representative:</b>	<i>Not applicable.</i>
<b>Civil Engineer:</b>	Barry A. Maslen Miller Consulting Engineers, Inc. 9600 SW Oak Street, Suite 400 Portland, OR 97223
<b>Surveyor:</b>	Tony Ryan Weddle Surveying Inc. 6950 SW Hampton Street, Suite 170 Tigard, OR 97223
<b>Property Owners:</b>	Lance Nelson & Gemma Nelson 4185 SE Filbert Street Milwaukie, OR 97222
<b>Tax Lot Information:</b>	11E25AD06800
<b>Current Zoning:</b>	Moderate Density Residential Zone (R-MD)
<b>Site Area:</b>	15,197 square feet
<b>Water District:</b>	City of Milwaukie
<b>Sanitary Sewer:</b>	City of Milwaukie
<b>Surface Water Management:</b>	City of Milwaukie
<b>Fire District:</b>	Clackamas County Fire District #2
<b>Power:</b>	Portland General Electric
<b>Telephone:</b>	<i>Not applicable.</i>
<b>Cable:</b>	Comcast
<b>Gas:</b>	Northwest Natural
<b>Garbage Collection:</b>	Hoodview Disposal & Recycling



## II. APPLICABLE REGULATIONS.

### A. Milwaukie Comprehensive Plan

### B. Milwaukie Municipal Code

Title 17	Land Division
17.12	Application Procedure & Approval Criteria
17.16	Application Requirements & Procedures
17.20	Preliminary Plat
17.28	Design Standards
17.32	Improvements
Title 19	Zoning Ordinance
19.301	Base Zones
19.400	Overlay Zones and Special Areas
19.501	Supplementary Development Regulations
19.600	Off-Street Parking & Loading
19.700	Public Facility Improvements
19.910	Accessory Dwelling Unit
19.911	Variance

## III. REQUEST – APPROVALS SOUGHT.

This applicant, Lance Nelson (“**Applicant**”), is requesting Land Use approval for a **Partition Replat** of an existing property into two parcels. The subject site is approximately 15,197 square feet (.35 acres) in size and is located at 4185 SE Filbert Street. The existing property currently has one single-family house, an accessory structure, and a detached garage. The existing house will remain on one parcel with direct frontage on SE Filbert Street that will be 8,737 square feet (“**Parcel 2**”). The new Northern parcel will be 6,460 square feet (“**Parcel 1**”). No additional right-of-way dedication is required. The existing house will continue to use the existing Southern paved private driveway access onto SE Filbert Street. The new Northern parcel will use the existing driveway off SE 42<sup>nd</sup> Avenue that currently provides access to the detached garage and accessory structure. Under this proposal, the detached garage will be converted into a single family residence (the “**Proposed House**”) and the accessory structure will be converted into a detached accessory dwelling unit for the new dwelling (the “**Proposed ADU**”),

Due to the location of the existing detached garage that will be renovated into the Proposed House, a rear yard setback Variance is required. Therefore, we are also requesting a rear yard setback Variance for the detached garage with direct frontage on SE 42<sup>nd</sup> Avenue that will eventually be the Proposed House. In particular, Applicant is seeking a 16.3-foot rear lot setback for the Proposed House.

## IV. SITE DESCRIPTON AND SURROUNDING AREA.

Location and Parcel Description:

This site is generally located on the Southeast corner of SE Filbert Street and SE 42<sup>nd</sup> Avenue. The property is described as Tax Lot 1 of Tax Map 1S-1E-25-NE-SE.

The site is bordered to the South by SE Filbert Street, to the to the East by SE 42<sup>nd</sup> Avenue, and to the West and North by neighboring R-MD properties. The site is virtually flat with a slight slope of less than 3 percent. The property currently has a single-family residence approximately in the front center, with an accessory structure and detached garage on the back half of the property. The existing house is setback 27.4-feet from the front property line, 11.7-feet from the West property line, 96.14-feet from the North property line, and 22.5-feet from the East property line.

The site is zoned R-MD (Moderate Residential Density) on the City of Milwaukie Zoning Map. This zoning designation is relatively new based on the Milwaukie, Oregon Municipal Code ("**MMC**"). The site is surrounded by platted and developed single-family residential land.

SE 42<sup>nd</sup> Avenue is designated as an Arterial Street with a varying right-of-way width.

Site Access:

Primary access to the property is directly from SE Filbert Street, with a secondary access on SE 42<sup>nd</sup> Avenue. The detached garage and accessory structure on the Northern side of the property have driveway access from SE 42<sup>nd</sup> Avenue. Access for the new lot will be directly to SE 42<sup>nd</sup> Avenue using this pre-existing driveway access.

**V. PROPOSAL SUMMARY.**

Applicant seeks to retain the existing house on the front parcel, Parcel 2, and create a new parcel, Parcel 1, behind the existing house that will face and access to SE 42<sup>nd</sup> Avenue. Then the detached garage will be converted into a house and the accessory structure will be converted into a detached ADU.

Transportation:

A Transportation Impact Analysis is not required for this partition. Only two additional dwelling units, one primary and one accessory, will be added the site.

Street:

SE Filbert Street is an existing 32-foot wide asphalt paved street with a curb and curb tight sidewalk within a 70-foot right-of-way along the property frontage. Storm drainage in SE Filbert Street is collected in catch basins and piped to drywells.

SE 42<sup>nd</sup> Avenue is an existing 26-foot wide asphalt paved street with curb and setback sidewalk within a 164.61-foot right-of-way along this property frontage. Storm drainage in SE 42<sup>nd</sup> Avenue is collected in catch basins and piped to drywells.

Street improvements and additional right-of-way dedication will not be required along the frontage of either SE Filbert Street or SE 42<sup>nd</sup> Avenue. No new driveway approaches will be installed on either parcel.

Water:



This property is served domestic water by the City of Milwaukie. There is an 8-inch water main on the Northern side of SE Filbert Street and an 8-inch water main on the Eastern side of SE 42<sup>nd</sup> Avenue. The existing house is served by a standard 0.75-foot meter on the Eastern side of the main driveway off of SE Filbert Street. This service will continue to serve the existing house. A new service will be installed for Parcel 1. The nearest existing fire hydrant is located at the Southern corner of SE Mason Lane and SE 42<sup>nd</sup> Avenue.

Sanitary Sewer:

The existing house is connected to a 4-inch lateral from the 8-inch main in SE 42<sup>nd</sup> Avenue. The lateral extends from the Southeast corner of the property at SE 42<sup>nd</sup> Avenue along the East side of the existing house to the back of the house. Sanitary sewer is available from an 8-foot main on the Eastern side of SE 42<sup>nd</sup> Avenue for the new Parcel 1.

Other Utilities:

Power is provided to the existing house overhead from the overhead main line on the pole at the Southeastern corner of SE 42<sup>nd</sup> Avenue to the Southwestern corner of the existing house. Cable is also provided to the property from SE Filbert Street to the Southwestern corner of the house. All new power, telephone and cable will be installed underground if required by the City of Milwaukie. There is existing gas main on the North side of SE Filbert Street with a service into the Southwest corner of the existing house. There is also a gas main on the West side of SE 42<sup>nd</sup> Avenue. If gas service is needed for Parcel 1, it will come directly from this gas main on the West side of SE 42<sup>nd</sup> Avenue.

**VI. FINDINGS.**

**A. MILWAUKIE COMPREHENSIVE PLAN**

**Response:**

Except where required by the Milwaukie Municipal Code, this application is not required to address the city's goals and policies related to the development of land, since the Milwaukie Comprehensive Plan is implemented by the code.

**B. MILWAUKIE MUNICIPAL CODE**

**TITLE 17 LAND DIVISION**

**MMC 17.12 Application Procedure and Approval Criteria**

**Response:** Although this is a modification to a plat that was decided by the Planning Commission, we have received confirmation from the City of Milwaukie that this will be considered a Type II review. Under MMC, this application is for a Partition Replat. This proposal is to partition this existing parcel under one owner into two R-MD residential parcels, where Parcel 2 contains a pre-existing single-family home and Parcel 1 contains both a single-family residence and a detached ADU. Because we are seeking just a single Variance, this will be a Type II review. Our intent is to comply with the Land Division Criteria and the Title 19 Zoning Criteria for R-MD properties.

After approval of the requested Variance, this proposed Preliminary Plat will comply with Title 19 of the City Code and other applicable ordinances, regulations, and design standards.

The proposed Partition/Replat will allow reasonable development and will not bring the property out of conformance with the Density standard of the R-MD zone. Since Parcel 2 will be 8,737 square feet and Parcel 1 will be 6,460 square feet, this proposal is well in excess of the 5,000 minimum square feet required in the R-MD zone.

No additional streets or roads will be created by this Partition/Replat.

This detailed narrative description demonstrates how the proposal conforms to all applicable code sections and design standards.

### **MMC 17.16 Application Requirements and Procedures**

**Response:** The completed application form signed by owners of the property is included in this proposal. The application fee has been paid with this application. A narrative report that describes how the proposal meets approval criteria is included. The information specified on the "submission requirements" and "partition checklist" is included.

### **MMC 17.20 Preliminary Plat**

**Response:** The Preliminary Plat for this proposed Partition is included with this application, along with the other supplemental material required. The preliminary plat has been prepared by an Oregon registered land surveyor and includes all of the required general information, including the existing conditions and the proposed conditions.

### **MMC 17.28 Design Standards**

**Response:** Chapter 19.700 is applicable for the proposed 2-parcel partition and is discussed below. This standard is satisfied.

Any required easements for utilities will be provided on the final plat. No easements are proposed at this time. No watercourse traverses the site. This standard is satisfied.

The proposed 2 parcels are rectangular in shape and meet the minimum lot standards in Title 19. The proposed new lot lines are at a 90-degree angle to SE 42<sup>nd</sup> Avenue and the rear lot lines are parallel to the street. This standard is satisfied.

No changes in direction alongside or rear lot lines are proposed. This standard is satisfied.

No adjustment to lot shape standards are requested.

The proposed parcels are not double or reverse frontage lots.

The required frontage for both parcels is measured along SE 42<sup>nd</sup> Avenue and SE Filbert Street. Both parcels exceed the required frontage standard in Title 19.

42<sup>nd</sup> Avenue has existing curb and sidewalk. No additional frontage improvements are required as part of this development.

No public utility upgrades are required as part of this development.

This development shall comply with the clear vision standards contained in MMC 12.24.

### **MMC 17.32 Improvements**

**Response:** All applicable utility lines will be placed underground. This standard is met.

## **TITLE 19 ZONING**

### **MMC 19.301 Moderate Density Residential Zones**

**Response:** Since this property is zoned Residential R-MD, responses to those sections that do not relate to R-MD will be eliminated.

A new lot, Parcel 1, is being proposed and will include the Proposed House and the detached Proposed ADU, which is permitted use in the R-MD zone.

The minimum lot size in the R-MD zone for a single-family residence and an ADU is 5,000 square feet. Parcel 1 will be 6,460 square feet. The standard is met.

The minimum lot width for a 5,000-6,999 square foot R-MD zoned lot is 50-feet. The width of Parcel 1 is 76.14 feet. The minimum lot width for a 7,000 and up square foot R-MD zoned lot is 60-feet. The width of Parcel 2 is 85.05 feet. The standard is met.

The minimum lot depth for a 5,000-6,999 square foot R-MD zoned lot is 80-feet. The depth of Parcel 1 is 85-feet. The minimum lot depth for a 7,000 and up square foot R-MD zoned lot is 80-feet. The depth of Parcel 2 is 102.96-feet. The standard is met.

The minimum street frontage requirement for a 5,000-6,999 square foot R-MD zoned lot is 35-feet. Parcel 2 will be 85.05-feet on SE Filbert Street. The minimum street frontage requirement for a 7,000 and up square foot R-MD zoned lot is 35-feet. Parcel 1 will be 76.14-feet on SE 42<sup>nd</sup> Avenue. The standard is met.

The front yard setback requirement for all R-MD lots is 20-feet. Parcel 2 will be 27.4-feet on SE Filbert Street, and Parcel 1 will be 32.6-feet on SE 42<sup>nd</sup> Avenue. The standard is met.

The side yard setback requirement for all standard lots is 5-feet. The existing house has an 11.7-foot setback from the Western property line. The existing detached garage, which will be the blueprint for the Proposed House, has a 23.3-foot setback from the Northern property line and will have a 28.4-foot setback from the Southern property line. Parcel 1 will meet the side yard setback standards at the time of Building Permit.

The street side yard setback requirement for a 7,000 and up square foot R-MD lot is 20-feet. The existing House has an 22.5-foot setback from the Eastern property line. There is no other street side yard for either Parcel 1 or Parcel 2. This condition is met.

The rear yard setback requirement for both a 5,000-6,999 square foot R-MD lot and a 7,000 and up square foot R-MD lot is 20-feet. The existing house will have a 20-foot setback from its new Northern property line. The standard is met. However, due to the location of the existing detached garage, which will be converted into the Proposed House, we are requesting a 16.3-foot rear yard setback. Therefore, we are applying for a Variance to the standard under Subsection 19.911.

The maximum building height for primary structures is 35-feet. The existing house is a single story. The standard is met. The Proposed House to be built on Parcel 1 will meet the building height standard at the time of Building Permit and will remain one story. The ADU built on Parcel 1 will meet the building height standard at the time of Building Permit and will remain one story.

The maximum lot coverage for a 5,000-6,999 square foot R-MD lot is 35 percent. The existing house on Parcel 2 is 2,144 square feet, which is a lot coverage 24.5%. The Proposed House and Proposed ADU on Parcel 1 are 1,122 square feet total and will meet the maximum lot coverage at the time of Building Permit (approximately 17%).

The minimum vegetation requirement for a 5,000-6,999 square foot R-MD lot is 25 percent. Parcel 1 will meet the minimum vegetation requirement at the time of Building Permit. The minimum vegetation requirement for a 7,000 and up square foot R-MD lot is 30 percent. Parcel 2 has a minimum of 30 percent vegetation.

The maximum density requirement for a 5,000-6,999 square foot R-MD lot is 8.7 dwelling units per acre. The maximum density requirement for a 7,000 and up square foot R-MD lot is 6.2 dwelling units per acre. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements under 19.910.F. This proposal will thus result in 2 dwelling units on 0.35 acres, or 5.7 dwelling units per acre. The standard is met.

The minimum vegetation standard for the front yard is 40%. The existing house on Parcel 2 has a front yard of approximately 75% vegetation. The Proposed House will meet the minimum vegetation standard for the front yard at the time of Building Permit. There is no front yard minimum vegetation standard for the Proposed ADU.

#### **MMC 19.400 Overlay Zones and Special Areas**

The site is not within an overlay zone or special area. The site does not include any designated natural resources. Therefore, this Chapter is not applicable.

#### **MMC 19.505 Single Detached and Middle Housing Residential Development**

**Response:** The requisite design standards for the existing house on Parcel 2 are already met.

With respect to the Proposed House which frontage will be facing SE 42<sup>nd</sup> Avenue, the requisite design standards and objectives will be met. A depiction of the Proposed House demonstrating how these design standards will be met is attached to the corresponding application to this narrative.

### **MMC 19.600 Off-Street Parking and Loading**

**Response:** The off-street parking requirements for the existing house on Parcel 2 is two spaces, since it is a Residential home which requires one space per unit plus one space per employee. This standard is met for Parcel 2.

With respect to the Proposed House on Parcel 1, the minimum is 1 space per primary dwelling unit and there is no maximum. With respect to the Proposed ADU on Parcel 2, the minimum is 0 and there is no maximum. Two spaces will be designated on Parcel 1 for the Proposed House.

The proposed three spaces on Parcel 1 will be 9-feet wide by 18-feet deep, as required per Section 19.607. They will not be located within an adjacent public street right-of-way area, access easement, or over a public sidewalk. This standard will be met at time of Building Permit.

### **MMC 19.700 Public Facility Improvements**

**Response:** SE 42<sup>nd</sup> Avenue is classified as an Arterial Street with curb and sidewalk within an existing 164.61-foot right-of-way. The existing Northeastern driveway approach will stay as part of Parcel 1. A traffic impact study is not required for this proposed partition.

SE Filbert Street is a residential street with an existing curb and setback sidewalk. The current driveway approach will stay.

There is an existing City of Milwaukie 8-inch water main in SE 42<sup>nd</sup> Avenue which will provide service for Parcel 1. A new water meter assembly will be installed within the existing right-of-way of SE 42<sup>nd</sup> Avenue. The existing house is connected to the City main in SE Filbert Street. A fire hydrant is located on the Southeast side of 42<sup>nd</sup> Avenue.

There is an existing City of Milwaukie 8-inch sewer main in SE 42<sup>nd</sup> Avenue which will provide service for Parcel 1. A new 4-inch lateral will be constructed from this main to the Proposed House and Proposed ADU on Parcel 1.

There are existing stormwater systems in both SE 42<sup>nd</sup> Avenue and SE Filbert Street to handle the existing street stormwater.

The existing house is served by gas from SE Filbert Street to the Southwest corner of the house. Gas is available on the West side of SE 42<sup>nd</sup> Avenue from a 2-inch gas main should Parcel 1 need gas.

Power and cable currently serve the existing house overhead from pole, SE 42<sup>nd</sup> Avenue and SE Filbert Street, respectively, near the Southeast corner of the property.

### **MMC 19.910 Accessory Dwelling Unit**

**Response:** In addition to construction the Proposed House on Parcel 1, we are proposing a detached ADU.

The Code permits an ADU to be created by conversion of an existing structure. Here, we are proposing a conversion of the accessory structure into an ADU. This structure was legally established prior to June 3, 2022. Thus, the conversion must meet all standards that apply to the creation of a new detached accessory dwelling under Section 19.910.1.E, except the design standards in Subsection 19.910.1.E.4.c., the maximum structure footprint, and minimum setbacks.

The Maximum Allowed Floor Area of a detached ADU is limited to 800 square feet of floor area of the primary structure. The Proposed ADU will be 252 square feet of floor area. This standard is met.

The Maximum Structure Height of a detached ADU is 25 feet and limited to two stories. The Proposed ADU will be 13 feet 4 inches high and will be a single story, with a loft. This standard is met.

The required side and rear yard setbacks of an ADU are 5 feet. The Proposed ADU has a rear set back of 5.9-feet and side yard setbacks of 8.1-feet. This standard is met.

The required front yard has a base zone requirement.

The required street side yard for a detached Proposed ADU has a base zone requirement. Here, there is no proposed street side yard to the Proposed ADU. Therefore, this standard does not apply.

Although no design standards are required due to the fact that this is a legally established structure prior to June 3, 2022, the detached Proposed ADU will incorporate the following design standards: (1) horizontal lap siding between 3 to 7 inches wide made from wood, fiber-cement or vinyl and (2) window trim around all windows at least 3 inches wide and 5/8 inches deep. The design standards are met.

Privacy standards are required for the Proposed ADU because it is within 20 feet of a rear lot line, within 20 feet of a side lot line, and two walls will face adjacent residential properties (one wall will face the Original House on Parcel 1 and the other wall will face a neighboring backyard). To meet the requisite privacy standards, (1) all windows on a wall will be placed in the upper third of the distance between the floor and ceiling and (2) a fence at least six feet high will be built on the side lot line of Parcel 1, which is the rear lot line of Parcel 2. Furthermore, there is a pre-existing six foot privacy fence already built along the rear lot line of Parcel 1, which will be extended to the whole rear lot line of Parcel 1, where the accessory structure faces the neighboring backyard and there are existing shrubs over six feet high next to the fence.

### **MMC 19.911 Variance**

**Response:** We are applying for one Variance, as follows:

**Rear Yard Setback.** We are applying for a rear yard setback Variance for the Proposed House, because the Variance will preserve the existing detached garage structure as our blueprint for the Proposed House. This will allow us to have a more time-efficient and cost-effective renovation, enable us to get more housing to the area quickly, and create less waste. This is the only Variance we are seeking. The effect of this single Variance

will not be detrimental to surrounding properties, natural resource areas, or public health, safety or welfare.

#### **MMC 16.32 COMPLIANCE WITH TREE CODE**

**Response:** The development tree code requires that property owners meet four key standards when subdividing a property with intent to construct an additional housing unit: (1) Preservation Standard, (2) Planting Standard, (3) Protection Standard, and (4) Soil Volume Standard. For developments in which the existing building footprint is not being expanded, such as the case here, only the Protection Standard applies. All existing trees on site of both Parcels 1 and 2, which are shown and described on the preliminary plat as 1 Willow, 1 Coniferous Tree, and 2 Deciduous Trees, will stay on both parcels and no removal is planned. This standard is met.



# PRELIMINARY PLAT & SITE PLAN

4185 SE FILBERT STREET

LOT 1, "THOMAS R. WEST"  
IN THE N.E. 1/4 OF SECTION 25

T. 1 S., R. 1 E., W.M.

CITY OF MILWAUKIE  
CLACKAMAS COUNTY, OREGON

OWNER: GEMMA WILSON & LANCE NELSON



SCALE: 1" = 20'

OCTOBER 3, 2022

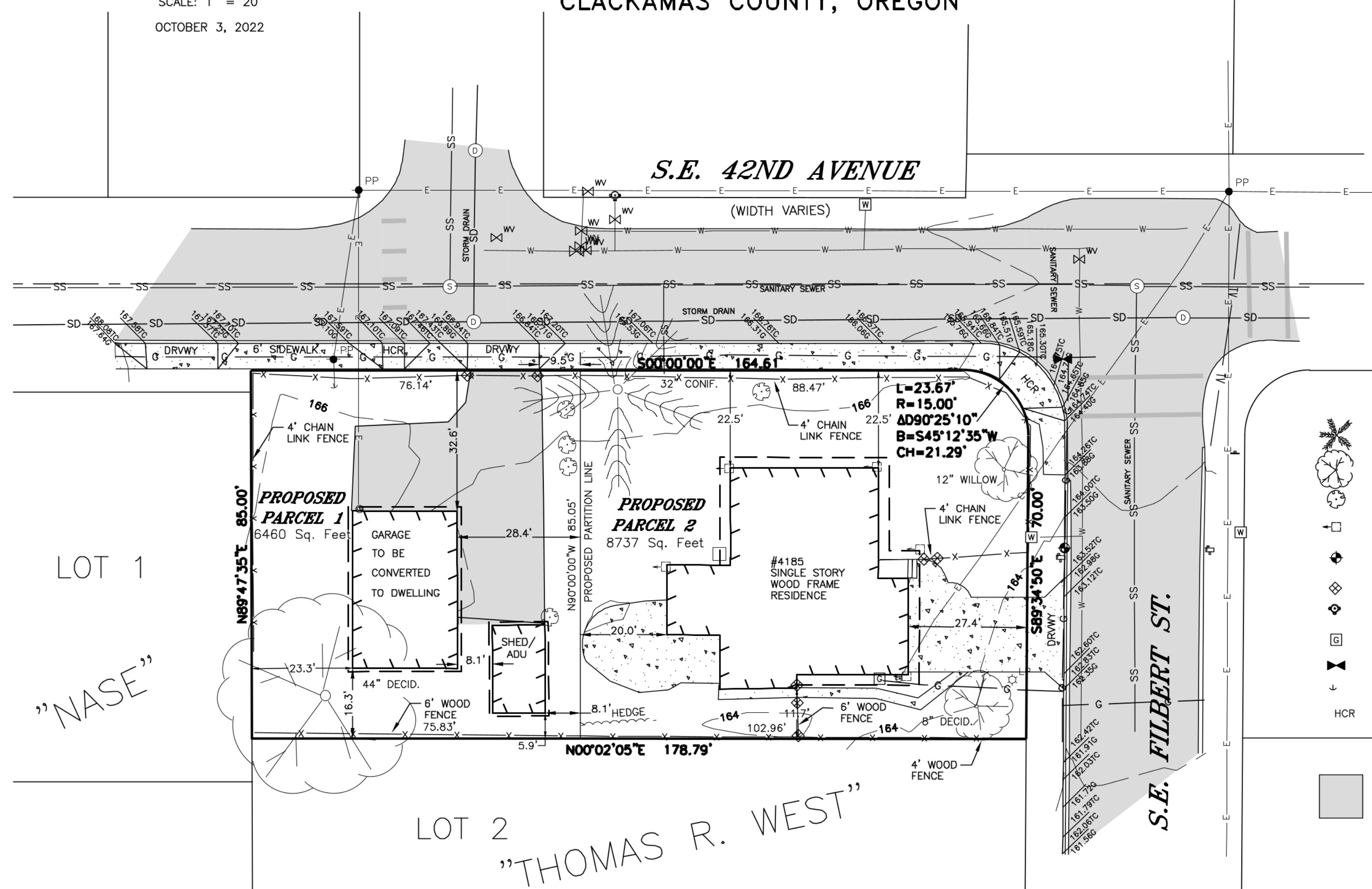
## LEGEND

---	BUILDING EAVE/OVERHANG
▬▬▬▬▬▬	BUILDING FOOTPRINT
— TV —	CATV
— X — X —	FENCE
— G —	GAS
— SS —	SANITARY SEWER
— SD —	STORM DRAIN
— — —	STREET CENTERLINE
— E —	OVERHEAD WIRE
— W —	WATER

## LOT 26

	CONIFEROUS TREE		HVAC UNIT
	DECIDUOUS TREE		LIGHT POLE
	DECORATIVE SHRUB		MAILBOX
	DOWN SPOUT		POWER METER
	ELEVATION BENCHMARK		POWER POLE
	FENCE POST		STORM DRAIN MANHOLE
	FIRE HYDRANT		STOP/STREET SIGN
	GAS METER		SANITARY SEWER MANHOLE
	GAS VALVE		WATER METER
	GUY ANCHOR		WATER VALVE
	HCR HANDICAP RAMP		

	ASPHALT SURFACE		CONCRETE SURFACE
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### SURVEYOR'S NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS PER "MEADOW CREST", MULTNOMAH COUNTY PLAT RECORDS. THIS IS NOT A RECORDABLE BOUNDARY SURVEY.
2. UNDERGROUND UTILITIES ARE SHOWN PER SURFACE MARKINGS AND AS-BUILT INFORMATION PROVIDED BY THE CONTROLLING JURISDICTIONS. THE SURVEYOR MAKES NO GUARANTEE AS TO THE EXACT LOCATION, EXISTENCE, NON-EXISTENCE OR COMPLETENESS OF ANY SUBSURFACE UTILITIES SHOWN, OR NOT SHOWN ON THE MAP. CALL 811 BEFORE DIGGING
3. FLOOD ZONE INFORMATION: THE SUBJECT TRACTS OF LAND ARE LOCATED IN ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. PER FEMA FLOOD ZONE RATE MAP 41005C0028D. EFFECTIVE DATE JUNE 17, 2008.
4. SLOPE ACROSS ENTIRE SITE IS LESS THAN 3%.

### BENCHMARK

THE BENCHMARK USED FOR THIS PROJECT WAS AN OPUS-DERIVED (STATIC GPS) ELEVATION ON WEDDLE SURVEYING CONTROL POINT 300, A SET NAIL IN FRONT OF HOUSE AS SHOWN HEREON.  
ELEVATION: 163.78' NAVD 88 (GEOID 18).

REGISTERED PROFESSIONAL LAND SURVEYOR

ANTHONY B. RYAN  
58833

EXPIRES: DECEMBER 31, 2022



6950 SW HAMPTON ST., STE. 170, TIGARD, OR 97223  
PH: (503) 941-9585 FAX: (503) 941-9640  
www.weddlesurveying.com



# CITY OF MILWAUKIE

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/](http://www.qcode.us/codes/milwaukie/)

APPLICANT AND PROJECT INFORMATION		
<b>Applicant:</b>	Lance Nelson	<b>Applicant Role:</b> Property Owner
<b>Applicant Address:</b>	4185 SE Filbert St	
<b>Company:</b>	N/A	
<b>Project Name:</b>	Filbert St Partition/Replat	
<b>Project Address:</b>	4185 SE Filbert St	<b>Zone:</b> R-MD
<b>Project Description:</b>	Proposal to partition (through a replat process) a 15,056 sq ft lot into two properties. Subsequent to the replat, the applicant plans to convert the existing detached garage into a single-family dwelling and convert an existing accessory structure into an ADU for the new dwelling.	
<b>Current Use:</b>	Residential; Single-family dwelling	
<b>Applicants Present:</b>	Lance Nelson; Gemma Wilson	
<b>Staff Present:</b>	Ryan Dyar, Assistant Planner; Jennifer Backhaus, Engineering Technician III	
PLANNING COMMENTS		
Zoning Compliance (MMC Title 19)		
<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory) (MMC 19.301.2)</b>	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 with a single-family dwelling is allowed up to two accessory dwelling units (ADU) per MMC 19.910.1.
<input checked="" type="checkbox"/>	<b>Dimensional Standards</b>	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.
<b>Land Use Review Process</b>		
<input checked="" type="checkbox"/>	<b>Applications Needed</b>	<p><u>Replat (Type II)</u></p> <p>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.</p> <p><u>Variance (Type II)</u></p> <p>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.</p> <p><u>Final Plat (Type I)</u></p> <p>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.</p>
<input checked="" type="checkbox"/>	<b>Fees</b>	<ul style="list-style-type: none"> <li>• Replat (Type II) = \$1,000</li> <li>• Variance (Type II) = \$1,000 (reduced to \$750 with discount)</li> <li>• Final Plat (Type I) = \$200 (will be processed separately, after replat approval)</li> </ul> <p>Note: For multiple applications, there is a 25% discount offered for each application fee beyond the most expensive one.</p>
<input checked="" type="checkbox"/>	<b>Review Type:</b>  <b>Type II (Replat &amp; Variance)</b>  <b>Type I (Final Plat)</b>	<p>The applicant should be aware that a Type II review is processed in accordance with the 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 date of referral, the City will presume that no comments will be submitted.</p> <p>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.</p>
<b>Overlay Zones (MMC 19.400)</b>		
<input type="checkbox"/>	<b>Willamette Greenway</b>	
<input type="checkbox"/>	<b>Natural Resources</b>	

<input type="checkbox"/>	<b>Historic Preservation</b>	
<input type="checkbox"/>	<b>Flex Space Overlay</b>	
<b>Site Improvements/Site Context</b>		
<input checked="" type="checkbox"/>	<b>Landscaping Requirements (MMC 19.301, 19.504.6)</b>	<p>For single-family residential development, there are only a few specific requirements for landscaping:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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)</li> <li>• 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.</li> </ul> <p>Related to landscaping, parking and maneuvering areas cannot exceed 50% of the front yard area (as per MMC Subsection 19.607.1.D).</p>
<input type="checkbox"/>	<b>Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)</b>	
<input type="checkbox"/>	<b>Connectivity to surrounding properties</b>	
<input type="checkbox"/>	<b>Circulation</b>	
<input checked="" type="checkbox"/>	<b>Building Design Standards (MMC 19.505)</b>	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.
<input type="checkbox"/>	<b>Downtown Design Standards (MMC 19.508)</b>	
<b>Parking Standards (MMC 19.600)</b>		
<input checked="" type="checkbox"/>	<b>Residential Off-Street Parking Requirements</b>	<p>As per MMC Table 19.605.1, a minimum of one off-street parking space is required per single-family dwelling unit.</p> <p>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.</p>
<input type="checkbox"/>	<b>Multi-Family/Commercial Parking Requirements</b>	
<b>Approval Criteria (MMC 19.900)</b>		
<input type="checkbox"/>	<b>Community Service Use (CSU) (MMC 19.904)</b>	
<input type="checkbox"/>	<b>Conditional Use (MMC 19.905)</b>	



<input type="checkbox"/>	<b>Development Review (MMC 19.906)</b>	
<input checked="" type="checkbox"/>	<b>Variance (MMC 19.911)</b>	<p>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.</p> <p>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.</p>

**Land Division (MMC Title 17)**

<input checked="" type="checkbox"/>	<b>Design Standards</b>	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 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 is granted. The site plan provided shows a property configuration that complies with this standard.
<input checked="" type="checkbox"/>	<b>Preliminary Plat Requirements</b>	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.
<input checked="" type="checkbox"/>	<b>Final Plat Requirements</b>	<p>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.</p> <p>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.</p>

**Sign Code Compliance (MMC Title 14)**

<input type="checkbox"/>	<b>Sign Requirements</b>	
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**Noise (MMC Title 16)**

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

<input checked="" type="checkbox"/>	<b>Ardenwald-Johnson Creek</b>	<p>Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA). In this case, the site is within Ardenwald-Johnson Creek NDA and within 300 ft of the Lewelling NDA.</p> <p><b><u>Ardenwald-Johnson Creek NDA Chair</u></b></p> <p>Matt Rinker  <a href="mailto:matrinker@hotmail.com">matrinker@hotmail.com</a></p>
	<b>Lewelling</b>	
	Choose an item.	

		<p>Regular meeting—6:30 p.m. on the fourth Monday of most months, except July and August.</p> <p><b><u>Lewelling NDA Chair</u></b></p> <p>Rebecca Stavenjord</p> <p><a href="mailto:lewellingndachair@gmail.com">lewellingndachair@gmail.com</a></p> <p>Regular meeting—6:30 p.m. on the second Wednesday of most months.</p>
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**Other Permits/Registration**

<input 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, replats, new construction, and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.</p> <p>The proposed development is to partition the existing lot and to create one new single-family dwelling and an accessory dwelling unit. 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>Agency Notification (MMC 19.707)</b>	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.
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	<p>Access Management: All development subject to MMC 19.700 shall comply with access management standards contained in MMC 12.16.</p> <p>Clear Vision: All developments subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24.</p> <p>42<sup>nd</sup> Avenue has existing curb and sidewalk. No additional frontage improvements are required as part of this development.</p>
<input type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	<p>No public utility upgrades are required as part of this development.</p> <p>See MMC 13.04 Water System, MMC 13.12 Sewer System, and MMC 13.14 Stormwater Management for individual private utility requirements.</p>

**Flood Hazard Area (MMC 18)**

<input type="checkbox"/>	<b>Development Permit (MMC 18.16.030)</b>	The subject property is not located in a designated flood hazard area.
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<input type="checkbox"/>	<b>General Standards (MMC 18.04.150)</b>	
<input type="checkbox"/>	<b>Compensatory Storage (MMC 18.20.020)</b>	
<input type="checkbox"/>	<b>Floodways (MMC 18.20.010.B)</b>	
<b>Environmental Protection (MMC 16)</b>		
<input type="checkbox"/>	<b>Weak Foundation Soils (MMC 16.16)</b>	
<input checked="" type="checkbox"/>	<b>Erosion Control (MMC 16.28)</b>	<p>Erosion control and prevention is required as outlined in MMC16.28</p> <p><a href="#">Standard Erosion Prevention and Sediment Control notes</a></p> <p>Projects that disturb more than 500 square feet within the City of Milwaukie limits require an <a href="#">Erosion Control Permit</a> 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.</p> <p>Please review the City's <a href="#">Erosion Prevention and Sediment Control</a> requirements. The applicant is encouraged to use the City's adopted <a href="#">Erosion Prevention and Sediment Control Planning &amp; Design Manual (2008)</a> for assistance in designing an erosion control plan.</p> <p>For more information, please visit <a href="https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control">https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control</a> or contact <a href="mailto:erosioncontrol@milwaukieoregon.gov">erosioncontrol@milwaukieoregon.gov</a>.</p>
<input checked="" type="checkbox"/>	<b>Tree Code (MMC 16.32)</b>	<p>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.</p> <p>Public trees require a permit for planting (free) – visit <a href="http://milwaukieoregon.gov/trees">milwaukieoregon.gov/trees</a> to learn more.</p> <p>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.</p> <p>The tax lot included in the development site is subject to the development tree code (MMC 16.32.042 A-H).</p> <p>The development tree code requires for this development compliance and/or mitigation associated with the following standards:</p> <ul style="list-style-type: none"> <li>- Preservation standard</li> <li>- Planting Standard</li> <li>- Protection Standard</li> <li>- Soil volume standard</li> </ul> <p>For more information on these standards, view the supplemental documents on the residential development tree code webpage <a href="#">here</a>. 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)</p> <p>Bonds are required for tree protection and post development warranties as outlined in the Master Fee Schedule.</p> <p>Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional</p>

	<p>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>.</p> <p>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.</p> <p>For more information, please contact <a href="mailto:urbanforest@milwaukieoregon.gov">urbanforest@milwaukieoregon.gov</a> or call 503-786-7655.</p>
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### Public Services (MMC 13)

<input checked="" type="checkbox"/>	<b>Water System (MMC 13.04)</b>	<p>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: <a href="https://www.milwaukieoregon.gov/building/water-connection-application">https://www.milwaukieoregon.gov/building/water-connection-application</a>.</p> <p>A System Development Charge (SDC) must be paid prior to new connections to city water. See section MMC 13.28.040 System Development Charge.</p> <p>A Right-of-Way Permit is required prior to starting any work in the public right-of-way: <a href="https://www.milwaukieoregon.gov/engineering/right-way-permit-application">https://www.milwaukieoregon.gov/engineering/right-way-permit-application</a></p>
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	<p>The newly created lot will require a new sewer connection. Connection of City utilities is subject to plan and application review.</p> <p>A System Development Charge (SDC) must be paid prior to new connections to city water. See section MMC 13.28.040 System Development Charge.</p> <p>A Right-of-Way Permit is required prior to starting any work in the public right-of-way: <a href="https://www.milwaukieoregon.gov/engineering/right-way-permit-application">https://www.milwaukieoregon.gov/engineering/right-way-permit-application</a></p>
<input type="checkbox"/>	<b>Stormwater Management (MMC 13.14)</b>	<p>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.</p> <p>All new development or intensification of use shall be subject to system development charges. See section MMC 13.28.040 System Development Charge.</p>
<input checked="" type="checkbox"/>	<b>System Development Charge (MMC 13.28.040)</b>	<p>All new development or intensification of use shall be subject to System Development Charges (SDCs).</p> <p>An estimate has been provided based on the initial plans provided as part of this application. Actual fees may vary based on plan review.</p> <p>All system development charges must be paid prior to building permit issuance.</p>
<input type="checkbox"/>	<b>Fee in Lieu of Construction (MMC 13.32)</b>	<p>Fee in Lieu of Construction (FILOC) is not required as part of this development.</p>

### Public Places (MMC 12)

<input checked="" type="checkbox"/>	<b>Right of Way Permit (MMC 12.08.020)</b>	<p>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.</p> <p>Right-of-Way Permit application: <a href="https://www.milwaukieoregon.gov/engineering/right-way-permit-application">https://www.milwaukieoregon.gov/engineering/right-way-permit-application</a></p>
<input type="checkbox"/>	<b>Access Requirements (MMC 12.16.040)</b>	<p>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.</p>
<input checked="" type="checkbox"/>	<b>Clear Vision (MMC 12.24)</b>	<p>A clear vision area shall be maintained at all driveways and accessways.</p>



## 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.

42<sup>nd</sup> Avenue is scheduled to be repaved by Summer of 2024. Utility connections should be completed prior to repaving to avoid moratorium street repair fees.

## 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 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](mailto: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

<input type="checkbox"/>	<b>Construction Excise Tax</b> Affordable Housing CET – Applies to any project with a construction value of over 100,000.	<b>Calculation:</b> Valuation *12% (.12)
<input type="checkbox"/>	<b>Metro Excise Tax</b> Metro – Applies to any project with a construction value of over \$100,000.	<b>Calculation:</b> Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	<b>School Excise Tax</b> School CET – Applies to any new square footage.	<b>Calculation:</b> 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

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

### Arts Tax

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

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

<input type="checkbox"/>	<b>Tree Removal Permit:</b>	
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**Infrastructure/Utilities**

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

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

**Economic Development/Incentives**

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

**SUSTAINABILTY DEPARTMENT**

Natalie Rogers	Climate & Natural Resources Mgr.	503-786-7668
Courtney Wilson	Urban Forester	503-786-7697
Galen Hoshovsky	Environmental Services Coordinator	503-786-7660

**CLACKAMAS FIRE DISTRICT**

Shawn Olson	Lieutenant Deputy Fire Marshal	<a href="mailto:shawn.olson@ClackamasFire.com">shawn.olson@ClackamasFire.com</a>
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Permit Record: 22-008PA

SDCs

Street Address: 4185 SE Filbert St

Prepared By: JMB

Date: 8/11/2022

SDC	Reimbursement	Improvement	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	\$ -	\$ -	\$ 165.00	\$ 165.00
Wastewater Treatment	\$ 13,760.00	\$ -	\$ -	\$ 13,760.00
			Total	\$ 28,883.30

Fees subject to change until final plans and permit issuance