



# CITY OF MILWAUKIE

September 14, 2023

Nile Hagen  
1327 SE Tacoma St. #394  
Portland, OR 97202

**Re: Preapplication Report**

Dear Nile:

Enclosed is the Preapplication Report Summary from your meeting with the City on 08/31/2023, concerning your proposal for action on property located at 4203 SE Johnson Creek Blvd.

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,

Petra Johnson  
Administrative Specialist II



**CITY OF MILWAUKIE**  
 10501 SE Main St  
 Milwaukie OR 97222  
 503.786.7600  
 planning@milwaukieoregon.gov  
 building@milwaukieoregon.gov  
 engineering@milwaukieoregon.gov

# Preapplication Conference Report

Project ID: 23-006PA

This report is provided as a follow-up to the meeting that was held on 8/31/2023 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>	Nile Hagen	<b>Applicant Role:</b> Owner/Developer
<b>Applicant Address:</b>	1327 SE Tacoma St, #394, Portland, OR 97202	
<b>Company:</b>		
<b>Project Name:</b>	Middle housing development (cottage cluster or subdivision)	
<b>Project Address:</b>	4203 SE Johnson Creek Blvd (1S2E30BB01400 & 1S2E25AA00100)	<b>Zone:</b> R-MD (Moderate Density Residential)
<b>Project Description:</b>	Option A = 61-unit cottage cluster development (seven clusters) Option B = 20-lot subdivision for middle housing development	
<b>Current Use:</b>	Existing single-unit house with accessory structures	
<b>Applicants Present:</b>	Nile Hagen (owner/developer), Jarrett Daw (surveyor), Chris Staggs (architect)	
<b>Staff Present:</b>	Brett Kelter (Senior Planner), Laura Weigel (Planning Manager), Steve Adams (then City Engineer), Jennifer Garbely (now City Engineer), Jennifer Backhaus (Engineering Tech III), Eanna Zaya (Engineering Tech I), Courtney Wilson (Urban Forester), Natalie Rogers (Climate & Natural Resources Manager), Valere Liljefelt (Deputy Fire Marshal, Clackamas Fire District #1)	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory)</b>	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.
<input checked="" type="checkbox"/>	<b>Dimensional Standards</b>	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 vary depending on lot size. Setback requirements are provided in MMC Table 19.301.4.  The subject property is comprised of two tax lots under the same ownership. Tax lot 1400 is developed with a single-unit house and accessory structures with frontage on Johnson Creek Boulevard; lot 100 is a forested, undeveloped lot with no public street frontage. The overall property is approximately 143,380 sq ft (3.3 acres) in area and has approximately 230 ft of street frontage on Johnson Creek Boulevard.

		Where land division is proposed, note that minimum lot width, depth, and frontage requirements depend on lot size.
<b>Land Use Review Process</b>		
☒	<b>Applications Needed, Fees, and Review Type</b>	<p>For one scenario, the applicant has proposed to subdivide the property to create lots that could be developed with middle housing. Currently, the subdivision process would require a Type III review, with a public hearing and decision by the Planning Commission.</p> <p>Fees for any proposed land division or boundary adjustment:</p> <ul style="list-style-type: none"> <li>• Subdivision, preliminary plat (Type III review) = \$4,400 plus \$100 per lot over 4 lots</li> <li>• Variance (Type II or III, depending on proposal) = \$1,000 (Type II) or \$2,000 (Type III)</li> <li>• Final Plat (Type I review) = \$200</li> </ul> <p>For the cottage cluster scenario, the two underlying lots will need to be consolidated unless no cottages will be located on the smaller lot.</p> <ul style="list-style-type: none"> <li>• Lot Consolidation (Type I review) = \$200</li> </ul> <p>A middle housing land division is a land division that establishes unique lots for middle housing that has been developed or approved for development and should not be confused with a land division to create standard lots that may later be developed with middle housing. Middle housing land divisions are processed with an expedited Type II review and are recorded with a final plat to complete the process.</p> <ul style="list-style-type: none"> <li>• Middle housing land division (Type II) = \$2,000</li> <li>• Final Plat for middle housing land division (Type I) = \$200</li> </ul> <p>No land use application is required for middle housing development unless a variance is requested. Applicable standards for development will be reviewed and confirmed as part of the building permit review.</p> <p><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.</p>
☒	<b>Application Process</b>	<p>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. <u>Note:</u> For a middle housing land division, a completeness determination will be issued within 21 days.</p> <p>If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.</p> <p>For Type I applications, an administrative decision by the Planning Manager will be issued as soon as possible once the application has been determined to be complete.</p> <p>For Type II applications, within seven (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 by the Planning Manager.</p> <p>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.</p> <p>Issuance of a decision (Type I, 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</p>

		<p>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.</p> <p>Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p> <p>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.</p> <p>The 2023 schedule for Planning Commission hearings is attached for reference if needed. It includes dates by which an application must be deemed complete to be eligible for a particular hearing date. A 2024 schedule should be developed and available soon.</p>
<b>Overlay Zones (MMC 19.400)</b>		
<input type="checkbox"/>	<b>Willamette Greenway</b>	
<input type="checkbox"/>	<b>Natural Resources</b>	There are no designated natural resources on the subject property.
<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</b>	<p>In the R-MD zone, the minimum vegetation requirements vary based on lot size—see MMC Table 19.301.4 for more detail. For example, lots between 3,000 sq ft and 4,999 sq ft require a minimum of 25% vegetation and have a maximum lot coverage of 35%.</p> <p>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.</p> <p>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. See MMC Subsection 19.505.4 for more detail.</p>
<input checked="" type="checkbox"/>	<b>Onsite Pedestrian/Bike Improvements</b>	<p>For cottage cluster development, continuous connections must be provided between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas. 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. Walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards. At least one pedestrian connection to an abutting street frontage is required for each 200 linear ft of street frontage.</p> <p>For cottage cluster development, a minimum of 1.5 long-term (i.e., dry and secure) bicycle parking spaces must be provided per dwelling unit. In addition, a minimum of 0.5 short-term or guest bicycle parking spaces per unit are required.</p>
<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>	<p>Design standards for new single-unit detached and middle housing residential dwellings are provided in MMC Subsection 19.505.1.</p> <p>Design standards for cottage cluster development are provided in MMC 19.505.4.</p> <p>Key points for cottage cluster development:</p> <ul style="list-style-type: none"> <li>• No maximum density.</li> <li>• Max. building footprint is 900 sq ft; max. average floor area per unit is 1,400 sq ft.</li> <li>• 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.</li> <li>• Minimum 6-ft separation between structures.</li> <li>• Side and rear setbacks are 5 ft.</li> <li>• Minimum front site setback is 10 ft; maximum is 20 ft.</li> <li>• Per cluster, a minimum of 3 cottages are required, with a maximum of 12 permitted.</li> <li>• Clusters must be separated by a minimum of 10 ft.</li> <li>• Standards for common open space are established in MMC 19.505.1.D.1.</li> </ul> <p>For the proposed 61-unit cottage cluster scenario (seven clusters), the front yard setback requirements (min. and max.) are applicable to the front-most cottages closest to the street. The side and rear yard setback standards apply to all cottages, as does the 6-ft separation requirement.</p> <p>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.</p> <p>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 &amp; Screening standards of MMC 19.505.1.D.4 as well as the Sustainability standards of MMC 19.505.1.D.5.</p>
<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>MMC Table 19.605.1 establishes parking quantity requirements. For single detached units, a minimum of one off-street parking space is required, with no maximum limit as long as all on-site parking complies with other applicable standards of MMC Chapter 19.600. For duplex, triplex, or quadplex development, there is no minimum number of required off-street parking spaces, but a maximum of only one space per unit is allowed. For cottage clusters, a minimum of 0.5 spaces per unit is required, with a maximum of 1 space per unit allowed.</p> <p>If the applicant wishes to propose exceeding the maximum allowed parking quantity, a parking modification application would be required as per MMC Subsection 19.605.2. In general, staff is disinclined to support and recommend approval of modification 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.).</p> <p>MMC Section 19.607 provides standards for residential off-street parking, applicable to single-unit, duplex, triplex, and quadplex development. These include limitations on the number of parking spaces within the required front yard (three spaces max) and on the maximum percentage of the front yard that can be used for parking and maneuvering areas (50%). There are also requirements related to the width of the on-site driveway relative to the driveway approach.</p> <p>MMC Subsection 19.505.4.E.2 provides off-street parking requirements specific to cottage cluster development. Parking spaces 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</p>

		<p>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.</p> <p>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 space-saving 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.</p> <p>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).</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>	If variances are requested to any applicable standard, they will be processed with either Type II or Type III review, depending on the request. The list of eligible Type II variances is provided in MMC Subsection 19.911.3.B. Approval criteria for variances (both Type II and Type III) are provided in MMC 19.911.4.
<b>Land Division (MMC Title 17)</b>		
<input checked="" type="checkbox"/>	<b>Design Standards</b>	<p>For the subdivision scenario, 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.</p> <p><u>Note:</u> 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</p>

		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.
<input checked="" type="checkbox"/>	<b>Preliminary Plat Requirements</b>	<p>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.</p> <p>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:</p> <p>(1) the proposed plat complies with Title 19 and other applicable regulations and standards;</p> <p>(2) the proposed land division allows for reasonable development and does not create the need for a variance;</p> <p>(3) the proposed subdivision plat name is not duplicative and satisfies all applicable standards of ORS 92.090(1); and</p> <p>(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.</p>
<input checked="" type="checkbox"/>	<b>Final Plat Requirements (See Engineering Section of this Report)</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 final plat established in MMC Chapter 17.24.</p> <p>MMC Section 17.12.050 establishes the following approval criteria for final plats:</p> <p>(1) Compliance with the preliminary plat approved by the approval authority, with all conditions of approval satisfied.</p> <p>(2) The preliminary plat approval has not lapsed.</p> <p>(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.</p> <p>(4) The plat contains a donation to the public of all common improvements, including streets, roads, parks, sewage disposal, and water supply systems.</p> <p>(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.</p> <p>(6) The plat complies with the Zoning Ordinance and other applicable ordinances and regulations.</p> <p>(7) Submission of signed deeds when access control strips are shown on the plat.</p> <p>(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.</p> <p>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.</p>
<input checked="" type="checkbox"/>	<b>Other Requirements</b>	For the proposed cottage cluster scenario, the two lots that comprise the subject property will most likely need to be consolidated, to prevent the construction of buildings across the

		<p>shared property line and to avoid the need for a variance to standards related to off-street parking (distance of parking spaces from property lines).</p> <p>Lot consolidations 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.</p> <p>In either scenario (subdivision or cottage cluster development), once the proposed middle housing is developed (or approved for development), the property can be divided to place each unit on its own lot (except where one unit may be located on a story above another unit). These land divisions do not require that each new unit 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.</p>
--	--	---

<b>Sign Code Compliance (MMC Title 14)</b>		
--	--	--

<input checked="" type="checkbox"/>	<b>Sign Requirements</b>	<p>MMC Section 14.16.010 establishes limitations on signage for the R-MD zone, including signs at the entrances to subdivisions. A maximum of 2 sq ft is allowed per unit, with a maximum of 16 sq ft per display surface and maximum of 32 sq ft per sign (one sign allowed per entrance). The total sign area for all display surfaces (where multiple signs are allowed due to multiple entrances) is 64 sq ft. Maximum height of 6 ft above grade. External illumination only.</p> <p>For cottage cluster development, the only signage allowed would be from the list of exempt signs in MMC Section 14.12.010 (e.g., one non-illuminated sign of up to 4 sq ft in area and 3 ft in height). A Director's Determination may be requested to consider whether the allowance for subdivision signage could be extended to a cottage cluster development. This would require a Type I review (\$200 application fee).</p>
-------------------------------------	--------------------------	---

<b>Noise (MMC Title 16)</b>		
-----------------------------	--	--

<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>	
--------------------------	-------------------------------------	--

<b>Neighborhood District Associations</b>		
---	--	--

<input checked="" type="checkbox"/>	<table border="1"> <tr> <td data-bbox="99 1207 493 1274"><b>Linwood</b></td> </tr> <tr> <td data-bbox="99 1274 493 1341">Choose an item.</td> </tr> <tr> <td data-bbox="99 1341 493 1864">Choose an item.</td> </tr> </table>	<b>Linwood</b>	Choose an item.	Choose an item.	<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 both the Ardenwald-Johnson Creek and Lewelling NDAs.</p> <p><b><u>Ardenwald-Johnson Creek NDA Chair</u></b> Chris Holle-Bailey <a href="mailto:chrisinardenwald@gmail.com">chrisinardenwald@gmail.com</a></p> <p>Regular meeting is fourth Monday of most months—next meeting is Monday, September 25, 2023, at 6:30pm. Meetings are typically at the Milwaukie Café and Bottle Shop (9401 SE 32<sup>nd</sup> Ave), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.</p> <p><b><u>Lewelling NDA Chair</u></b> Camden McKone <a href="mailto:lewellingndachair@gmail.com">lewellingndachair@gmail.com</a></p> <p>Regular meeting is second Wednesday of most months—next meeting is Wednesday, October 11, 2023, at 6:30pm. Meetings are typically at Kairos-Milwaukie UCC (4790 SE Logus Rd), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.</p>
<b>Linwood</b>					
Choose an item.					
Choose an item.					

<b>Other Permits/Registration</b>		
<input type="checkbox"/>	<b>Business Registration</b>	
<input type="checkbox"/>	<b>Home Occupation Compliance (MMC 19.507)</b>	
<b>Additional Planning Notes</b>		
<p>For the subdivision scenario, where new public streets would be created to serve the new lots, the applicant can coordinate with the Engineering Department on the issue of whether the ROW is configured to allow on-street parking (parallel, perpendicular, angled, etc.).</p> <p>Staff is exploring the option of allowing a restricted tract that would provide off-street parking for the proposed subdivision, as long as the quantity of spaces does not exceed the maximum allowed (which depends on the type of development). This would apply only to the subdivision scenario, as the code establishes specific standards and limitations on off-street parking for cottage cluster development, where off-street parking is already provided in a more common or shared context. The same kind of tract option may be possible for use as open space for the development. It is unclear whether the Oregon Department of Land Conservation and Development (DLCD) will allow this kind of tract arrangement for either parking or open space, given the recent statewide changes regarding housing (House Bill 2001) and off-street parking (Climate Friendly &amp; Equitable Communities (CFEC) rulemaking).</p>		
<b>ENGINEERING &amp; PUBLIC WORKS COMMENTS</b>		
<b>Public Facility Improvements (MMC 19.700)</b>		
<input checked="" type="checkbox"/>	<b>Applicability (MMC 19.702)</b>	<p>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.</p> <p>The proposed development is to either subdivide the property to create new lots for middle housing development or establish a 61-unit cottage cluster development. MMC 19.700 applies.</p> <p>Facility improvements or a Fee In Lieu of Construction (FILOC) and Right-of-Way (ROW) dedication are required as part of this development. See MMC 19.708 Transportation Requirements and MMC 13.32 Fee in Lieu of Construction for more information.</p>
<input checked="" type="checkbox"/>	<b>Transportation Facilities Review (MMC 19.703)</b>	<p>Per MMC 19.703.2, because the proposed development triggers a Transportation Impact Study (TIS), a Transportation Facilities Review (TFR) application is required. The TFR application will be processed and reviewed concurrently with the other required applications discussed in these notes.</p>
<input checked="" type="checkbox"/>	<b>Transportation Impact Study (MMC 19.704)</b>	<p>In April of 2023, the city tasked Kittelson &amp; Associates to draft a memo regarding the future needs of the 42<sup>nd</sup> Ave and Johnson Creek Blvd intersection. The findings of this memorandum demonstrated the potential need for a roundabout to better suit traffic flow. This memo was provided to the applicant for review.</p> <p>In August of 2023, the applicant provided the city with a memo in response which outlined the impacts caused by the 45<sup>th</sup> Pl and Johnson Creek Blvd intersection.</p> <p>A full Traffic Impact Study is still required.</p> <p>A pre-scoping meeting to determine the parameters of the study is recommended. The City's on-call traffic engineer is Kittelson &amp; Associates. The applicant and/or their traffic engineer can coordinate the scheduling of this meeting with the city's engineering department.</p> <p>The applicant must pay a reserve deposit of \$2,500 at TFR submission. The deposit covers the cost of scoping and review of the TIS.</p>

<input checked="" type="checkbox"/>	<b>Agency Notification (MMC 19.707)</b>	<p>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. Notice must be provided to TriMet whenever a proposed development is within 200 ft of an existing or proposed transit route on the current TriMet service map and/or Figure 7-3 of the Transportation System Plan (TSP).</p> <p>Both Johnson Creek Boulevard and 42<sup>nd</sup> Avenue (which intersects Johnson Creek Boulevard on the south side of the subject property) are identified as collector roadways, so Metro and Clackamas County will be notified. Johnson Creek Boulevard is shown as a transit route on Figure 7-3 of the TSP, so TriMet will be notified.</p>
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	<p>Access Management: All development subject to MMC 19.700 must comply with access management standards contained in MMC 12.16.</p> <p>Clear Vision: All developments subject to MMC 19.700 must comply with clear vision standards contained in MMC 12.24.</p> <p>Frontage improvements are not required as part of this development. Curb and sidewalk already exist along the Johnson Creed Blvd frontage.</p>
<input checked="" type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	<p>A 10-ft public utility easement (PUE) will be required along the Johnson Creek Boulevard frontage.</p>
<b>Flood Hazard Area (MMC 18)</b>		
<input type="checkbox"/>	<b>Development Permit (MMC 18.16.030)</b>	<p>The subject property is not in a flood hazard zone.</p>
<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 sq ft 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 sq ft 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 requirements</a>. The applicant is encouraged to use the City's adopted <a href="#">Erosion Prevention and Sediment Control Planning &amp; Design Manual (2020)</a> for assistance in designing an erosion control plan.</p> <p>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/wqpermits/Pages/Stormwater-Construction.aspx">https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx</a>. Applicants do not need to submit a permit to DEQ if under 5 acres in site size.</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"/>	<p><b>Tree Code (MMC 16.32)</b></p>	<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 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.</p> <p>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.</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 documents attached at the bottom of the residential development tree permits webpage <a href="#">here</a>. Mitigation fees are outlined in the <a href="#">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).</p> <p>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.</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 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>
<p><b>Public Services (MMC 13)</b></p>		
<input checked="" type="checkbox"/>	<p><b>Water System (MMC 13.04)</b></p>	<p>New or upsized 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></p> <p>A system development charge (SDC) and a water service connection fee must be paid prior to any new or upsized connections to city water.</p> <p>Multiple water meters may be allowed subject to plan review. Water meters must be placed in the right-of-way and cannot be placed on private property.</p>

		<p>An 8" water main located in Johnson Creek Boulevard is available for connection.</p> <p>For subdivision development new mainline extensions and individual lot connections are required.</p> <p>A ROW Permit is required to complete this work.</p>
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	<p>New or upsized connections to City utilities is subject to plan and application review.</p> <p>An SDC must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer.</p> <p>An 8" concrete sewer main located in Johnson Creek Boulevard is available for connection.</p> <p>For subdivision development new mainline extensions and individual lot connections are required.</p> <p>A ROW Permit is required to complete this work.</p>
<input checked="" type="checkbox"/>	<b>Stormwater Management (MMC 13.14)</b>	<p>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.</p> <p>Stormwater facilities are subject to plan review and approval prior to permit issuance and construction. An Operations &amp; Maintenance form is required prior to occupancy.</p> <p>A stormwater report was provided to the city and is under review.</p> <p>An SDC must be paid prior to building permit issuance.</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 SDCs.</p> <p>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></p> <p>An estimate has been provided as an attachment to these notes. Actual charges are subject to final plans and review.</p>
<input type="checkbox"/>	<b>Fee in Lieu of Construction (MMC 13.32)</b>	
<b>Public Places (MMC 12)</b>		
<input checked="" type="checkbox"/>	<b>Right of Way Permit (MMC 12.08.020)</b>	<p>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.</p>
<input checked="" type="checkbox"/>	<b>Access Requirements (MMC 12.16.040)</b>	<p>Per MMC 12.16.040, private property must be provided street access via accessways (driveways). These driveways must be constructed under a ROW permit in accordance with the current Milwaukie Public Works Standards.</p> <p>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. Multi-unit residential or middle housing developments with more than 8 dwelling units on a collector street must have a minimum accessway width of 24 ft.</p> <p>A second accessway will be permitted through a Modification of Access Spacing with approval from the City Engineer. The Second accessway must be a right-in and right-out configuration, and both accessways must be connected on site.</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>
<b>Additional Engineering &amp; Public Works Notes</b>		
Final ROW requirements and SDC fees will depend on the final development design chosen.		

SDC estimates have been provided.

## 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.

If you have any building related questions, please email us at [building@milwaukieoregon.gov](mailto:building@milwaukieoregon.gov).

**All buildings will most likely fall under the Oregon Residential Specialty Code (ORSC - One and Two-Family Dwelling Code).**

**Depending how they are constructed, they could fall under the Oregon Structural Specialty Code (OSSC) instead. If they are regulated under the OSSC, they will be required to be fire sprinklered structures.**

## OTHER FEES

<input checked="" 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 checked="" 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

Boiler Approval (State)

Elevator Approval (State)

Health Department Approval (County)

### Arts Tax

Neighborhood Office Permit

### Other Right-of-Way Permits

Major:

Minor:

Painted Intersection Program Permits:

artMOB Application

Traffic Control Plan (Engineering)

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**

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

**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**

Patrick McLeod	Building Official	503-786-7611
Harmony Drake	Permit Technician	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

**ENGINEERING DEPARTMENT**

Jennifer Garbely (vacant)	City Engineer	503-786-7534
Jennifer Backhaus	Assistant City Engineer	503-786-7605
Eanna Zaya	Engineering Technician III	503-786-7608
	Engineering Technician I	503-786-7609

**PLANNING DEPARTMENT**

Laura Weigel	Planning Manager	503-786-7654
Vera Kalias	Senior Planner	503-786-7653
Brett Kelder	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 (vacant)	Development Programs Manager	503-786-7692
Emilie Bushlen	Housing & Econ. Dev. Prog. Mgr.	503-786-7627
Petra Johnson	Administrative Specialist II	503-786-7600
	Administrative Specialist II	503-786-7600

**SUSTAINABILTY DEPARTMENT**

Natalie Rogers	Climate & Natural Resources Mgr.	503-786-7668
Courtney Wilson (vacant)	Urban Forester	503-786-7655
	Environmental Services Coordinator	503-786-7660

**CLACKAMAS FIRE DISTRICT**

Shawn Olson	Fire Marshal	<a href="mailto:shawn.olson@ClackamasFire.com">shawn.olson@ClackamasFire.com</a>
-------------	--------------	--



**MILWAUKIE PLANNING**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503.786.7600  
 planning@milwaukieoregon.gov

# 2023 Planning Commission Hearing Schedule

## About the Deadlines

- Applications can be submitted at any time.
- The City must deem an application complete on or before the **COMPLETE APPLICATION DEADLINE** in order for the application to be eligible for the **FIRST POTENTIAL HEARING DATE**.<sup>2</sup>
- Since applications are rarely complete upon first submission, the City recommends application submission 2 weeks in advance of the **COMPLETE APPLICATION DEADLINE** to allow time for you to make the application complete.<sup>3</sup>
- New information submitted after the **NEW INFORMATION DEADLINE** could cause your hearing date be continued.

## About the Scheduling Process

- Complete applications are scheduled for hearing in the order in which they are deemed complete.
- There is no guarantee of any particular hearing date.<sup>4</sup> However, City staff can provide you with up-to-date hearing date availability and scheduling information upon request.
- There are things over which neither you nor the City has control that may prevent your application from being heard on a specific date.  
 (For example, the hearing schedule may already be full or a previous hearing may need to be continued to the next available hearing date.)
- The City reserves the right to schedule City business items on the Planning Commission agenda as needed and to cancel any scheduled Planning Commission meeting.
- Some applications require a hearing before the Planning Commission and City Council. Check with staff for City Council hearing schedule information.
- Hearing schedule is subject to change.<sup>5</sup>

2023 Planning Commission Hearing Schedule		
Complete Application Deadline <sup>1</sup>	New Information Deadline	First Potential Hearing Date
<b>Nov 23, 2022</b>	Dec 12, 2022	Jan 10, 2023
Dec 09, 2022	<b>Dec 23, 2022</b>	Jan 24, 2023
<b>Dec 23, 2022</b>	<b>Jan 13</b>	Feb 14
Jan 13	Jan 30	Feb 28
Jan 27	Feb 13	Mar 14
Feb 10	Feb 27	Mar 28
Feb 24	Mar 13	Apr 11
Mar 10	Mar 27	Apr 25
Mar 24	Apr 10	May 09
Apr 07	Apr 24	May 23
Apr 28	May 15	Jun 13
May 12	<b>May 26</b>	Jun 27
May 26	Jun 12	Jul 11
Jun 09	Jun 26	Jul 25
Jun 23	Jul 10	Aug 08
Jul 07	Jul 24	Aug 22
Jul 28	Aug 14	Sep 12
Aug 11	Aug 28	Sep 26
Aug 25	Sep 11	Oct 10
Sep 08	Sep 25	Oct 24
Sep 29	Oct 16	Nov 14
Oct 13	Oct 30	Nov 28
Oct 27	Nov 13	Dec 12
<b>No Meeting December 26, 2023</b>		
<b>Nov 22</b>	Dec 11	Jan 9, 2024
Dec 08	<b>Dec 22</b>	Jan 23, 2024
<b>Bold green-shaded dates indicate rescheduled dates to accommodate holidays.</b>		

<sup>1</sup> City staff needs a minimum of 46 days to prepare an application for hearing.  
<sup>2</sup> Items needed for application completeness vary by application type and project complexity. If a preapplication conference is required for an application and/or for a related traffic impact study, the City will not accept the application until the required conferences are held.  
<sup>3</sup> Under Oregon law, the City has 30 days to review an application for completeness.  
<sup>4</sup> As required by Oregon law, the City will issue a decision within 120 days of the deemed complete date, unless you grant a waiver.  
<sup>5</sup> For most current info, see Planning Commission page: <https://www.milwaukieoregon.gov/bc-pc>