

November 29, 2022

Brian Haveman 14845 SW Murray Scholls Dr. Suite 110, PMB 612 Beaverton, OR 97007

Re: Preapplication Report

Dear Brian:

Enclosed is the Preapplication Report Summary from your meeting with the City on 11/10/2022, concerning your proposal for action on property located at 11909 SE Stanley Ave.

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

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Manager may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Manager may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Emilie Bushlen

Administrative Specialist II



CITY OF MILWAUKIE
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# Preapplication Conference Report

Project ID: 22-015PA

This report is provided as a follow-up to the meeting that was held on 11/10/2022 at 10:00 AM

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

	APPLICANT AND PROJECT INFORMATION					
App	Applicant: Brian Haven		nan Applicant Role: Developer			
App	olicant Address:	14845 SW M	urray Scholls Dr, Suite 110, PMB 612, Beaverton, OR 97007			
Cor	npany:	TOR LLC				
Proj	ect Name:	Townhome of	development			
Proj	ect Address:	11909 SE Sta	nley Ave (tax lots 5400 & 5500) Zone: R-MD			
Proj	ect Description:	Three scena and 12-unit	arios for middle housing development: (1) 22-unit townhome development, (2) 8 townhomes t cottage cluster, and (3) 19- or 20-unit cottage cluster			
Curi	rent Use:	Existing singl	e-unit house			
App	olicants Present:	Brian Haven	an (prospective owner/developer), Mike Stouder (contractor), Tom Sisul (engineer)			
Staf	f Present:	Brett Kelver	Senior Planner), Steve Adams (City Engineer)			
			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 Standards		Dimensional standards for the R-MD zone are provided in Milwaukie Municipal Code (MMC Section 19.301 (specifically in MMC Subsection 19.301.4), and they vary somewhat depending on the lot size.			
			The subject property is comprised of two tax lots. Lot 5400 is developed with a single-unit house; Lot 5500 is a flag lot under the same ownership and functions as the back yard of lot 5400. The overall property is approximately 61,780 sq ft (1.42 acres). The property has just over 180 ft of street frontage on Stanley Avenue. Lots between 3,000 sq ft and 4,999 sq ft must be at least 30 ft wide and 80 ft deep; lots between 5,000 sq ft and 6,999 sq ft must be at least 50 ft wide and 80 ft deep; lots 7,000 sq ft and larger must be at least 60 ft wide and 80 ft deep.  Flag lots must have at least 25 ft of street frontage. The area of the pole portion of a flag lot does not count toward meeting the minimum lot area requirement, except for the			

development of middle housing. However, structures may not be constructed within the pole portion of the flag lot.

Back lots, or lots without frontage on a public street, may be established, though no more than two back lots can be created with one land division or from multiple divisions in succession.

Setback requirements for the R-MD zone are provided in Milwaukie Municipal Code (MMC) Table 19.301.4. Note that setback requirements for flag lots and back lots are reduced for middle housing development as outlined in MMC Subsection 19.504.7.

#### **Land Use Review Process**

### Applications Needed, Fees, and Review Type

The subject property is comprised of two lots that appear to have been created by a method other than plat. Depending on the details of the ultimate proposal, a lot consolidation, property line adjustment, partition, or subdivision may be pursued or required. Lot consolidations and property line adjustments must be recorded by survey with the County Surveyor; a partition or subdivision must get preliminary approval and then be recorded by plat. Following approval of a preliminary plat, a final plat application is required.

No land use application is required for middle housing development unless a variance is requested or land division is proposed. Applicable standards for development will be reviewed and confirmed as part of the building permit review.

For any proposed land division or boundary adjustment:

- Lot Consolidation (Type I review) = \$200; or
- Property Line Adjustment (PLA) (Type I review) = \$650; or
- Minor Land Partition (Type II review) = \$2,000; or
- Subdivision (Type III review) = \$4,400 plus \$100 per lot over four lots

Other possible applications:

- Natural Resource review (if needed) (Type I, II, or III) = \$200, \$1,000, or \$2,000, respectively (Where a technical report is required, a \$3,000 deposit will be collected as part of covering the costs of peer review by the City's on-call natural resources consultant.)
- Variance (if needed) = Type II (\$1,000) or Type III (\$2,000)

<u>Note</u>: For multiple applications processed concurrently, there is a 25% discount offered for each application fee after paying full price for the most expensive application.

• Final Plat (Type I review, for partitions or subdivisions, not applicable for lot consolidation or PLA) = \$200 (processed after the preliminary plat approval)

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The applicant must submit a complete electronic copy of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. (Note: For a middle housing land division, a completeness determination 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 I applications, an administrative decision will be issued as soon as possible once the application has been determined to be complete.

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.

For Type III applications, a public hearing with the Planning Commission will be scheduled once the application is deemed complete. At present, meetings are being conducted in a hybrid format, with the option of participating in person at City Hall or online via Zoom. Public notice of the hearing will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. At least 14 days

before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. Staff will coordinate with the applicant to provide the necessary sign(s). Staff will prepare a report with analysis of the proposal and a recommendation that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission for a decision. Issuance of a decision (Type 1, II, or III) 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 I or II decision would be heard by the Planning Commission for the final local decision; an appeal of a Type III decision would be heard by the City Council. Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended. Note that the state requires land use decisions to be issued within 120 days of being deemed complete. For middle housing land divisions, which are processed using Type II review, the decision deadline is 63 days. The 2023 schedule for Planning Commission hearings, including dates by which an application must be deemed complete to be eligible for a particular hearing date, is being developed and can be provided if needed. Overlay Zones (MMC 19.400) Willamette Greenway X **Natural Resources** The current version of the City's Natural Resources (NR) Administrative map shows a wetland covering all of Lot 5500 as well as a protected stream-type feature along the southern edge of the property. Accompanying Water Quality Resource (WQR) and Habitat Conservation Area (HCA) designations cover the site. The applicant is currently in the process of making a detailed boundary verification of the natural resources on the site (file #NR-2022-002), which may result in adjustments to the map. The proposed revisions would remove both the wetland and HCA designations from the property. In addition, the stream feature along the southern boundary would be revised from a primary to a secondary protected water feature, which would reduce the WQR buffer width from 50 ft to 15 ft on either side of the stream. Assuming the proposed revisions to the NR Administrative map are approved, activity within the WQR buffer on the site is subject to the applicable provisions of MMC Section 19.402. Some activities are exempt from review, such as those that do not increase any area of existing WQR disturbance—these are outlined in MMC Subsection 19.402.4. Otherwise, temporary and permanent disturbance of WQR areas is subject to natural resources review, most likely requiring either Type I or Type III review. The applicant should be prepared to show the efforts made to avoid, minimize, and mitigate for any WQR disturbance. Mitigation plantings with native species are often required to restore disturbed areas and must show a minimum 80% survival rate two years after planting. For boundary adjustments land divisions of properties that include WQR or HCA areas, MMC Subsection 19.402.13 establishes requirements and procedures to ensure that resources are adequately protected from development. For WQRs, the code encourages the WQR to be placed in a separate undevelopable tract. Type II review is allowed for partitions that can meet those low-impact standards; Type III review is necessary for subdivisions and for those partitions that cannot meet the low-impact standards. For natural resource review at the Type III level, an impact evaluation and analysis prepared by a qualified professional is required. The applicant must also pay for peer review of that report by the City's on-call natural resources consultant—a deposit for this purpose will be

**Historic Preservation** 

collected with the application submittal.

	Flex Space Overlay			
		Site Improvements/Site Context		
×	Landscaping Requirements	In the R-MD zone, the minimum vegetation requirement for lots between 3,000 sq ft and 6,999 sq ft is 25% (with maximum lot coverage of 35%); for lots 7,000 sq ft or larger the minimum vegetation requirement is 30% of lot area (maximum lot coverage is 30%).		
		For townhouse lots (between 1,500 and 2,999 sq ft), maximum lot coverage is 45% and minimum vegetation is 15%.		
		For cottage cluster development in the R-MD zone, a maximum of 60% of lot area can be impervious, and at least 35% of the lot area must be vegetated.		
		Common open space must be provided with a courtyard for each cottage cluster, equal in size to at least 150 sq ft per cottage. The common courtyard must be a single, contiguous piece; must be abutted by cottages on at least two sides; and must be a minimum of 15 ft wide at its narrowest dimension. The courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area and may also include recreational amenities. Impervious elements must not exceed 75% of the total courtyard area.		
×	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	See notes on Circulation and Parking, below.		
	Connectivity to surrounding properties			
×	Circulation	For cottage clusters, the entire site is subject to the requirements of MMC Subsection 19.505.1.D.2. These include providing continuous connections between buildings, abutting streets, common buildings, common open space, and vehicle and bicycle parking areas. At least one pedestrian connection to an abutting street frontage is required for each 200 linear ft of street frontage. Walkways must be constructed with a hard-surface material, permeable for stormwater, and no less than 3 ft wide. Where adjacent to parking areas where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided.		
	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. In addition, specific standards for cottage cluster housing are in MMC 19.505.4; standards for townhouse development are in MMC 19.505.5.  Note that conversion of an existing structure to establish a middle housing unit is not subject to the design standards.  Key points for cottage cluster development:  • No maximum density.  • Max. building footprint is 900 sq ft; max. average floor area per unit is 1,400 sq ft.  • Maximum building height is 25 ft or 2 stories, whichever is greater; however, in the space between 5 and 10 ft from the rear property line, maximum height is 15 ft.  • Minimum 6-ft separation between structures.  • Side and rear setbacks are 5 ft.  • Minimum front site setback is 10 ft; maximum is 20 ft.  • Per cluster, a minimum of 3 cottages are required, with a maximum of 12 permitted.  • Clusters must be separated by a minimum of 10 ft.  • Standards for common open space are established in MMC 19.505.1.D.1.  For the proposed 20-cottage cluster scenario (8 cottages on front half of site, 12 cottages on rear half), the front yard setback requirements (min. and max.) are applicable to the front-most cottage. With a proposed setback of approximately 15 ft, this scenario meets the minimum 10-ft front yard setback standard as well as the maximum 20-ft front yard setback. The side and rear yard setback standards apply to all cottages, as does the 6-ft separation		

Each cottage must either abut the common courtyard or be directly connected to it by a pedestrian path. At least 50% of the cottages within a cluster must be oriented toward the courtyard: have a main entrance facing the courtyard, within 10 ft of the courtyard, and connected to the courtyard by a pedestrian path. Cottages within 20 ft of a street property line may have their entrances facing the street.

As per MMC Table 19.505.1.B.1, cottages facing the street must meet the following standards of MMC Subsection 19.505.1.C: Articulation, Eyes on the Street, Main Entrance, Detailed Design. Cottages facing a courtyard or pedestrian path must also meet the Eyes on the Street and Main Entrance standards. As a whole, cottage clusters must meet the Privacy & Screening standards of MMC 19.505.1.D.4 as well as the Sustainability standards of MMC 19.505.1.D.5.

Key points for townhouse development:

- Each townhouse must be on its own lot, with public street frontage and a minimum lot size of 1,500 sq ft. A private street does not provide adequate frontage for townhouse development.
- No more than four consecutive attached townhouses sharing a common wall(s) are allowed.
- Private-to-public transition area (vertical or horizontal) is required between each dwelling and the street.
- Garages and off-street parking areas must not be prominent features in the front yard—units must share driveway access, with a maximum 10-ft width for driveways. Otherwise, access must be provided at the rear of the units.

### 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 one off-street space allowed per unit. For cottage clusters, a minimum of 0.5 spaces per unit is required, with a maximum of 1 space per unit allowed. In general, staff is disinclined to support and recommend approval of variance requests to exceed the maximum allowed vehicle parking—however, the circumstances of the site and location will be considered in determining whether to support a specific variance request (e.g., availability of on-street parking, proximity to mass transit options, etc.).

Specific requirements and limitations for townhouse driveways and parking areas are provided in MMC Subsection 19.505.5.F. In general, accessways must be shared between units, whether in front or at the rear of the proposed units. On-site parking and maneuvering areas at the front are limited to 10 ft in width on any individual lot; garages are limited to 12 ft in width (measured inside the garage door frame); shared accesses must be spaced at least 24 ft apart. For townhouse development on a corner lot (which would be the situation in this case if a public street is established), all access must be consolidated into a single driveway on the side of the corner lot.

As per MMC Subsection 19.505.4.E.2, off-street parking spaces for cottage clusters must be in common parking areas and not on the same lot as any individual cottage unit. For cottage clusters over 8 units, there must be at least two separate parking areas with a minimum of 4 spaces per area. Parking areas must be set back from the street—if the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street; if the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.

Parking spaces for cottages may be located within a detached garage or carport, with no more than 4 parking spaces in any structure. Garages/carports must be at least 10 ft from any cottage dwelling and must match the materials, trim, and roof pitch of the cottages. The interior height is limited to 8 ft, unless a modification request for a case using spacesaving parking technology is approved through the variance process. As per MMC 19.505.4.E.2, parking spaces not in a garage or carport must be screened from common open space, public streets, and adjacent residential uses by landscaping and/or other

		screening such as fencing; chain-link fencing with slats is not allowed as parking area screening. In addition, as per MMC 19.505.1.D.3, landscaping, fencing, or walls at least 3 ft tall must separate clustered parking areas and parking structures from common courtyards and public streets.  As per MMC Subsection 19.505.1.D.3, for cottage cluster projects with 16 cottages or more, parking clusters are limited to no more than 8 contiguous spaces. Parking clusters must be separated by at least 4 ft of landscaped area and can be covered, subject to the limitations noted in the paragraph above. Parking spaces may not be located between the street property line and the front façade of cottages located closest to the street property line. Parking spaces may not be located within 10 ft of other property lines; driveways and drive aisles may be located within 10 ft of other property lines. The proposal to locate some off-street parking spaces across the boundary between the two lots comprising the subject property is problematic because of the 10-ft separation standard, as both a variance and a shared parking/access agreement would be needed. Staff recommends that the two lots be consolidated to eliminate this conflict (in addition to the issue of how tree canopy and tree-removal mitigation is calculated).
	Multi-Family/Commercial Parking Requirements	
		Approval Criteria (MMC 19.900)
	Community Service Use (CSU) (MMC 19.904)	
	Conditional Use (MMC 19.905)	
	Development Review (MMC 19.906)	
	Variance (MMC 19.911)	
		Land Division (MMC Title 17)
×	Design Standards	MMC Section 17.28.040 establishes general standards for lot design, including a requirement for rectilinear lots (as practicable) and limits on compound lot line segments. As per MMC 17.28.040.C, cumulative lateral changes in direction of a side or rear property line that exceed 10% of the distance between opposing lot corners along that line require a variance.  Note: Once/If middle housing is developed (or approved for development) on any newly created lots, the lots can be divided to place each middle housing unit on its own lot. These divisions do not require that each new middle housing lot comply with the same development and design standards as the "parent" lot, but the resulting lots cannot be further divided. The middle housing land division process is an expedited one and is handled with Type II review; the final decision (including an appeal, if necessary) must be issued within 63 days of the application being deemed complete.
	Preliminary Plat Requirements	MMC Section 17.16.060 provides application requirements and procedures for preliminary plats, including a reference to the City's preliminary plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for preliminary plat established in MMC Chapter 17.20.  MMC Section 17.12.040 establishes approval criteria for preliminary plats. The application must include a narrative description demonstrating that the proposal meets all applicable code requirements and design standards, and it must meet the following criteria:
		(1) the proposed plat complies with Title 19 and other applicable regulations 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.
⊠	Other Requirements	Lot consolidations and property line adjustments must be recorded by survey with the County Surveyor. Application requirements are provided in MMC Section 17.16.040; approval criteria are established in MMC Section 17.12.030.
		Note: For the proposed cottage cluster scenarios, staff recommends consolidating the two lots that comprise the subject property. This will avoid the need for a variance to standards related to off-street parking (distance of parking spaces from property lines) and will facilitate the calculation of tree canopy and assessment of mitigation for tree removal. Including a condition of building permit approval/issuance that requires lot consolidation prior to final inspection/occupancy of the proposed development might be a way to facilitate the project.
		Sign Code Compliance (MMC Title 14)
	Sign Requirements	
	-	

	Noise (MMC Title 16)					
	Noise Mitigation (MMC 16.24)					
	<u> </u>	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 Linwood NDA.				
	Choose an item.	Linwood NDA Chair				
		Elizabeth Start				
		linwoodnda@gmail.com				
		Regular meeting is second Thursday of most months—next meeting is Thursday, December 8, 2022, at 7pm. Meetings are typically in the library at Linwood Elementary (11909 SE Linwood Ave), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.				
		Other Permits/Registration				
	Business Registration					
	Home Occupation Compliance (MMC 19.507)					
		Additional Planning Notes				
	I	ENGINEERING & PUBLIC WORKS COMMENTS				
		Public Facility Improvements (MMC 19.700)				
×	Applicability (MMC 19.702)	MMC 19.702 establishes the applicability of MMC 19.700, including 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 cottage cluster or townhouse middle housing development. MMC 19.700 applies.				
		Facility improvements and/or Right-of-Way dedication are dependent on the final design choice for this development.				
	Transportation Facilities Review (MMC 19.703)	A Transportation Facilities Review (TFR) Land Use Application is not required.				
	☐ Transportation Impact Study (MMC 19.704)  A Transportation Impact Study (TIS) is not required.					
⊠	Agency Notification (MMC 19.707)	The City must provide notification to Metro and Clackamas County whenever a proposed development is within 200 ft of a designated arterial or collector roadway.				

		Stanley Avenue is identified as a collector roadway, so Metro and Clackamas County will			
		be notified.			
	Transportation Requirements (MMC 19.708)	Access Management: All development subject to MMC 19.700 shall comply with access management standards contained in MMC 12.16.			
		Clear Vision: All developments subject to MMC 19.700 shall comply with clear vision standards contained in MMC 12.24.			
		For the new development, 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.			
		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 Stanley Avenue frontage.			
		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 &amp; 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 <a href="https://www.milwaukieoregon.gov/publicworks/1200cn">https://www.milwaukieoregon.gov/publicworks/1200cn</a> . 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 <a href="https://www.oregon.gov/deq/wq/wapermits/Pages/Stormwater-Construction.aspx">https://www.oregon.gov/deq/wq/wapermits/Pages/Stormwater-Construction.aspx</a> . Applicants do not need to submit a permit to DEQ if under 5 acres in site size.			
		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> .			

#### Tree Code (MMC 16.32)

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All public trees over 2" in diameter at breast height (DBH) are regulated by the public tree code. Public trees are to be protected through development and included on the inventory and protection plan required by the private development tree code (MMC 16.32.042). Public tree removals require an approved permit for removal, which includes a notice period lasting 14 days but can extend to 28 days if public comment is received.

Public trees require a permit for planting (free) – visit <u>milwaukieoregon.gov/trees</u> to learn more.

Frontage improvements include tree replanting requirements in the public right-of-way (ROW) following the public works standards. Public trees may count for partial credit in the development tree code as described in MMC 16.32.042.

The tax lots included in the development site will be subject to the development tree code (MMC 16.32.042 A-H), with the standards applied 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
- Plantina 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 <a href="here">here</a>. Mitigation fees are outlined in the <a href="Master Fee Schedule">Master Fee Schedule</a>. The applicant may seek a variance for one or more of these standards through a Type III variance process (MMC 16.32.042.E).

Note that there is no preservation mitigation fee assessed for trees removed above the 30% canopy cover threshold. Each lot must then provide a minimum of 40% canopy, either by planting or by paying a mitigation fee of \$5 per sq ft of needed canopy. Large-diameter trees receive bonus canopy multipliers depending on their size.

Bonds are required for tree protection and post development warranties as outlined in the Master Fee Schedule.

Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional supportive documentation, including canopy lists and tree protection and planting guidance are available at <a href="https://www.milwaukieoregon.gov/trees">www.milwaukieoregon.gov/trees</a>.

The development tree code application is due at time of building permit application unless a variance is being requested through the land use application process. Building permits will not be approved without completion and approval of the development tree code application.

For more information, please contact <u>urbanforest@milwaukieoregon.gov</u> or call 503-786-7655.

#### Public Services (MMC 13)

### ☑ Water System (MMC 13.04)

All newly created lots 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: <a href="https://www.milwaukieoregon.gov/building/water-connection-application">https://www.milwaukieoregon.gov/building/water-connection-application</a>

A system development charge (SDC) and a water service connection fee must be paid prior to any new connections to city water.

For these new private connections, extension of the existing 10" water main located in Stanley Avenue is required. This new main must be constructed to specifications outlined the Milwaukie Public Works Standards. New lateral connections to a water main must be spaced at least one foot apart.

		A ROW Permit is required to complete this work.			
×	Sewer System (MMC 13.12)	All newly created lots will require a new sewer connection. Connection and extension of City utilities is subject to plan and application review.			
		An SDC must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer.			
		For these new private connections, extension of the existing 8" sewer main located in Stanley Avenue is required. The new main must be constructed to specifications outlined in the Milwaukie Public Works Standards. New lateral connections to the sewer main must be spaced at least two feet apart.			
		A ROW Permit is required to complete this work.			
⊠	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. Once treated on site, stormwater can be discharged into the existing stormwater swale along the southern property boundary.			
		An SDC must be paid prior to building permit issuance.			
	System Development Charge	All new development or intensification of use shall be subject to SDCs.			
	(MMC 13.28.040)	Latest charges are determined by the Master Fee Schedule available here: <a href="https://www.milwaukieoregon.gov/finance/fees-charges">https://www.milwaukieoregon.gov/finance/fees-charges</a>			
⊠	Fee in Lieu of Construction (MMC 13.32)	Payment of the FILOC for the entire frontage on Stanley Avenue is recommended rather than constructing improvements, because a capital improvement project is planned on Stanley Avenue within the next couple of years. The fee is calculated at \$133.50/LF. This fee will not include the width of any new accessways.			
		Public Places (MMC 12)			
⊠	Right of Way Permit (MMC 12.08.020)	A ROW Permit will be required for all frontage improvements, utility work within the ROW, extension of public utilities, and driveway construction for the development.			
⊠	Access Requirements (MMC 12.16.040, private property must be provided street access via access (driveways). These driveways must be constructed under a ROW permit in access the current Milwaukie Public Works Standards.				
		Accessway requirements will be determined based on final design and unit count. A shared accessway will need to have a minimum width allowed for the number of serviced units, and private accessways off a new road will have a minimum width of 12 ft.			
×	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.			
	1				

### Additional Engineering & Public Works Notes

Final ROW requirements and SDC estimates will depend on the final development design chosen. The City recommends pursuing a "woonerf" street design in the event that new ROW is to be dedicated to create a public street for access to townhouse units.

SDC estimates have been provided for the 22-townhouse development option and the 20-cottage development option. For both options, units were assumed at 800 sq ft and new 3/4"-water meters were added for each unit (excluding the existing meter on site). Further estimates can be provided upon request by emailing <a href="mailto:engineering@milwaukieoregon.gov">engineering@milwaukieoregon.gov</a>—please provide number of units, size of units, and water service information.

#### **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 <a href="www.buildingpermits.oregon.gov">www.buildingpermits.oregon.gov</a>. 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.

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.

Water and sewer lines on private property can be in the same trench as long as the pipe materials and conditions in OPSC 609.2 are met.

- 609.2 Trenches. Water pipes shall not be run or laid in the same trench as building sewer or drainage piping constructed of clay or materials that are not approved for use within a building unless both of the following conditions are met:
  - (1) The bottom of the water pipe shall be not less than 12 inches (305 mm) above the top of the sewer or drain line.
  - (2) The water pipe shall be placed on a solid shelf excavated at one side of the common trench with a clear horizontal distance of not less than 12 inches (305 mm) from the sewer or drain line.

Water pipes crossing sewer or drainage piping constructed of clay or materials that are not approved for use within a building shall be laid not less than 12 inches (305 mm) above the sewer or drain pipe.

	OTHER FEES					
×	Construction Excise Tax  Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *12% (.12)				
	Metro Excise Tax  Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)				
School Excise Tax School CET – Applies to any new square footage.		Calculation:  Commercial = \$0.69 a square foot,  Residential = \$1.39 a square foot (not including garages)				

#### FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

In addition, note that a 20-ft-wide paved "woonerf"-style street (i.e., a shared street, with a designated "lane" for pedestrians that vehicles could use if needed to pass one another), would be sufficient for Clackamas Fire District access, as long as there is a

turnaround with a minimum turn radius of 28 ft inside and 48 ft outside, with no parking on either side of the roadway. If a hydrant is located along this accessway, the minimum width will need to be 26 ft.

#### **COORDINATION WITH OTHER AGENCIES**

#### Applicant must communicate directly with outside agencies. These may include the following:

- Metro
- Trimet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS					
State or County Approvals Needed					
Boi	ler Approval (State)				
Ele	vator Approval (State)				
	alth Department Approval ounty)				
		Arts Tax			
Nei	ighborhood Office Permit				
		Other Right-of-Way Permits			
Ma	jor:				
Minor:					
	nted Intersection Program mits:				
	artMOB Application				
	Traffic Control Plan (Engineering)				
□ Parklet:					
	Parklet Application/ Planning Approval				
	Engineering Approval				
	Building Approval				

Sidewalk Café:						
Tree Removal Permit:						
Infrastructure/Utilities						
Applicant must communicate directly with utility providers. These may include the following:  PGE  NW Natural  Clackamas River Water (CRW)  Telecomm (Comcast, Century Link)  Water Environmental Services (WES)  Garbage Collection (Waste Management, Hoodview Disposal and Recycling)						
	Economic Development/Incentives					
Enterprise Zone:						
Vertical Housing Tax Credit:						
New Market Tax Credits:						
Housing Resources:						
PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE						

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		
(vacant) 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 Eanna Zaya	City Engineer Engineering Technician III Engineering Technician I	503-786-7605 503-786-7608 503-786-7609
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 DE	PARTMENT	
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

#### **Brett Kelver**

From: Olson, Shawn <shawn.olson@ClackamasFire.com>

Sent: Monday, November 14, 2022 8:36 AM

**To:** Brett Kelver; Steve Adams; Jennifer Backhaus; Natalie Rogers; Courtney Wilson; Peter Passarelli;

Eanna Zaya; Stephanie Marcinkiewicz; Joseph Briglio

Cc: Laura Weigel

**Subject:** Re: additional scenario for pre-app at 11909 SE Stanley Ave (22-015PA)

#### This Message originated outside your organization.

#### Please my comment below:

- For individual-unit sewer or water laterals connecting into their respective mains, what is the minimum distance required between the connection points (one foot)? Where those laterals are on private party, do they need to be separated by any particular distance or could they be grouped together in their respective trenches? (Steve had the first question on his list to ask Public Works, I'm just capturing it here as part of the larger list of questions. The second question may be more for Building?)
- For Shawn/CFD, would a 20-ft-wide paved woonerf-style street (a shared street, with a designated "lane" for pedestrians that vehicles could use if needed to pass one another) be sufficient for CFD access? (I know we emailed about this recently and though I can't find the thread at the moment I think 20 ft sounded adequate.)

Yes this would be fine as long as the turnaround meets the minimum turn radius of 28' inside and 48' outside. There is no parking on either side of the access road. If there is a hydrant along this access, then the width will need to be 26'.

- Regarding tree protection, if a site has over 40% canopy coverage, is there a mitigation fee to be paid for cutting
  trees for development above the 40% mark? For example, if you had 100% canopy coverage, would you pay any
  mitigation fees for cutting 60% of the canopy? (It feels counter to the overall spirit of the new tree code, but I'm
  still learning about how it works and wasn't sure where else to look in MMC 16.32.042.)
- Also on the tree front, is the 40% canopy calculation done for each lot? In this case, there are two lots that
  comprise the subject property, though they are proposing to potentially develop in two phases (one on each
  lot). (I think the answer is that they would have to consolidate the lots to have the whole area be the basis for
  the 40% calculation; otherwise it's lot by lot, yes?)
- For fee in lieu of construction (FILOC), which I think Steve said would be what we'd look for instead of actual constructed improvements on Stanley Ave, is the FILOC amount calculated based on an engineer's estimate or based on a per-lineal-foot cost we've established? And if the developer thought they could construct the improvements more cheaply than the FILOC estimate, could they just build them in this case? (My guess is that we would say No because of the planned improvements coming on Stanley Ave, and/or that we would conclude that construction of limited improvements would present a safety concern?)
- They were interested in Jennifer confirming what the SDCs would be, especially whether there was any special rate less than 1.0 EDU for middle housing units. (I told them Jennifer was looking into it.)

- For the front cottage cluster, closer to Stanley Ave, Planning needs to confirm how to designate the front, rear, and side yards for the cottages that face the inner courtyard and have their backs to the street. This is for the purpose of confirming setbacks and also where/how any design standards apply.
- Will the Planning staff be supportive of variance requests to exceed the maximum allowed parking, where developers want to provide more parking than the code allows?

Shawn Olson Fire Marshal 503-742-2663



"Here for you"

CLACKAMAS FIRE DISTRICT #1 WWW.CLACKAMASFIRE.COM 503-742-2600

From: Brett Kelver < Kelver B@milwaukieoregon.gov>

Sent: Thursday, November 10, 2022 3:52 PM

**To:** Steve Adams <a href="AdamsS@milwaukieoregon.gov">AdamsS@milwaukieoregon.gov</a>; Jennifer Backhaus <a href="BackhausJ@milwaukieoregon.gov">BackhausJ@milwaukieoregon.gov</a>; Natalie Rogers <a href="RogersN@milwaukieoregon.gov">RogersN@milwaukieoregon.gov</a>; Olson, Shawn <a href="Shawn.olson@ClackamasFire.com">Shawn.olson@ClackamasFire.com</a>; Peter Passarelli <a href="PassarelliP@milwaukieoregon.gov">PassarelliP@milwaukieoregon.gov</a>; Eanna Zaya <a href="ZayaE@milwaukieoregon.gov">ZayaE@milwaukieoregon.gov</a>; Stephanie Marcinkiewicz <a href="MarcinkiewiczS@milwaukieoregon.gov">MarcinkiewiczS@milwaukieoregon.gov</a>; Joseph Briglio <a href="BriglioJ@milwaukieoregon.gov">BriglioJ@milwaukieoregon.gov</a>; Joseph Briglio

Cc: Laura Weigel < WeigelL@milwaukieoregon.gov>

Subject: additional scenario for pre-app at 11909 SE Stanley Ave (22-015PA)

Vacation schedules made it a very small staff team at today's pre-app for several development scenarios at 11909 SE Stanley Ave (just me and Steve), but we conveyed the info we could and made note of some questions to follow up on. A list of those is below.

The applicant team also presented a new scenario that they identified as their current favorite. A PDF is attached to show the concept, which is for two cottage cluster developments and would not involve a land division, just an adjustment of the boundary between the two lots. The front lot would have 7 cottage units, the rear lot would have 12 cottages, with the front lot probably being developed first. The eventual idea would be to use the 458-middle-housing-land-division method to separate the cottages onto their own separate lots.

Here are the items I noted as needing follow up, in the pre-app notes if not through direct contact with the applicant team:

- For individual-unit sewer or water laterals connecting into their respective mains, what is the minimum distance
  required between the connection points (one foot)? Where those laterals are on private party, do they need to
  be separated by any particular distance or could they be grouped together in their respective trenches? (Steve
  had the first question on his list to ask Public Works, I'm just capturing it here as part of the larger list of
  questions. The second question may be more for Building?)
- For Shawn/CFD, would a 20-ft-wide paved woonerf-style street (a shared street, with a designated "lane" for pedestrians that vehicles could use if needed to pass one another) be sufficient for CFD access? (I know we emailed about this recently and though I can't find the thread at the moment I think 20 ft sounded adequate.)



Permit Record:

22 Townhomes Option

SDCs

Street Address: 11909 SE Stanley Ave

Prepared By: JMB

Date: 11/23/2022

SDC	Reimbursement		Impro	vement	Administration	Tot	al
Parks	\$	39,850.00	\$	-	\$ -	\$	39,850.00
Transportation	\$	1,502.90	\$	29,911.70	\$ -	\$	31,414.60
Storm Drainage	\$	-	\$	5,718.72	\$ -	\$	5,718.72
Water	\$	23,415.00	\$	19,446.00	\$ 3,276.00	\$	46,137.00
Sewer	\$	17,089.20	\$	2,519.20	\$ -	\$	19,608.40
Water Meter Set Fee	\$	5,250.00	\$	-	\$ -	\$	5,250.00
Review Fee	\$	<u>-</u>	\$	-	\$ 165.00	\$	165.00
Wastewater Treatment	\$	142,760.00	\$	-	\$ -	\$	142,760.00
Fees subject to change until final plans and permit issuance Assumed 22 800 sqft units with 21 new 3/4" water meters.  Total						\$	290,903.72



Permit Record:

20 Cottage Option

SDCs

Street Address: 11909 SE Stanley

Prepared By: JMB

Date: 11/28/2022

SDC	Reimbursement		Impro	vement	Administration	Toto	lı
Parks	\$	35,865.00	\$	-	\$ -	\$	35,865.00
Transportation	\$	1,356.00	\$	26,988.00	\$ -	\$	28,344.00
Storm Drainage	\$	-	\$	5,104.39	\$ -	\$	5,104.39
Water	\$	21,185.00	\$	17,594.00	\$ 2,964.00	\$	41,743.00
Sewer	\$	15,453.00	\$	2,278.00	\$ -	\$	17,731.00
Water Meter Set Fee	\$	4,750.00	\$	-	\$ -	\$	4,750.00
Review Fee	\$	<u>-</u>	\$	-	\$ 165.00	\$	165.00
Wastewater Treatment	\$	129,000.00	\$	-	\$ -	\$	129,000.00
Fees subject to change until final plans and permit issuance Assumed 20 new 800 sqft units with 19 new 3/4" water meters.							262,702.39