

October 24, 2023

Holly Kang 811 SE Stark St. Suite 201, Portland, OR 97214

Re: Preapplication Report

Dear Holly:

Enclosed is the Preapplication Report Summary from your meeting with the City on 10/10/2023, concerning your proposal for action on property located at 3736 SE Harvey St.

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

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

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

Sincerely,

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: 23-008PA

This report is provided as a follow-up to the meeting that was held on 10/10/2023 at 11:00 AM

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

	APPLICANT AND PROJECT INFORMATION						
App	olicant:	Holly Kang	Applicant Role: Architect				
App	olicant Address:	811 SE Stark	St, Suite 201, Portland, OR 97214				
Con	mpany:	Works Progre	ss Architecture				
Proj	ect Name:	Middle hous	using development (cottage cluster or subdivision)				
Proj	ect Address:	3736 SE Harv	rey St Zone: R-MD (Moderate Density Residential)				
Proj	ect Description:	15-unit cotto	age cluster development				
Curi	rent Use:	Existing single	e-unit house with accessory structures				
App	olicants Present:	Holly Kang (architect); Jessy Ledesma (owner/developer); Adam Hostetler (architect)				
Staf	Backhau:		(Senior Planner), Laura Weigel (Planning Manager), Jennifer Garbely (City Engineer), Jennifer Engineering Tech II), Eanna Zaya (Engineering Tech I), Courtney Wilson (Urban Forester), io (Community Development Director), Shawn Olson (Fire Marshal, Clackamas Fire District #1)				
			PLANNING COMMENTS				
			Zoning Compliance (MMC Title 19)				
⊠	Use Standards (e. commercial, acc		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 Stan	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 vary depending on lot size. Setback requirements are provided in MMC Table 19.301.4.				
			Dimensional standards specific to cottage clusters can be found in MMC 19.505.4.				
			Land Use Review Process				
×	Applications Nee and Review Type	ded, Fees,	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.				

	Application Process	As noted above, no land use review is required for middle housing developments. The development may proceed directly to permit review.				
	Overlay Zones (MMC 19.400)					
	Willamette Greenway					
	Natural Resources	There are no designated natural resources on the subject property.				
	Historic Preservation					
	Flex Space Overlay					
		Site Improvements/Site Context				
	Landscaping Requirements	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. See MMC Subsection 19.505.4 for more detail.				
×	Onsite Pedestrian/Bike Improvements	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. 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.				
	Connectivity to surrounding properties					
	Circulation					
⊠	Building Design Standards (MMC 19.505)	Design standards for cottage cluster development are provided in MMC 19.505.4. 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.				

Downtown Design Standards	For the proposed 15-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. 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 19.505.4.D.4, the cottages must meet the following standards of MMC Subsection 19.505.1.C: Articulation, Eyes on the Street, Main Entrance, Detailed Design.			
(MMC 19.508)				
	Parking Standards (MMC 19.600)			
Residential Off-Street Parking Requirements	Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop.			
	No off-street vehicle parking is required for the proposed development and none is proposed. MMC 19.600 does not apply.			
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)	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.			
	Land Division (MMC Title 17)			
Design Standards				
Preliminary Plat Requirements				
Final Plat Requirements (See Engineering Section of this Report)				
Other Requirements				
Sign Code Compliance (MMC Title 14)				

at the of 16 sentral to mu only. For convexem area of the all		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. 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).		
		Noise (MMC Title 16)		
	Noise Mitigation (MMC 16.24)			
		Neighborhood District Associations		
⊠	Ardenwald-Johnson Creek	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		
	Choose an item.	(NDA), in this case the Ardenwald-Johnson Creek NDA.		
	Choose an item.	Ardenwald-Johnson Creek NDA Chair		
		Chris Holle-Bailey		
		<u>chrisinardenwald@gmail.com</u>		
		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 nd Ave), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.		
		https://www.milwaukieoregon.gov/citymanager/ardenwald-johnson-creek-nda		
		Other Permits/Registration		
	Business Registration			
	Home Occupation Compliance (MMC 19.507)			
		Additional Planning Notes		
	E	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 15-unit cottage cluster development. MMC 19.700 applies.		

		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.				
	Transportation Facilities Review (MMC 19.703)	The proposed development does not trigger a Transportation Facilities Review.				
	Transportation Impact Study (MMC 19.704)	The proposed development does not trigger a Transportation Impact Study.				
⊠	Agency Notification (MMC 19.707)	The City must provide notification 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).				
		Harvey Street has an existing bus route, so TriMet will be notified.				
×	Transportation Requirements (MMC 19.708)	Access Management: All development subject to MMC 19.700 must comply with access management standards contained in MMC 12.16.				
		Clear Vision: All developments subject to MMC 19.700 must comply with clear vision standards contained in MMC 12.24.				
		Rather than construct frontage improvements, a Fee In Lieu of Construction is recommended for the entire frontage of this development. See MMC 13.32.				
⊠	Utility Requirements (MMC 19.709) A 10-ft public utility easement (PUE) will be required along the Harvey Street frontage.					
		Flood Hazard Area (MMC 18)				
	Development Permit (MMC 18.16.030)					
	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 sq ft within the City of Milwaukie limits require an <u>Erosion Control Permit</u> 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.				
		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				

⊠	Water System (MMC 13.04)	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:
		Public Services (MMC 13)
		For more information, please contact <u>urbanforest@milwaukieoregon.gov</u> or call 503-786-7655.
		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.
		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 .
		Bonds are required for tree protection and post development warranties as outlined in the Master Fee Schedule.
		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.
		For more information on these standards, view the documents attached at the bottom of the residential development tree permits webpage <a (dbh)="" (mmc="" 14="" 16.32.042).="" 28="" a="" an="" and="" approved="" are="" at="" be="" breast="" but="" by="" can="" code="" code.="" comment="" days="" development="" diameter="" extend="" for="" height="" href="https://example.com/here/beta/he</td></tr><tr><th></th><td></td><td> Preservation standard Planting standard Protection standard Soil volume standard. </td></tr><tr><th></th><td></td><td>The development tree code requires for this development compliance and/or mitigation associated with the following standards:</td></tr><tr><th></th><td></td><td>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.</td></tr><tr><th></th><td></td><td>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.</td></tr><tr><th></th><td></td><td>Public trees require a permit for planting (free) – visit <u>milwaukieoregon.gov/trees</u> to learn more.</td></tr><tr><th>⊠</th><td>Tree Code (MMC 16.32)</td><td>All public trees over 2" if="" in="" included="" includes="" inventory="" is="" lasting="" notice="" on="" period="" permit="" plan="" private="" protected="" protection="" public="" received.<="" regulated="" removal,="" removals="" require="" required="" td="" the="" through="" to="" tree="" trees="" which="">
		For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control or contact erosioncontrol@milwaukieoregon.gov .
		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/dea/wq/wapermits/Pages/Stormwater-Construction.aspx . Applicants do not need to submit a permit to DEQ if under 5 acres in site size.

Applications for city utility billing connections shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application

		A system development charge (SDC) and a water service connection fee must be paid prior to any new or upsized connections to city water.		
		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.		
		A 6" water main located in Harvey Street is available for connection.		
		A ROW Permit is required to complete this work.		
×	Sewer System (MMC 13.12)	New or upsized connections to City utilities are 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.		
		An 8" concrete sewer main located in Harvey Street is available for connection.		
		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.		
		Stormwater facilities are subject to plan review and approval prior to permit issuance and construction. An Operations & Maintenance form is required prior to occupancy.		
		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: https://www.milwaukieoregon.gov/finance/fees-charges		
		An estimate has been provided as an attachment to these notes. Actual charges are subject to final plans and review.		
	Fee in Lieu of Construction (MMC 13.32)			
		Public Places (MMC 12)		
×	Right of Way Permit (MMC 12.08.020)	A ROW Permit will be required for utility work within the ROW, fire access construction in the ROW, and any frontage improvements constructed.		
×	Access Requirements (MMC 12.16.040)	Per MMC 12.16.040, private property must be provided street access via accessways (driveways). These driveways must be constructed under a ROW permit in accordance with the current Milwaukie Public Works Standards. Middle housing developments such as Cottage Clusters do not require on-site parking. As proposed this development will not have any on-site parking and a standard driveway will not be constructed. A fire access driveway will be constructed in accordance with Clackamas Fire requirements.		
×	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.		
	<u> </u>	Additional Engineering & Public Works Notes		
Fin o	d DOW so as irono anto and CDC to a			
	Final ROW requirements and SDC fees will depend on the final development design chosen.			
SDC	C estimates have 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.

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

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

To avoid firewalls and wall penetration requirements, buildings will need to be spaced over 6 feet apart.

See ORSC Table R302.1.

	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 = \$0.78 a square foot, Residential = \$1.56 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	
Boi	ler Approval (State)		
Ele	vator Approval (State)		
	alth Department Approval ounty)		
		Arts Tax	
Nei	ghborhood Office Permit		
		Other Right-of-Way Permits	
Ma	jor:		
Mir	nor:		
	nted Intersection Program mits:		
	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					
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		
Patrick McLeod	Building Official Permit Technician	503-786-7611 503-786-7623
Harmony Drake Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636
ENGINEERING DEPARTMENT		
Jennifer Garbely (vacant) Jennifer Backhaus Eanna Zaya	City Engineer Assistant City Engineer Engineering Technician III Engineering Technician I	503-786-7534 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 DEPAR	TMENT	
Joseph Briglio Mandy Byrd (vacant) Emilie Bushlen Petra Johnson	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 (vacant)	Climate & Natural Resources Mgr. Urban Forester Environmental Services Coordinator	503-786-7668 503-786-7655 503-786-7660
CLACKAMAS FIRE DISTRICT		

Shawn Olson

Fire Marshal

shawn.olson@ClackamasFire.com



Permit Record:

23-008PA

SDCs

Street Address: 3436 SE Harvey St

Prepared By: JMB

Date: 10/24/2023

SDC	Reimbursement		Impro	vement	Admini	stration	Total	\
Parks	\$	29,887.50	\$	-	\$	-	\$	29,887.50
Transportation	\$	988.75	\$	19,678.75	\$	<u>-</u> /	\$	20,667.50
Storm Drainage	\$	-	\$	5,104.39	\$	-	\$	5,104.39
Water	\$	2,605.00	\$	2,162.00	\$	365.00	\$	5,132.00
Sewer	\$	11,362.50	\$	1,675.00	\$	-	\$	13,037.50
Water Meter Set Fee	\$	610.00	\$	-	\$	-	\$	610.00
Review Fee	\$	<u>-</u>	\$	-	\$	165.00	\$	165.00
Wastewater Treatment	\$	94,600.00	\$	-	\$	-	\$	94,600.00
FILOC		\$7,520					\$	7,520.00
Fees subject to change until final plans and permit issuance Assumptions: New 1.5" water meter and 16,000 SF of new impervious surface area.					\$	176,723.89		