

December 1, 2022

Steve Gibson 10271 SE 54th Ave Milwaukie, OR 97222

Re: Preapplication Report

Dear Steve:

Enclosed is the Preapplication Report Summary from your meeting with the City on November 17, 2022, concerning your proposal for action on property located at 4103 SE Olsen Ave, Milwaukie, OR 97222.

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

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

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

Sincerely,

Emilie Bushlen

Administrative Specialist II



CITY OF MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7600
planning@milwaukieoregon.gov
building@milwaukieoregon.gov
engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 22-014PA

This report is provided as a follow-up to the meeting that was held on 11/17/2022 at 10:00 AM

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

	APPLICANT AND PROJECT INFORMATION						
App	Applicant: Steve Gibsor		n Applicant Role: Property Owner/Developer				
App	olicant Address:	10271 SE 54 th	Ave, Milwaukie, OR 97222				
Cor	mpany:	SJ Gibson C	ustom Homes and Remodeling, LLC				
Proj	ect Name:	8-unit cottaç	ge cluster				
Proj	ect Address:	4103 SE Olse	n St Zone: R-MD				
Proj	ect Description:	Demo existir	ng home and develop an 8-unit cottage cluster development				
Curi	rent Use:	Existing singl	e-unit house				
App	olicants Present:	Steve Gibso	n, Sr; Steve Gibson				
Staf	Courtney V (Climate &		(Senior Planner); Jennifer Backhaus (Engineering Tech III); Eanna Zaya (Engineering Tech I); ilson (Urban Forester); Galen Hoshovsky (Environmental Services Coordinator); Natalie Rogers Natural Resources Manager); Mandy Byrd (Development Project Manager); Jennifer Garbely ty Engineer)				
		PLANNING COMMENTS					
			Zoning Compliance (MMC Title 19)				
×	☐ Use Standards (e.g., residential, commercial, accessory)		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		dards	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. However, the proposal is for a cottage cluster, which has specific dimensional and development standards found in MMC 19.505.4. These standards govern all setbacks, spacing between cottages, minimum size of common space, etc. All of these standards must be met unless a variance is requested.				

	Land Use Review Process					
⊠	Applications Needed, Fees, and Review Type	No land use application is required for the proposed establishment of a cottage cluster on the site —that form of development is allowed outright in the R-MD zone. The applicant will need to obtain the necessary development permits from the Building Department for demolition of the existing home.				
		The applicant has indicated that a middle housing land division is not being proposed. Staff has included that information for review if, in the future, this decision should change.				
		To divide the newly developed cottage cluster into individual lots, easements, and common areas, an application for a middle housing land division will be required. Following approval of the preliminary plat, a final plat application is required.				
		 Middle Housing land division (expedited Type II review) = \$2,000 Final Plat (Type I review) = \$200 (processed after the preliminary plat approval) 				
⊠	Application Process	The applicant must submit a complete electronic copy of all application materials for the City's initial review. For a middle housing land division, a determination of the application's completeness will be issued within 21 days. If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.				
		For Type II applications, within 7 days of the application being deemed complete, public notice of the application will be sent to property owners and current residents within 300 ft of the subject property, and a sign with notice of the application must be posted on the site. The application will also be referred to other relevant departments and agencies for review and comment. Parties will have at least 14 days to provide comments before a decision is issued.				
		With Type II review, issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. If no appeal is received within the 15-day window, the decision becomes final. Any appeal of a Type II decision would be heard by the Planning Commission for the final local decision. As required by state law, the final decision on a middle housing land division (including an appeal, if necessary) must be issued within 63 days of the application being deemed complete.				
		Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.				
		Overlay Zones (MMC 19.400)				
	Willamette Greenway	There are no special overlays on the subject property.				
	Natural Resources					
	Historic Preservation					
	Flex Space Overlay					
	Site Improvements/Site Context					
×	Landscaping Requirements	MMC 19.505.1.D.1 includes specific information regarding minimum standards for common open space in a cottage cluster. Table 19.505.4.C.1 includes minimum standards for site vegetation and for the common areas.				
×	Onsite Pedestrian/Bike Improvements (MMC 19.505.4)	Table 19.505.4.C.1 includes minimum standards for onsite bicycle parking, both for residents and guests.				
	Connectivity to surrounding properties					

	Circulation				
⊠	Building Design Standards (MMC 19.505)	MMC 19.505.1 includes specific minimum building design standards for cottages. Table 19.505.4.C.1 also includes standards related to building height, spacing, eaves, etc.			
		The cottage cluster design standards worksheet, to be submitted with the building permits, can be found here: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/12375			
		3/design standards form cottages revised.pdf.			
		Review of compliance with design standards will occur during permit review.			
	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 cottage cluster developments, 0.5 off-street parking spaces per unit is required.			
		Bicycle parking: 1.5 dry and secure bike parking spaces per home; 0.5 guest bike parking spaces per home			
	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	Land division for a middle housing development must follow the specific requirements in Title 17.			
⊠	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.			
		Staff notes that there are very specific notes and requirements for middle housing land division. This includes: separate utilities, proposed easements, and copies of approved building permits, or concurrent building permits, demonstrating how the proposed structures meet the Oregon Residential Specialty code.			
		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.
	Staff notes that there is very specific information that must be included on the Final Plat for a middle housing land division. The resultant development is still a cottage cluster and is not a development of single detached dwellings.
	Sign Code Compliance (MMC Title 14)
Sign Requirements	
	Noise (MMC Title 16)
Noise Mitigation (MMC 16.24)	
	Neighborhood District Associations

×	Ardenwald-Johnson Creek	Prior to submitting a land use application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association				
	Choose an item.	(NDA), in this case the Ardenwald NDA. NDAs do not receive formal notice of building permit applications.				
	Choose an item.	portili applications.				
		Ardenwald NDA contact information: https://www.milwaukieoregon.gov/citymanager/ardenwald-johnson-creek-nda				
	<u> </u>	Other Permits/Registration				
	Business Registration					
	Home Occupation Compliance (MMC 19.507)					
		Additional Planning Notes				
app	olicant elects to proceed with a mid	irements noted above, including communication with the NDA, is only required if the ddle housing land division. If the applicant chooses to develop a cottage cluster on one lot d as a condominium, land division is not required.				
	E	ENGINEERING & PUBLIC WORKS COMMENTS				
		Public Facility Improvements (MMC 19.700)				
replats, new construction, and mo change or intensification in use the		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 construct an 8-unit cottage cluster development. MMC 19.700 applies.				
	Transportation Facilities Review (MMC 19.703)	A Transportation Facilities Review (TFR) Land Use Application is not required.				
	Transportation Impact Study (MMC 19.704)	A Transportation Impact Study (TIS) is not required.				
	Agency Notification (MMC 19.707)	No agency notification is required as part of this development.				
×	Transportation Requirements (MMC 19.708)	Access Management: All development subject to MMC 19.700 shall comply with 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.				
		Payment of a Fee In Lieu of Construction (FILOC) is recommended for the entire frontage of Olsen Street (less the width of the new shared accessways). See MMC 13.32 Fee In Lieu of Construction (FILOC).				
		The applicant may choose instead to construct all frontage improvements which will include new curb, gutter, and sidewalk.				
\boxtimes	Utility Requirements	A 10-ft public utility easement (PUE) will be required along the Olsen Street frontage.				
	(MMC 19.709)	In the event that the units are ever divided off onto individual lots for sale, an extension of the public utility mains (water and wastewater) will be required to service all units.				

	Flood Hazard Area (MMC 18)				
	Development Permit (MMC 18.16.030)	The subject property is not in a flood hazard zone.			
	General Standards (MMC 18.04.150)				
	Compensatory Storage (MMC 18.20.020)				
	Floodways (MMC 18.20.010.B)				
		Environmental Protection (MMC 16)			
	Weak Foundation Soils (MMC 16.16)				
×	Erosion Control (MMC 16.28)	Erosion control and prevention is required as outlined in MMC16.28			
		Standard Erosion Prevention and Sediment Control Notes			
		Projects that disturb more than 500 square feet within the City of Milwaukie limits require an Erosion Control Permit from the City's Building Department. Even projects that are less than 500 square feet may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.			
		Please review the City's <u>Erosion Prevention and Sediment Control Requirements</u> . The applicant is encouraged to use the City's adopted <u>Erosion Prevention and Sediment Control Planning & Design Manual (2020)</u> for assistance in designing an erosion control plan.			
		Development sites between 1 acre and 5 acres should apply for a 1200-CN permit as outlined on https://www.milwaukieoregon.gov/publicworks/1200cn . Applicants will use the DEQ 1200-C permit application but submit it to the city for review and approval through the Milwaukie Erosion and Sediment Control Program. A 1200-C permit can be found on the DEQ website at https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx . Applicants do not need to submit a permit to DEQ if under 5 acres in site size.			
		For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control or contact erosioncontrol@milwaukieoregon.gov .			
⊠	Tree Code (MMC 16.32)	All public trees over 2" in diameter at breast height (DBH) are regulated by the public tree code. Public trees are to be protected through development and included on the inventory and protection plan required by the private development tree code (MMC 16.32.042). Public tree removals require an approved permit for removal, which includes a notice period lasting 14 days but can extend to 28 days if public comment is received.			
		Public trees require a permit for planting (free) – visit <u>milwaukieoregon.gov/trees</u> to learn more.			
		Frontage improvements include tree replanting requirements in the ROW following the public works standards. Public trees may count for partial credit in the development tree code as described in MMC 16.32.042.			
		The tax lot included in the development site will be subject to the development tree code (MMC 16.32.042 A-H). If dividing the existing lot, the development tree code and the included standards apply to each tax lot independently. If the applicant consolidates tax lots, the final consolidated tax lot would be subject to the development tree code.			

The development tree code requires for this development compliance and/or mitigation associated with the following standards: Preservation standard Planting Standard **Protection Standard** Soil volume standard. For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage here. Mitigation fees are outlined in the Master Fee Schedule. The applicant may seek a variance for one or more of these standards through a Type III variance process (MMC 16.32.042.E) Bonds are required for tree protection and post development warranties as outlined in the Master Fee Schedule. Submittal requirements are outlined in MMC 16.32.042.H. An ISA Certified Arborist is required to submit the final documents to the city as defined in MMC 16.32.042. Additional supportive documentation, including canopy lists and tree protection and planting guidance are available at www.milwaukieoregon.gov/trees. The development tree code application is due at time of building permit application unless a variance is being requested through the land use application process. Building permits will not be approved without completion and approval of the development tree code application. For more information, please contact urbanforest@milwaukieoreaon.aov or call 503-786-7655. Public Services (MMC 13) X Water System (MMC 13.04) A single master water meter is acceptable with an appropriately sized service. Applicant may choose to sub meter to facilitate internal billing. If the units are ever divided off onto individual lots, single private connections are required for each unit. This may require the extension of the public water main via easement through the properties to facilitate individual connections. Connection to City utilities is subject to plan and application review. Applications for city utility billing connections shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application A system development charge and a water service connection fee must be paid prior to new connections to city water. An 8" water main is available on the south side of Olsen Street. X Sewer System (MMC 13.12) Individual sewer laterals for the cottages should be connected to an appropriately sized private sewer main. If the units are ever divided off onto individual lots, single private connections are required for each unit. This may require the extension of the public sewer main via easement through the properties to facilitate individual connections. Connection and extension of City utilities is subject to plan and application review. An 8" Concrete sewer main is available on the south side of Olsen Street.

Stormwater Management

(MMC 13.14)

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intensification of use to city sanitary sewer.

A system development charge must be paid prior to new connections or impacts due to

Stormwater mitigation must meet the city's NPDES permit through design of facilities

All new impervious surface area in excess of 500 square feet must be treated on site.

according to the 2016 City of Portland Stormwater Management Manual.

A system development charge must be paid prior to building permit issuance.

⊠	System Development Charge (MMC 13.28.040)	All new development or intensification of use shall be subject to system developments charges.			
		An SDC estimate has been provided.			
		Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges			
⊠	Fee in Lieu of Construction (MMC 13.32) Payment of the Fee in Lieu of Construction (FILOC) for the entire new frontage on Olsen Street is available rather than constructing improvements. The fee is calculated at \$89/LF. The exact length will exclude the new shared accessway to be constructed.				
		Public Places (MMC 12)			
⋈	Right of Way Permit (MMC 12.08.020) A Right-of-Way Permit will be required for all frontage improvements, utility work within the right-of-way, and shared accessway construction.				
×	Access Requirements (MMC 12.16.040, private property must be provided street access via accessways (driveways). These driveways must be constructed under a right-of-way permit in accordance with the current Milwaukie Public Works Standards.				
		A shared accessway for the cottage cluster development is proposed and recommended. The new approach design is subject to plan review but should be 16 feet in width to meet shared access width requirements.			
×	Clear Vision (MMC 12.24) A clear vision area shall be maintained at all driveways and accessways.				

Additional Engineering & Public Works Notes

Any changes to the proposed development may result in additional requirements for frontage improvements and/or public utilities.

A Right-of-Way permit is required for all work in the right-of-way including (but not limited to) accessway construction, frontage improvements, public utility extensions, and private utility connections to public facilities.

An SDC estimate has been provided.

BUILDING COMMENTS

All drawings must be submitted electronically through www.buildingpermits.oregon.gov

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at www.buildingpermits.oregon.gov. Each permit type and sub-permit type are separate permits and are subject to the same time review times and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.

Note: Plumbing and electrical plan reviews (when required) are done off site and are subject to that jurisdiction's timelines. The City does not have any control over those timelines, so please plan accordingly.

Site utilities require a separate plumbing permit and will require plumbing plan review. **NOTE:** The grading plan submitted to the Engineering Department does not cover this review.

If you have any building related questions, please email us at building@milwaukieoregon.gov.

All buildings must meet the Oregon Residential Specialty Code (ORSC) after new lots lines are established. The common area/property will retain the same address, and unit numbers will be given to the individual houses.

	OTHER FEES					
⊠	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000. Calculation: Valuation *12% (.12)					
⊠	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)				
⊠	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.69 a square foot, Residential = \$1.39 a square foot (not including garages)				
		FIRE DISTRICT COMMENTS				
	Pleas	se see the attached memorandum for fire district comments.				
	С	OORDINATION WITH OTHER AGENCIES				
	Applicant must communicate directly with outside agencies. These may include the following: Metro Trimet North Clackamas School District North Clackamas Parks and Recreation District (NCPRD) Oregon Parks and Recreation ODOT/ODOT Rail Department of State Lands Oregon Marine Board Oregon Department of Fish and Wildlife (ODOT) State Historic Preservation Office Clackamas County Transportation and Development					
		MISCELLANEOUS				
		State or County Approvals Needed				
	Boiler Approval (State)					
	Elevator Approval (State)					
	Health Department Approval (County)					
		Arts Tax				
	□ Neighborhood Office Permit					

Other Right-of-Way Permits

Ma	jor:			
☐ Minor:				
Painted Intersection Program Permits:				
	artMOB Application			
	Traffic Control Plan (Engineering)			
Par	klet:			
	Parklet Application/ Planning Approval			
	Engineering Approval			
	Building Approval			
Sid	ewalk Café:			
Tre	e Removal Permit:			
		Infrastructure/Utilities		
Applicant must communicate directly with utility providers. These may include the following: PGE NW Natural Clackamas River Water (CRW) Telecomm (Comcast, Century Link) Water Environmental Services (WES) Garbage Collection (Waste Management, Hoodview Disposal and Recycling)				
		Economic Development/Incentives		
Ent	erprise Zone:			
Vei	rtical Housing Tax Credit:			
Ne	w Market Tax Credits:			
Но	using Resources:			
PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE				

This is only preliminary preapplication conference information based on the applicant's proposal, and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT		
Samantha Vandagriff Harmony Drake	Building Official Permit Technician	503-786-7611 503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636
ENGINEERING DEPARTMENT		
Steve Adams Jennifer Backhaus	City Engineer Engineering Technician III	503-786-7605 503-786-7608
PLANNING DEPARTMENT		
Laura Weigel Vera Kolias Brett Kelver Adam Heroux Ryan Dyar	Planning Manager Senior Planner Senior Planner Associate Planner Assistant Planner	503-786-7654 503-786-7653 503-786-7657 503-786-7658 503-786-7661
COMMUNITY DEVELOPMENT DEPA	RTMENT	
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



Permit Record: 22-014PA

SDCs

Street Address: 4103 SE Olsen St

Prepared By: JMB

Date: 11/30/2022

SDC	Reimbursement		Impro	vement	Administro	ation	To	tal
Parks	\$	11,955.00	\$	<u>-</u>	\$	-	\$	11,955.00
Transportation	\$	474.60	\$	9,445.80	\$	<u>-</u> /	\$	9,920.40
Storm Drainage	\$	-	\$	1,408.75	\$	<u>-</u>	\$	1,408.75
Water	\$	744.00	\$	621.00	\$	106.00	\$	1,471.00
Sewer	\$	4,181.40	\$	616.40	\$	-	\$	4,797.80
Water Meter Set Fee	\$	370.00	\$	-	\$	-	\$	370.00
Review Fee	\$	-	\$	-	\$	165.00	\$	165.00
Wastewater Treatment	\$	46,440.00	\$	-	\$	-	\$	46,440.00
Fees subject to change until final plans and permit issuance Assumed upsizing to X water meter Total					\$	76,527.95		