



**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: 20-0011PA

This report is provided as a follow-up to the meeting that was held on 12/17/2020 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>	Sienna Shiga	<b>Applicant Role:</b> Architect
<b>Applicant Address:</b>	120 NW 9 <sup>th</sup> Ave, Suite 210, Portland, OR 97209	
<b>Company:</b>	Jones Architecture	
<b>Project Name:</b>	Coho Point	
<b>Project Address:</b>	11103 SE Main St	<b>Zone:</b> Downtown Mixed Use (DMU)
<b>Project Description:</b>	Construct a new 6-story mixed use building including space for commercial retail, restaurant, and multifamily uses, with structured parking. Project scope includes mitigation for natural resource and floodplain disturbance, as well as a new pedestrian/bicycle path.	
<b>Current Use:</b>	Vacant	
<b>Applicants Present:</b>	Sienna Shiga, Kathy Johnson, Ryan Scalan (Jones Architecture); John Van Staveren, Mike See (Pacific Habitat Services); Korey Derrick (DOWL); Angela Creais (Blackrock Development)	
<b>Staff Present:</b>	Brett Kelter, Vera Koliass, Laura Weigel (Planning Dept.); Alison Wicks, Leila Aman (Community Development Dept.); Steve Adams, Dalton Vodden (Engineering Dept.); Samantha Vandagriff (Building Dept.); Jere Sonne (Public Works); Matt Amos (Clackamas Fire District #1)	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory)</b>	As per Milwaukie Municipal Code (MMC) Section 19.304. in the Downtown Mixed Use (DMU) zone, multifamily residential, commercial retail, and eating/drinking establishment uses are allowed outright, subject to specific limitations. Along Main Street south of Scott Street, residential dwellings are allowed only on the second floor or above (not on the ground floor); lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage. Eating/drinking establishments and retail-oriented sales are limited to 20,000 sq ft in floor area per use on the ground floor.
<input checked="" type="checkbox"/>	<b>Dimensional Standards</b>	MMC Table 19.304.4 establishes the various dimensional standards for the DMU zone. Key relevant standards include the following: <ul style="list-style-type: none"> <li>Floor area ratio (FAR) = maximum is 4:1, with a bonus available related to structured parking</li> </ul>

		<ul style="list-style-type: none"> <li>• Building height = maximum is 3 stories or 45 ft, with height bonuses available for up to 2 more stories (up to 69 ft total)</li> <li>• Flexible ground-floor space is required along the Main Street frontage</li> <li>• Setbacks/build-to lines = for block faces on Washington Street, Main Street, and Adams Street, a minimum of 75% of the first floor must be built with a zero setback, with the remaining 25% set back no more than 20 ft from the property line; any setback area along these block faces must provide usable open space, such as a public plaza or pedestrian amenities</li> <li>• Frontage occupancy requirement = at least 90% of the Main Street frontage and at least 75% of the Washington Street frontage must be occupied by a building(s)</li> </ul> <p>Please address each of the applicable standards – table format is acceptable. For building height bonuses, please be specific about the green building program proposed (see discussion below for MMC 19.510).</p>
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**Land Use Review Process**

<input checked="" type="checkbox"/>	<b>Applications Needed</b>	<p>Step 1: Downtown Design Review; Willamette Greenway Review; Natural Resources Review; Transportation Facilities Review (TFR), including Traffic Impact Study (TIS) process; Variances (including for height); Parking Quantity Modification; Replat to consolidate lots</p> <p>Step 2: Final Plat and Development Review during permitting for each phase/building</p>
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<input checked="" type="checkbox"/>	<b>Fees</b>	<ul style="list-style-type: none"> <li>• Type III = \$2,000 per application</li> <li>• Type II = \$1,000</li> <li>• Type I = \$200</li> </ul> <p><u>Note:</u> For multiple applications, there is a 25% discount offered for each application fee beyond the most expensive one.</p> <p>For technical review of Natural Resource applications, a \$3,000 deposit is required to cover the cost of peer review by the City's on-call consultant.</p> <p>For technical review of a TIS, a \$1,500 deposit is required to cover the cost of preparation of a scope of work, followed by a \$2,500 deposit for review of the TIS itself.</p> <p>In both cases, the applicant is responsible for the final actual cost of the peer review, though the City will endeavor to have the consultant work within the initial deposit amount.</p>
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<input checked="" type="checkbox"/>	<b>Review Type</b>	<ul style="list-style-type: none"> <li>• Downtown Design Review = Type III (\$2,000)</li> <li>• Willamette Greenway = Type III (\$1,500 w/ discount)</li> <li>• Natural Resources Review = Type III (\$1,500 w/ discount)</li> <li>• Variance = Type III (\$1,500 w/ discount—up to 3 variance requests per application)</li> <li>• Transportation Facilities Review = Type II (\$750 w/ discount)</li> <li>• Parking Quantity Modification = Type II (\$750 w/ discount)</li> <li>• Replat = Type II, downgraded to Type I (\$150 w/ discount)</li> <li>• Final Plat = Type I (\$200 for separate Step 2 submittal)</li> <li>• Development Review = Type I (\$150 w/ discount, if submitted with Final Plat)</li> </ul>
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**Overlay Zones (MMC 19.400)**

<input checked="" type="checkbox"/>	<b>Willamette Greenway (MMC 19.401)</b>	<p>The western half of the site falls within the Willamette Greenway overlay, so that portion of the site is subject to MMC 19.402; practically speaking, it may be difficult to address the Willamette Greenway provisions for the eastern portion of the site, which is between Main Street and the overlay boundary.</p> <p>Land use actions and development within the Willamette Greenway overlay zone are conditional uses and so are subject to the provisions of MMC 19.905. Note that a conditional use permit will be provided upon approval and must be recorded with Clackamas County.</p> <p>In addition to the approval criteria for conditional uses that must be addressed (MMC 19.905.4.A), the Willamette Greenway criteria established in MMC 19.401.6 must also be addressed.</p>
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<input checked="" type="checkbox"/>	<b>Natural Resources (MMC 19.402)</b>	<p>The proposal would result in permanent disturbance of significant areas of designated Water Quality Resource (WQR) and Habitat Conservation Area (HCA), which requires review under the applicable provisions of MMC 19.402. The process for discretionary review is established in MMC 19.402.12 and requires a technical report prepared by a qualified professional to provide an impact evaluation, alternatives analysis, and recommendation for mitigation of the proposed disturbance.</p> <p>For permanent impacts, the code allows off-site mitigation of HCA disturbance but requires a variance for off-site mitigation of WQR impacts. The Natural Resource review will follow a discretionary process, with the approval criteria being to demonstrate how the project avoids impacts where possible, minimizes impacts where unavoidable, and adequately mitigates for all impacts. There is no specific mitigation formula or ratio in the code, though some recently approved mitigation efforts have aimed at a ratio of 1.5:1 (area of mitigation to area of disturbance). The code's general recommendation for mitigation is related to the condition of the WQR area (Good, Marginal, or Poor—see MMC Table 19.402.11.C) and focuses on restoration with native species to provide significant vegetated cover and more than 50% tree canopy coverage.</p>
<b>Site Improvements/Site Context</b>		
<input type="checkbox"/>	<b>Landscaping Requirements</b>	There are no specific landscaping requirements for the DMU zone.
<input checked="" type="checkbox"/>	<b>Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)</b>	For multifamily dwellings, MMC 19.609 requires a minimum of 1 bike parking space per unit. When at least 10 bike spaces are required, or when 10% or more of vehicle parking is covered, then a minimum of 50% of the bike parking provided must also be covered or enclosed (in lockers or a secure room). Bicycle parking spaces must be at least 2 ft wide by 6 ft long, with a 5-ft-wide access aisle. For covered spaces, there must be at least 7 ft of overhead clearance. Bike racks must be securely anchored and designed to allow the frame and at least 1 wheel to be locked to the rack using a high-security, U-shaped shackle lock.
<input type="checkbox"/>	<b>Connectivity to surrounding properties</b>	
<input type="checkbox"/>	<b>Circulation</b>	
<input checked="" type="checkbox"/>	<b>Green Building Standards (MMC 19.510)</b>	This section details the approved programs and requirements when seeking a height bonus through green building design. In the application narrative, please be specific about the program proposed.
<input checked="" type="checkbox"/>	<b>Downtown Design Review (MMC 19.907) and Downtown Design Standards (MMC 19.508)</b>	<p>As new development downtown, the project is subject to Downtown Design Review and the procedures of MMC 19.907. If the project can meet all of the applicable design standards established in MMC 19.508, the design review portion of the project will be subject to the more clear and objective Type II review process as part of the overall Type III land use review. The seven design elements, each with specific design standards, are Building Façade Details, Corners, Weather Protection, Exterior Building Materials, Windows and Doors, Roofs and Rooftop Equipment, and Open Space/Plazas. Please provide information for whether or how the proposal meets each design standard.</p> <p>If the project is unable to meet one or more of the design standards, it will be subject to the more discretionary review provided by the larger Type III process and will need to address any of the downtown design guidelines (currently provided in a separate document adopted into the code by reference) that are applicable to the design standard(s) not being met. The Type III downtown design review process involves a design review meeting with the Design and Landmarks Committee (DLC) as per the procedures outlined in MMC 19.1011. A design review meeting with the DLC will be scheduled at the earliest possible opportunity so that the DLC can make an official recommendation to the Planning Commission, although it may be necessary for the applicant to agree to extend the 120-day deadline for arriving at a final local decision (including time for a local appeal).</p>

		It appears that the proposal will not comply with the required 6-ft step back for the portions of the building above the base maximum height. If so, Type III downtown design review will be required, with the focus of the application on that and any other unmet design standards and the applicable design guidelines.
<b>Parking Standards (MMC 19.600)</b>		
<input type="checkbox"/>	<b>Residential Off-Street Parking Requirements</b>	
<input checked="" type="checkbox"/>	<b>Multi-Family/Commercial Parking Requirements</b>	<p>Off-street parking requirements apply to the multifamily units only (1 space/dwelling unit), not to the commercial uses. Application materials should clearly indicate the calculations for the number of proposed parking spaces and the use of any by-right reductions (up to 30% of the minimum required number) identified in MMC 19.605.3. Any proposed modifications to the required parking quantity would be addressed with a Type II parking modification per MMC 19.605.2. Please review the documentation requirements and approval criteria to ensure that the narrative includes all necessary information.</p> <p>Requirements for structured parking are provided in MMC 19.611. As per MMC 19.611.2, the space and drive aisle dimensions may be reduced if the applicant can demonstrate that parking and maneuvering can still be safely accommodated for standard passenger vehicles.</p>
<b>Approval Criteria (MMC 19.900)</b>		
<input checked="" type="checkbox"/>	<b>Conditional Use (MMC 19.905)</b>	Willamette Greenway review is a conditional use subject to the approval criteria in MMC 19.905.4.
<input checked="" type="checkbox"/>	<b>Development Review (MMC 19.906)</b>	Development review (Type I) will be required in conjunction with the building permit process for the project, to confirm compliance with the code and the land use approval. Approval criteria for development review are provided in MMC 19.906.4.
<input checked="" type="checkbox"/>	<b>Downtown Design Review (MMC 19.907)</b>	The approval criteria for downtown design review are provided in MMC 19.907.5.
<input checked="" type="checkbox"/>	<b>Variance (MMC 19.911)</b>	<p>It appears that variances will be required for at least two elements of the project: building height and off-site mitigation of WQR disturbance. Both variance requests require Type III review; up to 3 variance requests can be included in a single variance application (for that single application fee).</p> <p>MMC 19.911.4.B establishes approval criteria for Type III variances in general. The applicant may choose to use either the broadly applicable Discretionary Relief criteria or the more narrowly focused Economic Hardship criteria, though please note that the Economic Hardship criteria are quite stringent.</p> <p>MMC 19.911.6 establishes specific approval criteria for a Building Height Variance in the DMU. Please pay careful attention the approval criteria in this section, noting that the variance request would be for 4 ft (69 ft with 2 bonuses is allowed by right – 73 ft height is proposed).</p>
<b>Land Division (MMC Title 17)</b>		
<input checked="" type="checkbox"/>	<b>Preliminary Plat Requirements</b>	The project site includes several different tax lots that are comprised of still-existing underlying lots from the original Milwaukie subdivision platted in 1865. The lots will need to be consolidated prior to the completion of construction, which will be processed as a partition replat. According to MMC Table 17.12.020, the Type II review process would be required (as the original subdivision was not decided by the Planning Commission and the procedure would consolidate lots instead of parcels), but since the number of lots would be reduced the procedure could be downgraded to the Type I process.

		<p>MMC Section 17.16.050 provides application requirements and procedures for replats and points to the requirements for preliminary plats (MMC 17.16.060), 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 17.12.030 establishes approval criteria for replats. 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> <ul style="list-style-type: none"> <li>(1) compliance with Title 17 and Title 19;</li> <li>(2) the boundary change will allow reasonable development of the affected lots and will not create the need for a variance; and</li> <li>(3) the boundary change will not reduce residential density below minimum density requirements of the zoning district.</li> </ul>
<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> <ul style="list-style-type: none"> <li>(1) Compliance with the preliminary plat approved by the approval authority, with all conditions of approval satisfied.</li> <li>(2) The preliminary plat approval has not lapsed.</li> <li>(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.</li> <li>(4) The plat contains a donation to the public of all common improvements, including streets, roads, parks, sewage disposal, and water supply systems.</li> <li>(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.</li> <li>(6) The plat complies with the Zoning Ordinance and other applicable ordinances and regulations.</li> <li>(7) Submission of signed deeds when access control strips are shown on the plat.</li> <li>(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.</li> </ul> <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</p>
<b>Sign Code Compliance (MMC Title 14)</b>		
<input checked="" type="checkbox"/>	<b>Sign Requirements</b>	<p>MMC 14.16.060 establishes standards for the types of signs that are allowed in downtown zones including the DMU. Please keep these standards in mind when finalizing the building design, to facilitate the obtaining of sign permits by future tenants in the ground-floor spaces.</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" style="width: 100%;"> <tr> <td style="width: 30%;"><b>Historic Milwaukie</b></td> <td rowspan="3" style="vertical-align: top;">Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property will receive a referral and the opportunity to provide comment on the application.</td> </tr> <tr> <td><b>Island Station</b></td> </tr> <tr> <td>Choose an item.</td> </tr> </table>	<b>Historic Milwaukie</b>	Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property will receive a referral and the opportunity to provide comment on the application.	<b>Island Station</b>	Choose an item.	
<b>Historic Milwaukie</b>	Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property will receive a referral and the opportunity to provide comment on the application.					
<b>Island Station</b>						
Choose an item.						
<b>Other Permits/Registration</b>						
<input checked="" type="checkbox"/>	<b>Business Registration</b>	Business registration will be required for each commercial tenant in the building.				
<b>Additional Planning Notes</b>						
<ul style="list-style-type: none"> <li>The applicant mentioned an agreement with the city to provide 40 parking spaces within the development as permit parking for downtown use. This would be appropriate to include in the parking modification application to reduce the minimum number of required spaces.</li> </ul>						
<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 the public facility improvements regulations of MMC 19.700, including to new construction and modification and/or expansions of existing structures or uses that produce a projected increase in vehicle trips.</p> <p>The proposed development would result in a significant change in vehicle trips and does therefore trigger the applicability of MMC 19.700.</p>				
<input checked="" type="checkbox"/>	<b>Transportation Facilities Review (MMC 19.703)</b>	<p>As 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> <p>MMC 19.703.3 establishes the approval criteria for transportation facilities review, including compliance with the procedures, requirements, and standards of MMC 19.700 and the Public Works Standards; provision of transportation improvements and mitigation in rough proportion to potential impacts; and compliance with the City's basic safety and functionality standards (e.g., street drainage, safe access and clear vision, public utilities, frontage improvements, level of service).</p>				
<input checked="" type="checkbox"/>	<b>Transportation Impact Study (MMC 19.704)</b>	A TIS is required. A scope for the TIS has been prepared. A reserve deposit of \$2,500 will be collected for the technical review at TIS submission.				
<input checked="" type="checkbox"/>	<b>Agency Notification (MMC 19.707)</b>	As per the stipulations of MMC 19.707.1, the following agencies will receive notification of the proposed development: Oregon Department of Transportation (ODOT), Metro, Clackamas County, and TriMet.				
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	<ol style="list-style-type: none"> <li>1. General Requirements <ol style="list-style-type: none"> <li>A. Access Management: All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.</li> <li>B. Clear Vision: All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.</li> <li>C. Development in Downtown Zones: The development is located within the Downtown Zones. Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to,</li> </ol> </li> </ol>				

		<p>sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping.</p> <ol style="list-style-type: none"> <li>The fronting portion of Washington is a type M street section: Main Street to McLoughlin Boulevard; Underground all utilities; For Street Furniture, see Section 3.5; At bus stops along transit the Furnishing Zone is reserved for bus shelters and passenger waiting areas;</li> <li>Through pedestrian zone 5.5' width; furnishing zone 4' width.</li> <li>2 racks per block on Washington, covered racks optional.</li> <li>Design to anticipate a future bicycle path connection adjacent to the site is required through ongoing discussion with City staff.</li> <li>Required improvements may include benches, shelters, bus turnouts, curb extensions, median refuges for pedestrian crossings, public telephones, pedestrian lighting or provision of an easement or dedication of land for transit facilities. Transit facilities shall be designed and improved in accordance with current TriMet standards at the time of development to support transit use.</li> </ol>
<input checked="" type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	<p>Public utility improvements shall be required for proposed development that would have a detrimental effect on existing public utilities, cause capacity problems for existing public utilities, or fail to meet standards in the Public Works Standards. Development shall be required to complete or otherwise provide for the completion of the required improvements in the following situations: Exceeds the design capacity of the utility Exceeds Public Works Standards or other generally accepted standards; Creates a potential safety hazard; Creates an ongoing maintenance problem.</p> <p>Public utility improvements shall be designed and improved in accordance with the requirements of this chapter, the Public Works Standards, and improvement standards and specifications identified by the City during the development review process. The applicant shall provide engineered utility plans to the Engineering Director for review and approval prior to construction to demonstrate compliance with all City standards and requirements.</p>
<b>Flood Hazard Area (MMC 18)</b>		
<input checked="" type="checkbox"/>	<b>Development Permit (MMC 18.04.100)</b>	<p>The development parcel is within both special flood hazard areas the City regulates, the FEMA 100-yr Flood Hazard Zone and the Metro 1996 Area of inundation. The proposed development requires a floodplain development permit.</p>
<input checked="" type="checkbox"/>	<b>General Standards (MMC 18.04.150)</b>	<p>All new construction and substantial improvements shall be constructed with materials, utilize equipment, constructed using methods and practices, and have service facilities designed or otherwise elevated to prevent or resist flooding.</p> <p>All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.</p> <p>No net fill in any floodplain is allowed. Any excavation below bankful stage shall not count toward compensating for fill. The applicant is proposing excavation to balance fill that is not located on the same parcel and is therefore subject to the following: the proposed excavation and fill will not increase flood impacts for properties not intended to be part of this development proposal as determined through hydrologic and hydraulic analysis; the proposed excavation is authorized under applicable municipal code provisions including Section 19.402 Natural Resources; and measures to ensure the continued protection and preservation of the excavated area for providing balanced cut and fill shall be approved by the City.</p> <p>The applicant proposes to balance cut and fill beyond the boundaries of the subject parcel, using the public right-of-way (ROW) in Adams Street as well as the adjacent Dogwood Park site to the south. Although the Adams Street ROW and Dogwood Park are not considered part of the subject parcel, the review and analysis conducted for the proposed balancing, if approvable, will position the City to sign off on necessary Community Acknowledgment Form(s) for FEMA without needing a separate land use review for the balancing activity in the Adams Street ROW and Dogwood Park. The</p>

		applicant will be responsible for demonstrating through a technical report and two sets of calculations that fill is balanced with at least an equal amount of soil material removal in both the FEMA 100-yr floodplain (within its current or a remapped boundary if map revisions are approved by FEMA) and the Metro 1996 area of inundation (as determined by Metro).
<input checked="" type="checkbox"/>	<b>Specific Standards (MMC 18.04.160)</b>	<p>New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot above base flood elevation.</p> <p>New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one (1) foot above design flood height, or, together with attendant utility and sanitary facilities, shall: Be floodproofed so that below one (1) foot above the design flood height the structure is watertight with walls substantially impermeable to the passage of water; Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and be certified by a registered professional engineer or architect that the design and methods of construction satisfy the standards of this subsection; Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in this section; Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level; a building floodproofed to the base flood level will be rated as one (1) foot below.</p> <p>For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls.</p>
<input type="checkbox"/>	<b>Floodways (MMC 18.04.170)</b>	The applicant is not proposing development within the floodway.
<b>Environmental Protection (MMC 16)</b>		
<input type="checkbox"/>	<b>Weak Foundation Soils (MMC 16.16)</b>	The proposed development is not located in the City-regulated soil hazard area.
<input checked="" type="checkbox"/>	<b>Erosion Control (MMC 16.28)</b>	Temporary and permanent measures for all construction projects shall be required to lessen the adverse effects of erosion and sedimentation. The owner or his or her/her agent, contractor, or employee, shall properly install, operate, and maintain both temporary and permanent works as provided in this section or in an approved plan, to protect the environment during the useful life of the project. These erosion control rules apply to all lands within the City of Milwaukie.
<input checked="" type="checkbox"/>	<b>Tree Cutting (MMC 16.32)</b>	No person will perform major tree pruning or remove any tree in the right-of-way or on land owned or maintained by the City without first obtaining a permit issued by the City.
<b>Public Services (MMC 13)</b>		
<input checked="" type="checkbox"/>	<b>Water System (MMC 13.04)</b>	A system development charge must be paid prior to new connections to City water. Abandoned services must be removed and capped at the main.
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	A system development charge must be paid prior to new connections or impacts due to intensification of use to City sanitary sewer.
<input checked="" type="checkbox"/>	<b>Stormwater Management (MMC 13.14)</b>	Stormwater mitigation must meet the City's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual. A system development charge must be paid prior to building permit issuance.
<input checked="" type="checkbox"/>	<b>System Development Charge (MMC 13.28.040)</b>	<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>Additional information regarding system development charges are available here:  <a href="https://www.milwaukieoregon.gov/building/system-development-charges-sdcs">https://www.milwaukieoregon.gov/building/system-development-charges-sdcs</a></p>



☒	<b>Fee in Lieu of Construction (MMC 13.32)</b>	<p>The City may accept a fee in lieu of construction of required public facility improvements if one or more of the following conditions exist:</p> <p>A. Required improvements are not feasible due to the inability to achieve proper design standards.</p> <p>B. Required improvements would create a safety hazard.</p> <p>C. Required improvements are part of a larger approved capital improvement project that is listed as a funded project in the City's Capital Improvement Program (CIP).</p> <p>D. Required improvements would create a situation that would not comply with City standards without extensive additional offsite improvements.</p> <p>E. Required improvements are less than needed to meet City standards due to the City's inability to require full improvements based on proportionality requirements on the development.</p> <p>This development does not appear to qualify for a fee in lieu of construction.</p>
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**Public Places (MMC 12)**

☒	<b>Right of Way Permit (MMC 12.08.020)</b>	Any construction or impacts to right-of-way requires submission and approval of a right-of-way permit.
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☒	<b>Access Requirements (MMC 12.16.040)</b>	<p>Spacing between accessways and street intersection is measured between the nearest edge of driveway apron and the nearest face of curb. The development is proposing an accessway on Washington St, which is classified as a collector street. Spacing for accessways on collector streets is 300 feet or beyond the end of queue of traffic during peak hour conditions, whichever is greater. As proposed the applicant does not meet this requirement. In order to locate the accessway on Washington, the applicant will be required to submit a modification of access spacing study prepared and certified by a registered professional traffic engineer in the State of Oregon to include:</p> <p>a. Review of site access spacing and design;</p> <p>b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;</p> <p>c. Review of all modes of transportation to the site;</p> <p>d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the Engineering Director.</p> <p>A minimum driveway apron width of twenty-four (24) feet and a maximum width of thirty (30) feet must be met by the development.</p>
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☒	<b>Clear Vision (MMC 12.24)</b>	A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection. The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." Modification of this computation may be made by the City Engineer.
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**Additional Engineering & Public Works Notes**

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## 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 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 time lines are not established by Milwaukie. It is our policy to not perform curtesy inspections prior to permit being issued, so please plan accordingly.

Site utilities require a separate plumbing permit. This permit will require plumbing plan review, and need to have a permit issued prior to any inspections being done. The grading plan submitted to the Engineering Department does not cover this review.

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

## Additional Building Notes

A geotechnical report will be required for this project, and the findings/requirements of the report will need to be documented in the plans.

This project will require fire sprinklers and fire alarms. The inground fire line permit is a separate building permit and will need to be applied for and obtained prior to installation.

If you have specific alternate means and methods (AM&M) requests that you know of, please fill out the attached AM&M form and submit it with your requests.

## 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)  As per the agreed-upon Disposition and Development Agreement (DDA), the City will support an exemption to the Construction Excise Tax (CET). The project will need to apply for an exemption and must demonstrate compliance with the criteria established in the CET ordinance.
<input type="checkbox"/>	<b>Metro Excise Tax</b> Metro – Applies to any project with a construction value of over \$100,000.	<b>Calculation:</b> Valuation *.12% (.0012)
<input type="checkbox"/>	<b>School Excise Tax</b> School CET – Applies to any new square footage.	<b>Calculation:</b> Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)

## FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

## COORDINATION WITH OTHER AGENCIES

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

- Metro
- Trimet

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

## MISCELLANEOUS

### State or County Approvals Needed

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

### Arts Tax

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

<input type="checkbox"/>	<b>Major:</b>	
<input type="checkbox"/>	<b>Minor:</b>	
<input type="checkbox"/>	<b>Parklet:</b>	
<input type="checkbox"/>	<b>Sidewalk Café:</b>	
<input type="checkbox"/>	<b>Tree Removal Permit:</b>	

### 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>	

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

**Sincerely,**

**City of Milwaukie Development Review Team**

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**BUILDING DEPARTMENT**

Samantha Vandagriff	Building Official	503-786-7611
Harmony Drake	Permit Specialist	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

**ENGINEERING DEPARTMENT**

Steve Adams	City Engineer	503-786-7605
Dalton Vodden	Associate Engineer	503-786-7617

**PLANNING DEPARTMENT**

Laura Weigel	Planning Manager	503-786-7654
Vera Koliass	Senior Planner	503-786-7653
Brett Kolver	Associate Planner	503-786-7657
Mary Heberling	Assistant Planner	503-786-7658
Janine Gates	Assistant Planner	503-786-7627

**COMMUNITY DEVELOPMENT DEPARTMENT**

Leila Aman	Community Development Director	503-786-7616
Alison Wicks	Development Programs Manager	503-786-7661
Christina Fadenrecht	Housing & Econ. Dev. Associate	503-786-7624
Tempest Blanchard	Administrative Specialist II	503-786-7600
Emilie Bushlen	Administrative Specialist II	503-786-7600

**CLACKAMAS FIRE DISTRICT**

Mike Boumann	Lieutenant Deputy Fire Marshal	503-742-2673
Matt Amos	Fire Inspector	503-742-2660

# City of Milwaukie - Building Department

## APPLICATION FOR APPROVAL OF ALTERNATIVE TO OR MODIFICATION OF THE 2014 STATE OF OREGON STRUCTURAL SPECIALTY CODE (OSSC)

Date: \_\_\_\_\_ Permit No. \_\_\_\_\_

Project Name: \_\_\_\_\_ Project Address: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Building Department Contact: \_\_\_\_\_

NOTE TO APPLICANT: Sections 104.10 and 104.11 of the Oregon Structural Specialty Code grant the Building Official the ability to consider alternatives to or modifications of the Code in unusual cases. It is the policy of this Department that the use be limited, and that individual cases be considered carefully within the context of the requirements of these provisions. Before proceeding with this application it is essential that you read and fully understand the Statement of Policy set forth in the Memorandum attached to this application.

A. Section 104.11: Alternate Materials. Alternate Design and Methods of Construction:

1. Pursuant to Section 104.11 of the Oregon Structural Specialty Code, the undersigned Applicant hereby requests approval of an alternative to Section \_\_\_\_\_ of the Code, which requires that (cite that portion of the Code from which the Applicant is seeking relief based upon the proposed alternative):

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2. The undersigned Applicant proposes the following alternative to Section \_\_\_\_\_ of the Oregon Structural Specialty Code (provide a detailed description of your proposed alternative):

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3. For the following reasons, Applicant believes that the proposed alternative to Section \_\_\_\_\_ of the Oregon Structural Specialty Code complies with the provisions of the Code, and that the material, method or work offered is, for the purpose intended, *at least* the equivalent of that prescribed in this Code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

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B. Section 104.10: Modification (s)

1. Pursuant to Section 104.10 of the Oregon Structural Specialty Code, the undersigned Applicant requests approval of a modification to Section \_\_\_\_\_ of the Code, which requires that (cite that portion of the Code from which the Applicant is seeking relief based on the proposed modification):

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2. The undersigned Applicant states the following reason(s) why strict compliance with Section \_\_\_\_\_ of the Code is impractical or presents extreme difficulty (provide a detailed, specific statement of the reason for your request):

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3. For the following reasons, Applicant believes that the proposed modification to Section \_\_\_\_\_ of the Oregon Structural Specialty Code meets the intent of the Code, and neither lessens any fire protection requirements of the Code nor compromises the structural integrity of the structure.

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Applicant/Owner's Signature

Date

**APPLICATION DETERMINATION**

Upon reasonable consideration the City of Milwaukie Building Department determines that the above application is:

\_\_\_\_\_ Denied.

\_\_\_\_\_ Approved Without Conditions.

\_\_\_\_\_ Approved, Subject to the Following Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Building Official: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICANT'S AGREEMENT TO ABIDE BY CONDITIONS**

The undersigned expressly acknowledges and agrees that acceptance of this application and any subsequent issuance of a permit(s) based upon the proposed alternative(s) or modification(s), has been made subject to certain conditions which the Building Department, in its sole discretion, deems necessary. The undersigned agrees to comply strictly with all conditions imposed by the Building Department. With respect to all permit(s) issued based upon any alternative to or modification of the Oregon Structural Specialty Code, the undersigned's failure to comply strictly with all conditions imposed by the Building Department in granting any permit(s) pursuant to this application will render any right to proceed with construction, occupancy or use of any property or premises pursuant to said permit VOID, and will subject the undersigned to immediate revocation of any permit(s) issued in connection with this application. The undersigned and all subsequent owners, occupants or users of these premises claiming any right of occupancy or use of the premises through the undersigned, shall be liable for all costs and expenses, including any reasonable Attorney's Fees and Expert Witness Fees, for enforcement of any condition or term of any permit(s) issued to this application.

The undersigned acknowledges that this agreement does not in any way limit any remedy or right the City may otherwise have with respect to enforcement of any of its Codes or Ordinances.

The undersigned acknowledges that any delay by the City with respect to enforcing strict compliance with any conditions imposed on any permit(s) issued based upon the proposed alternative(s) or modification(s) shall not be deemed to be a waiver and shall not stop or bar the City from enforcing compliance with any conditions, including the City's right to issue, cease and desist orders and/or to seek immediate relief, as appropriate.

**AGREED AND ACCEPTED:**

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(if Applicant is not the Owner or the Owner's Architect or Engineer)

Applicant Signature/Title: \_\_\_\_\_ Date: \_\_\_\_\_

# Clackamas County Fire District #1

## Fire Prevention Office



### E-mail Memorandum

**To:** City of Milwaukie Planning Department

**From:** Matt Amos, Fire Inspector, Clackamas Fire District #1

**Date:** 21/12/2020

**Re:** 6-Story mixed-use commercial building 11103 SE Main St. 20-011PA

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This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

#### COMMENTS:

**A Fire Access and Water Supply plan is required for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291, and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority.**

**Emergency responder radio coverage must be tested or provided due to the following**

- 1. Any building with one or more basement or below-grade building levels.**
- 2. Any underground building.**
- 3. Any building more than five stories in height.**
- 4. Any building 50,000 square feet in size or larger.**
- 5. Any building that, through performance testing, does not meet the requirement of section 510.**

#### Access:

- 1) Provide address numbering that is clearly visible from the street.



- 2) Buildings exceeding 30 feet in height shall require extra width and proximity provisions for aerial apparatus.

### **Water Supply**

- 1) All new buildings shall have a firefighting water supply that meets the fire flow requirements of the Fire Code. Maximum spacing between hydrants on street frontage shall not exceed 500 feet. Additional private on-site fire hydrants may be required for larger buildings. Fire sprinklers may reduce the water supply requirements.
- 2) The fire department connection (FDC) for any fire sprinkler system shall be placed as near as possible to the street, and within 100 feet of a fire hydrant.

**Prior to the start of the project, a pre-construction meeting shall be held with Clackamas Fire District #1. The project manager/contractor is responsible for developing a written fire safety program. This program shall be made available for review by Clackamas Fire District #1. The plan should address the following:**

- a. **Good Housekeeping**
- b. **On-site security**
- c. **Fire protection systems**
  - i. **For construction operations, installation of new fire protection systems as construction progress**
  - ii. **For demolition operations, preservation of existing fire protection systems during demolition**
- d. **Development of a pre-fire plan with the local fire department**
- e. **Consideration of special hazards resulting from previous occupancies**
- f. **Protection of existing structures and equipment from exposure fires resulting from construction, alteration and demolition operations.**

**For additional information please refer to the Oregon Fire Code Chapter 33, and NFPA 241.**