

MILWAUKIE PLANNING
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503-786-7630
 planning@milwaukieoregon.gov

Fees paid on
 6/22/21 =
 application date.

Application for Land Use Action

Master File #: VR-2021-012;

Review type*: I II III IV V

DEV-2021-006

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|--|---|---|
| <input type="checkbox"/> Amendment to Maps and/or Ordinances:
<input type="checkbox"/> Comprehensive Plan Text Amendment
<input type="checkbox"/> Comprehensive Plan Map Amendment
<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Code Interpretation
<input type="checkbox"/> Community Service Use
<input type="checkbox"/> Conditional Use
<input checked="" type="checkbox"/> Development Review
<input type="checkbox"/> Director Determination
<input type="checkbox"/> Downtown Design Review
<input type="checkbox"/> Extension to Expiring Approval
<input type="checkbox"/> Historic Resource:
<input type="checkbox"/> Alteration
<input type="checkbox"/> Demolition
<input type="checkbox"/> Status Designation
<input type="checkbox"/> Status Deletion | <input type="checkbox"/> Land Division:
<input type="checkbox"/> Final Plat
<input type="checkbox"/> Lot Consolidation
<input type="checkbox"/> Partition
<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Replat
<input type="checkbox"/> Subdivision
<input type="checkbox"/> Miscellaneous:
<input type="checkbox"/> Barbed Wire Fencing
<input type="checkbox"/> Mixed Use Overlay Review
<input type="checkbox"/> Modification to Existing Approval
<input type="checkbox"/> Natural Resource Review**
<input type="checkbox"/> Nonconforming Use Alteration
<input type="checkbox"/> Parking:
<input type="checkbox"/> Quantity Determination
<input type="checkbox"/> Quantity Modification
<input type="checkbox"/> Shared Parking
<input type="checkbox"/> Structured Parking
<input type="checkbox"/> Planned Development | <input type="checkbox"/> Residential Dwelling:
<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Duplex
<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> Transportation Facilities Review
<input checked="" type="checkbox"/> Variance:
<input type="checkbox"/> Use Exception
<input type="checkbox"/> Variance
<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Other: _____
<input type="checkbox"/> Use separate application forms for:
Annexation and/or Boundary Change
• Compensation for Reduction in Property Value (Measure 37)
• Daily Display Sign
• Appeal
• Appeal |
|--|---|---|

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): **Lyver Engineering and Design, LLC**

Mailing address: **7950 SE 106th Ave, Portland** State/Zip: **OR 97266**

Phone(s): **503-705-5283** Email: **troyl@lyver-ead.com**

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

SITE INFORMATION:

Address: **NoSiteAddress** Map & Tax Lot(s): **12E30AD01500**

Comprehensive Plan Designation: **I** Zoning: **M** Size of property: **0.08Ac**

PROPOSAL (describe briefly):

Construction of a 1,848 sf manufacturaing/light industrial bldg with onsite parking/loading, landscaping with stormwater facility, and offsite frontage improvements of SE 58th Drive.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6 A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: *Carol Phelps / Keith B. Phelps* Date: **06/08/2021**

Carol Phelps & Keith Phelps **IMPORTANT INFORMATION ON REVERSE SIDE**
 Owners
 *This application is subject to the terms and conditions of the application form and the MMC Subsection 19.1001.6 A.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

****Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form.

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	VR-2021-012	\$ 2,000			
Concurrent application files	DEV-2021-006	\$ 750	25%		
		\$			
	TOTAL	\$ \$2,750			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:	RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): N/A					
Notes:					



MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

Submittal Requirements

For all Land Use Applications
(except Annexations and Development Review)

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets the following:
 - A. All applicable development standards (listed below):
 1. **Base zone standards** in Chapter 19.300.
 2. **Overlay zone standards** in Chapter 19.400.
 3. **Supplementary development regulations** in Chapter 19.500.
 4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
 - B. All applicable application-specific approval criteria (check with staff).
These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:





- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness. Provide an electronic version, if available.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) Keith Phelps and Carol Phelps, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature:    

Date: 06/12/2021

Official Use Only

Date Received (date stamp below):

Received by: _____



LYVER ENGINEERING AND DESIGN

7950 SE 106th, Portland, Oregon 97266

Ph: 503.705.5283 Fax: 503.482.7449 TroyL@Lyver-EAD.com www.Lyver-EAD.com

November 30, 2021

Reference: Phelps Industrial/ Light Manufacturing Bldg
9285 SE 58th Drive
#VR-2021-012;DEV-2021-006

LEAD Project No: 19-042

Subject: Comprehensive Project Description

The site at the NW corner of the intersection of SE 58th Drive and Johnson Creek Blvd is currently a vacant gravel lot with no structures, recent address request provided site address of 9285 SE 58th Dr, Milwaukie, OR 97206. The attached proposal for the Phelps Industrial/ Light Manufacturing Bldg Land Use Application is for a 1,848 square feet (sf) manufacturing building as specified by Pacific Building Systems in attached "3c - Building Specifications.pdf" and further in attached "3b - Proposed Building Plans.pdf". The proposed 1,848 sf of floor area is broken up with the main floor of 1,430 sf manufacturing (77%) and the upper floor of 418 sf office space (23%). The second floor office space shall partially cover onsite parking and have direct access to the exterior through either the nearby main entrance or immediate 12'x12' roll up door.

Onsite improvements include previously mentioned onsite parking with direct sidewalk access to both roll up and main entrance. Low vegetation with bark covering is proposed along the parking area with more traditional landscaping of grass, ground cover, shrubbery and small trees in front of the building facade along SE 58th Drive. Onsite stormwater from pavement and roof drainage will be directed to the onsite planted infiltration swale with overflow to the 12" public storm drain system.

Public improvements include the 2' widening of existing pavement and construction of the typical curb & gutter, planting strip and separated sidewalk that meets the city's local street section design. A 20' driveway drop provides access to the onsite parking at the northern end of the property. A curb return and pedestrian crossing is proposed for pedestrian access eastward across SE 58th Drive. While a 20' dedication is provided for SE Johnson Creek Blvd (JCB), no public frontage improvements are required or proposed. Said dedication along JCB significantly reduces the building footprint allowable thus a zero foot setback is requested along that frontage.

These requests require three Type III Variance for Zero Setback, Access Management, and Perimeter Landscaping. The appropriate narratives, maps and additional attachments are itemized on the Land Use Application packet transmittal.



LYVER ENGINEERING AND DESIGN

7950 SE 106th, Portland, Oregon 97266

Ph: 503.705.5283 Fax: 503.482.7449 TroyL@Lyver-EAD.com www.Lyver-EAD.com

November 30, 2021

Reference: Phelps Industrial/ Light Manufacturing Bldg
9285 SE 58th Drive
#VR-2021-012;DEV-2021-006

LEAD Project No: 19-042

Subject: LandUse Detailed Statement for Type II Development
Review & 2 Type III Variances

MMC19.906.2 Applicable Development Review Type

The proposal is for new construction over 1000 square feet in the Manufacturing Zone which falls within 120 ft of areas zoned for residential uses and requires a Type II Review.

MMC19.906.4 Type II Development Review Approval Criteria

The section below outlines how this proposal meets the various approval criteria for a Type II Development Review Application.

19.906.4.A ➡ The applicable standards of MMC19.309 Manufacturing Zone M are as follows;

19.309.2.A= This proposal is an allowable combination of 23% office space and 77% manufacturing, exceeding the minimum manufacturing base usage of 25%.

19.309.6 *Development standards*

A= Minimum Setbacks.

Response ➡ While front setback std is 20' the proposed site improvements include a building line with Zero lotline setback due to the required right of way dedication of 20'. This triggers a Type III variance and is discussed under section MMC19.911.4.B below. Corner side yard setbacks of 10' are supplied between the building and SE 58th Drive. No rear or side setbacks are required or provided. Refer to sheet C-1 in "5b - Proposed Site Plans.pdf".

B= Maximum Height

Response ➡ This proposal stays within the maximum height of 45' with a northern roof height of 28'-10", sloping to a southern roof height of 23'-0". Refer to sheet A-2 of "3b - Proposed Building Plans.pdf" for elevations.

C= Parking and Loading will be discussed below with MMC19.600

D= Landscaping

Response ➡ This proposal meets the 15% minimum landscaping requirement. Plan set sheet C-1 in "5b - Proposed Site Plans.pdf" shows lot coverage and vegetation calculations of 547 sf landscaping proposed. Of that, 333 sf will be planted with ground cover, 99 sf will be covered in bark, and 80sf of planted stormwater swale. The bark chip area is only 18% of total landscaping proposed, staying well under the required 20% maximum. The street frontage includes one proposed street tree meeting the requirement of 1 per 40 LF of planter. Plan set sheet C-1 illustrates planting location and types. The specific variety of trees, shrubbery, and various ground cover will be specified in development plans.

E= Site Access

Response ➡ This site has limited frontage when reconciled with intersection clearance requirements. Please refer to "4b - Access Study.pdf" for detailed information regarding the proposed site access of a single 20ft wide curb cut for driveway on SE 58th Drive as seen on sheet C-2 of "5b - Proposed Site Plans.pdf". With this site limitation a variance is requested with the Type III Variance Approval Criteria for Access Management itemized near the end of this detailed statement under MMC19.911.4.B.

F= Transition Area

Response ➡ Industrial development adjacent to and within 120 ft of areas zoned for residential uses is subject to Type I or II review per Section 19.906 Development Review. The following characteristics will be considered:

1. *Noise*

Response ➡ Any prospective business that will occupy the subject site will be an allowed use in the Manufacturing Zone (M) under the provisions of MMC 19.309.2 (A). Any manufacturing use will not generate a level of sound that

would be intrusive to neighboring uses, whether industrial, commercial or residential. Outside of the residential dwelling 70' across Johnson Creek Blvd, the nearest dwelling (9203 SE 58th Drive) is located to the north of the subject site at a distance of approximately 18 feet. It does appear that this residential structure has industrial/office commercial uses within the adjoining landscape rock yard. However, with the "operations end" of the building located adjacent to Johnson Creek Blvd., this will allow the "administrative end" of the building to act as a buffer between the adjacent structure and the "operations area" of the building. Site generated noise is controlled by established levels through the State of Oregon.

2. *Lighting*

Response ➡ There will be some outside "perimeter" lighting around the site. This lighting will be for both convenience and security. Outdoor lighting will be shielded and directed, as necessary, to protect the structure to the north and south. Lighting will also be positioned to avoid direct light and glare onto Johnson Creek Blvd. and SE 58th Drive. Indoor lighting will not have any impact on adjacent properties.

3. *Hours of Operation*

Response ➡ Any manufacturing business that may occupy the subject site and function fully within the confines of the subject site, and within certain operating business hours. Normal operating hours might be from 7 AM to 7 PM, Monday through Friday. There may be limited weekend hours depending on need for this weekend manufacturing activity, level of business, and demand for any products produced on the subject site.

4. *Delivery and Shipping*

Response ➡ All deliveries and shipping will take place at the northerly end of the building, gaining access via the ADA loading stall and roll up door under the 2nd floor offices. All deliveries vehicles will park along frontage off-site and handcart material to the front or roll-up door. All truck traffic will utilize SE 58th Avenue for direct access to the subject site. It is likely that most, if not all, deliveries and pickups from this business location will be made by

town delivery trucks and vans. Delivery and shipping will take place during operating business hours.

5. *Height of Structure*

Response ➡ The proposed building to be built on the subject site will be 23 feet in height on the southerly end directly adjacent to Johnson Creek Blvd. On the northerly end of the building the height will increase to approximately 28 feet 10 inches. This added height will serve to provide enough space for the offices to be placed on the 2nd floor. According to 19.306.6.B., maximum height for all uses in the M zone is 45 feet. Because all height dimensions of the proposed building will be less than the 45 foot maximum allowed height, the proposed building will satisfy current standards.

6. *Distance to Residential Zone Boundary*

Response ➡ Based on the observations from Vera Kolia, Senior Planner, in her letter dated July 20, 2021, the distance to the nearest R-7 zoned property to the south across Johnson Creek Blvd. is approximately 70 feet. This 70 feet separating the proposed building and manufacturing use from the R-7 zoned area is buffered by a solid wall on the south side of the proposed building constructed with PBR Panel metal roofing and siding. The southern wall may have wide windows located on the upper portion of the wall, but there will be no visibility of the residential area from these windows. With the dedication of additional right-of-way width along the south side frontage with Johnson Creek Blvd., the traffic on Johnson Creek Blvd., and the enclosed nature of the building and the use therein, there will be some mitigation factors from the distance between the subject site and the R-7 zone boundary south of Johnson Creek Blvd. In addition some form of hanging trellis mounted to the south wall will add the building screening from road and residential property. As such, there will be some mitigation for potential impacts from the use of the site for manufacturing purposes.

G= Public Facility Improvements will be discussed below under MMC19.700

H= Additional Standards are not applicable to the site.

19.906.4.B ➡ The standards of MMC19.400 Overlay Zones not applicable to this site. This criteria has been met.

19.906.4.C ➡ The standards of MMC19.500 Supplementary Development Regulations not applicable to this site. This criteria has been met.

19.906.4.D ➡ The applicable standards of MMC19.600 Off Street Parking and Loading Requirements are as follows;

19.604.2.A = This proposal initially included two on-site spaces provided at the north end under the second floor office structure overhang. The federally required ADA stall was initially planned off-site along the frontage of SE 58th Drive. For aesthetics and safety reasons the applicant now seeks a Type II Modification to allow the option of ADA stall and ADA loading stall to take up the two stall on-site area under the office, thus moving the required single on-site/nonADA parking to be curbside at frontage. Please refer to the modification request discussed in detail below under MMC 19.605.2 Quantity Modifications and Required Parking Determinations.

19.605.1 = *Minimum and Maximum Requirements.*

Per table 19.605.1.G.I, there is a minimum of one and maximum of two spaces per 1000sf of Manufacturing floor area. This proposal includes a modification as discussed in 19.604.2.A. Refer to the modification request in 19.605.2.

MMC 19.605.2 Quantity Modifications and Required Parking Determinations

19.605.2.A.2 = *Applicability*

This modification request is based on a desired number of stalls outside the min/max listed in Table 19.605.1.

19.605.2.C.1 *Approval Criteria = All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.*

Response ➡ The minimum required number of on-site parking spaces for the proposed development of the subject site is 1 (one) with a max of 2 (two). No loading space was required, and none is provided. The new on-site NON ADA parking space stall count is 0(zero). This is reasonable because there are 2 additional parking spaces available off-site along the western curb face of 58th Drive. Technically the site as proposed has 1 on-site parking stall, it is

just ADA rather than for general use. This proposal is based on several factors:

- Safer for handicapped users than parking curbside on SE 58th Avenue near JCB.
- Plenty of space to facilitate accessibility
- Under cover

Since the question of the number of parking spaces required is not truly the issue, this criterion should not apply as it deals with quantities of parking spaces rather than location of parking spaces, in this case, the single handicapped parking space may act as the sole on-site stall.

It would appear that the required one (1) handicapped space is consistent with requirements in other jurisdictions. This is not the issue at hand. The issue is if the handicapped space may be allowed to count towards the minimum and where it should be located. The single onsite handicapped space will “replace” the proposed onsite spaces (one parking space, one loading space adjacent to the roll up door). The non-ADA parking space will be one of two located curbside along the west side of SE 58th Drive, which is directly adjacent to the subject site and easily and conveniently usable for non-ADA users who may be visiting the site. In the end, the size and shape of the subject site creates issues with overall site development, including parking. Based on the location of the handicapped parking space onsite as opposed to offsite, this is the most practical and reasonable solution to the issue.

19.605.2.C.2 Approval Criteria = In addition to the criteria in 19.605.2.C.1, requests for modifications to decrease the amount of minimum parking required shall meet the following criteria:

a. The use of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1;

Response ➡ The proposed site development plan proposes to reduce onsite parking to be only the handicapped space, in place of the originally proposed regular parking space. Due to site size and shape, and the overall development plan for the site, several issues are created (setbacks, landscaping, onsite parking) that result in perhaps the best alternative for the site being as

proposed with the handicapped space onsite and non-ADA parking at curbside along the westerly side of SE 58th Avenue.

It is highly unlikely that use of transit or parking demand management for such a small site (and small firm which will occupy the site) would have any significant impact on the parking for the site. Total number of onsite employees will be small, resulting in potentially reduced use of vehicles overall for the site. While TriMet Line 34 travels along Johnson Creek Blvd., the location of regular route stops along the line and the frequency of service combine to reduce the attractiveness and usability of transit for onsite employees. As such, it is doubtful that expected vehicle use relative to the subject site will not be reduced as a result of any use of transit.

19.605.2.C.3 = In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of allowed parking shall meet the following criteria: (a... b... c.....)

Response ➡ This criterion does not apply because the applicant is proposing only a reduction in the amount of required parking, NOT an increase in the amount of required parking.

19.606 = Parking Area Design and Landscaping

Parking space exceeds the requirements of 9ft wide by 20ft long.

19.606.2.C = Parking Perimeter Landscaping

Due to site constraints, this proposal requests a variance for the reduction in the required minimum width of perimeter landscaping area from 6ft to 3ft. The Type III Variance Approval Criteria for Parking Perimeter Landscaping is itemized near the end of this detailed statement under MMC19.911.4.B. This northern planter area shall be covered in bark and planted with shrubs. Please refer to the attached "4b - Access Study.pdf" which limits site distance if a tree were planted in the aforementioned landscaping buffer area. No tree is proposed here, please refer to sheet C-1 of "5b - Proposed Site Plans.pdf".

19.606.3 = Design Standards

A = Paving and Striping

On-site parking area shall be paved with an appropriate section of asphalt on crushed base rock and edged with 16" curb with 6" exposure where appropriate. A single parking stripe will divide the two parking spaces.

B = Wheel Stops

Wheel stops included on this site, refer to sheet C-1.

C = Site Access

Access to the parking area shall be directly from SE 58th Drive, no Drive aisles proposed.

D = Pedestrian Access and Circulation

Pedestrian access from the parking area shall be directly across it's two stall width or via public sidewalk to the main entry.

E = Internal Circulation not applicable to this site

F = Lighting

While lighting is not required for this site under ten spaces, it is covered by building overhang and will supply appropriate lighting shielded to meet code.

19.608 = Loading

19.608.2.B.1 = Non Residential and Mixed Use Buildings

With a 1848 sf total floor space, we are under the 20,000 sf threshold and require no loading spaces.

19.609 = Bicycle Parking

This proposal includes two bicycle parking stalls / bicycle rack located near the front door, the dimensions of which are 4ft by 6ft on a concrete pad, as required. Refer to the plan set sheet C-1 for details.

19.906.4.E ➡ The applicable standards of MMC19.700 Public Facility Improvements are as follows;

19.702.1.D = Requires frontage improvements along SE 58th Drive

19.708 = Transportation Facilities

19.708.1.A & B = Access Management & Clear Vision are discussed in the attached "4.b - Access Study.pdf".

19.708.1.D = Development in Non-Downtown Zones

1 & 2 = SE 58th Drive shall include a local half street improvement in accordance with MMC19.700 and Public Works standards. The proposed development impacts will not require construction of frontage improvements along Johnson Creek Boulevard. Refer to sheet C-2 of "5b - Proposed Site Plans.pdf".

3 = 20ft dedication is required for street right-of-way along Johnson Creek Boulevard, while no dedication is required along 58th Drive.

9 = The existing street sign shall be removed/replaced per Public Work Standards.

10 = No street lights are proposed.

19.708.1.E = Street Layout and Connectivity does not apply to this site due to lack of blocks within this proposal.

19.708.1.F = Intersection Design and Spacing

This project contains no new intersections. For information on existing intersections please refer to the attached "4.b - Access Study.pdf"

19.708.2 *Street Design Standards*

This proposal applies the final 58th Drive street standard by sawcutting and widening the existing asphalt 2' in order to provide a 6' width parking strip with curb and gutter.

These improvements align with the future design location of Johnson Creek Boulevard 12' travel lanes, 12' center lane, 5' landscape strip, and 6' setback sidewalks.

19.709 *Public Utility Requirements*

19.709.2.A.3 = The existing location of storm drain catch basin #2 (as found in attachment "5a - Existing Conditions Map.pdf") is in conflict with the proposed sidewalk location due to safety hazards. A public catch basin is proposed for its replacement along the new curb line as shown on sheet C-2 of "5b - Proposed Site Plans.pdf". The connection point of this new inlet to the existing 12" storm main under said sidewalk has depth constraints. While a flat top manhole is currently proposed, future engineering plans will seek to resolve this with the public works department.

19.906.4.F ⇒ The applicant is aware of no prior land use approvals. Concurrently three Type III Variances are requested with this Type II Development Review as mentioned above and detailed below.

MMC19.911.4.B Type III Variance Approval Criteria (Zero Setback)

This section outlines how this proposed project meets the various approval criteria for a Variance from the stated standard of 20 feet (19.309.6.A) to the proposed zero (0) setback along the front property line. The selected criteria for this Variance to front setback requirements is the "Discretionary Relief Criteria" as contained in 19.911.4.B.1. These criteria are addressed as follows:

- a. *The applicant's alternative analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to baseline code requirements;*

Response ⇒ The parcel is a very small lot for the potential use identified through the Manufacturing, and results in the need for regulatory relief from the strict implementation of the required

standard of 20 feet of setback. It is likely that this parcel is a “left over” parcel from other land use actions and development of adjacent and surrounding properties. In addition, the triangular shape of the parcel creates potential difficulties with development of the parcel. The combination of the triangular shape and the development requirements that structures, parking areas, internal access routes, are more rectangular geometric shapes, and the two basic shapes do not fit well together. This results in trying to put a “square shape in a triangular hole”.

The subject site is only 3,760 gross square feet in land area, of which there are several required deductions. For example, there is a required right-of-way dedication of 20 feet along the frontage of Johnson Creek Blvd., thus reducing the area of the parcel to 2,605 square feet. This required right-of-way dedication is, in itself, a 30% deduction in the gross size of the parcel. Because this right-of-way dedication is required, there is no alternative for the site than to develop as a 2,605 square foot parcel. In this case, the effective developable size of the parcel is adversely impacted by the required right-of-way dedication, without consideration of potential impacts on adjacent or nearby properties.

In order to “make this parcel work”, other regulatory requirements must also be varied. The required 10-foot setback along the frontage of SE 58th Drive reduces the effective developable area of the parcel to 1,848 square feet, or approximately 49% of the original gross parcel size. Other site restraints include requirements for parking, landscaping, sidewalk, and a stormwater facility, thus reducing the main floor print area to 1,430 sf. This is already an extremely small site for manufacturing usage, and enforcing a setback along Johnson Creek would further reduce the building footprint to 1,091 sf, creating an unreasonable economic use of the property in comparison to other manufacturing zone usage. In the end, the NET DEVELOPABLE area of the subject parcel is now 29% of the original which represents a final developable footprint for the project. In the end, regardless of any impacts on adjacent or nearby properties, the regulatory requirements for dedication, setbacks, and the like may render this site very difficult, if not nearly impossible to develop in an economically practical sense.

As such, a Variance to allow a zero setback along the Johnson Creek Blvd. frontage where the required 20 feet dedication will make a significant difference in the potential developability of the parcel for the proposed building to house a manufacturing function that is allowable in the Manufacturing zone. With the proposed variance to the front setback along Johnson Creek Blvd., the subject parcel can be developed with a useful and practical manner.

b. *The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:*

(1) *The proposed variance avoids or minimizes impacts to surrounding properties;*

Response ➡ Because the property is located on a corner, the impacts on adjacent and surrounding properties will be somewhat limited. With a side yard setback on the westerly side of the site required at zero (0) or more, there will be no adverse impacts on the specific adjacent property there. It should be noted that the adjacent property to the west is an aggregate resource supply yard that is also an allowed use in the Manufacturing zone. Further, the proposed setback variance along the frontage of Johnson Creek Blvd. faces only the public right-of-way on the north side. Distance to the nearest property and land use on the south side is enough that there will be no adverse impacts resulting from the proposed zero setback development on the subject site. In addition, there will be no driveways, doorways, or access points to the proposed building from the Johnson Creek Blvd. side, thus having very little impact on adjacent or surrounding properties to the south. The proposed variance will have no adverse impacts on adjacent or surrounding properties to the south, east or west.

(2) *The proposed variance has desirable public benefits;*

Response ➡ There will be several desirable public benefits resulting from the proposed variance along Johnson Creek Blvd. First and foremost, the site will be developed and put to good use in accordance with the current zoning of the site. As mentioned previously, the site is likely a “left over” parcel from previous land use actions and development of adjacent and surrounding properties. This development of a properly zoned parcel may

reduce pressure on other properties for rezoning or manufacturing use in a location that may not be as desirable as the subject property.

Development and use of the subject site will result in tax payments to the public that currently do not exist, or are at reduced levels due to the vacant nature of the property at the present time. Development of the site will strengthen the “manufacturing” character of the Johnson Creek Blvd. corridor, and will compliment other established uses in the corridor.

(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Response ➡ Because the proposed variance will result in a new building and a new use on the site, the proposed manufacturing use of the site will contribute to the overall upgrading of the Johnson Creek Blvd. corridor. And with other setbacks of the proposed building, and the required landscaping around the site, and some screening type of hanging trellis mounted to the south wall the specific appearance of the site will be significantly improved over the current vacant status of the site. Thus, the aesthetic appearance of the site will contribute to the betterment of the entire Johnson Creek Blvd. corridor.

c. Impacts from the proposed variance will be mitigated to the extent practical.

Response ➡ The front setback will be reduced from 20 feet to zero (0) feet along the Johnson Creek Blvd. corridor for the entire frontage of the proposed building. Being 60 feet from the residential zone across (south) Johnson Creek Blvd., there will be no adverse impacts that require mitigation because the north side of the proposed building will not have entrances, driveways, or other site features that would spawn any mitigation, including along the adjacent Springwater Trail on the south side of Johnson Creek Blvd.

With the proposed building only being two stories in height, there will be no adverse impacts that require mitigation. The treatment of the south side of the building as it abuts Johnson Creek Blvd. will result in a face that reflects the tasteful nature through which the building has been designed and built. Use of landscaping

throughout the entire site, as small as it is, will assist in making the site look a bit less “industrial”. Therefore, measures to mitigate any impacts of the variance to reduce the setback to zero (0) feet will be minimal to the point of not needing any mitigation measures.

MMC19.911.4.B Type III Variance Approval Criteria (Access Management)

This section outlines how this proposed project meets the various approval criteria for a Variance for the stated standard for access to the subject site along SE 58th Drive. The selected criteria for this Variance to Access Management requirements is the “Discretionary Relief Criteria” as contained in 19.911.4.B.1. These criteria are addressed as follows:

- a. *The applicant’s alternative analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to baseline code requirements;*

Response ➔ Because of the small size of the parcel and its triangular shape, options for a variety of development factors may be limited. One of these factors is site access. With frontage on two public rights-of-way, access would seem fairly simple. However, no direct access to Johnson Creek Blvd. is possible, leaving access to SE 58th Drive as the only alternative.

The site measures only 75 feet, 9 inches from the southerly boundary to the tip of the site at the intersection of Johnson Creek Blvd. and SE 58th Avenue. This minimal dimension is actually the longest dimension of any of the sides of the parcel. As such, it makes the most practical sense to place the proposed driveway on this side of the parcel. However, the location of the proposed driveway may not meet the required distance from the intersection of Johnson Creek Blvd. and SE 58th Avenue. Further, in accordance with MMC 12.16.040.C.3 it is required that the “nearest edge of the driveway apron shall be 7.5 feet from the side property line in residential districts, and 10-ft in all other districts.” The site is in the Manufacturing zone, which would require a 10-ft “setback” of the driveway apron from the southerly property line. Based on the current site plan, the applicant proposes a “setback” of 3.5 feet in order to allow the needed driveway and internal access management.

The best thing about the location of the proposed driveway is that it is as distant as possible from the intersection of Johnson Creek Blvd. and SE 58th Avenue. Pushing the driveway as far south on the subject site as possible provides the best opportunity for practical, rational, and efficient access to the site. In actual fact, there is no alternative location for the driveway on this site. While the southerly edge of the driveway apron will be only 3.5 feet off the southerly property line, that 3.5 feet will be landscaped as illustrated on Sheet C-1 of "5b - Proposed Site Plans.pdf". This 3.5 foot setback and the proposed landscaping of the setback area will provide the best buffering of the existing land use directly adjacent to the south along SE 58th Avenue.

Therefore, a variance is needed to locate the proposed driveway in the location identified on the preliminary plans. An approved variance to allow the driveway in the proposed location will set the development plan for the site, and allow a viable use of the subject site to occur.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the both following criteria:

(1) The proposed variance avoids or minimizes impacts to surrounding properties;

Response ➡ The only property that would be impacted by the approved driveway location would be the property directly adjacent to the south. Any impacts would be mitigated by the 3.5 foot setback and the landscaping of the setback area. The amount of traffic coming and going to/from the site would be a combination of "town delivery" trucks and personal vehicles. No large semi-trucks will be visiting the site. Further, traffic volumes will be relatively limited because this is a smaller capacity operation that fits the profile of land uses allowed, and desired, in the Manufacturing district. In addition, based on the design of the proposed building, all manufacturing activity taking place there will be as distant as possible from the property directly adjacent to the south on SE 58th Avenue. Therefore, the proposed location of the driveway access to the site on SE 58th Avenue has attempted to minimize any impacts on the adjacent property to the south.

(2) *The proposed variance has desirable public benefits;*

Response ➡ The proposed location of the driveway access to the subject site has been placed in the only likely, reasonable, practical, and efficient location possible. While the distance from the edge of the driveway apron to the sight-of-way for Johnson Creek Blvd. may be less than the city's standard, this location is really the only location possible. Public benefits accrue from the location of the driveway as proposed because, (a) an undeveloped piece of property in the Manufacturing zone will be finally developed, leading to increased taxes paid, increased employment, increased industrial base for the city, increased business in the City of Milwaukie, and fulfillment of a dream of the applicants. This combination of public benefits will far outweigh any adverse impacts resulting from approval of the variance.

(3) *The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.*

Response ➡ Planning, site engineering and building design definitely had to be creative in order to make the proposed development of the subject site actually work. The trapezoidal shape of the parcel results in several "odd" corners, dimensions, and spaces to work with. A building has been designed that will provide for the needs of the manufacturing operation on the site and, at the same time, account for the peculiarities of the site. Because not every parcel is a perfect square or rectangle that makes site planning and design relatively easy, this site definitely requires creativity and sensitivity to the local environment. The proposed building, and its proposed use, will fit into the local fabric where such existing uses as City of Milwaukie, Wichita Feed & Hardware, and Smith Rock, Inc. can be found nearby. The proposed location of the driveway access to the site will even benefit the Springwater Trail Corridor by not having direct vehicular access onto Johnson Creek Blvd., thus reducing the potential for conflicts with pedestrians and bicyclists.

c. *Impacts from the proposed variance will be mitigated to the extent practical.*

Response ➡ The location of the driveway access has been placed as far to the north as possible, in order to provide as much distance between the centerline and/or northerly driveway apron and the intersection of Johnson Creek Blvd. and SE 58th Avenue. Sight distance at the point of the driveway will be as much as can

be created in both directions, thus providing some mitigation for the impact of having the driveway access as proposed. With landscaping along the frontage of SE 58th Avenue, and reduced landscaping at the northerly property line, the location of the driveway will appear to be more rational and efficient than for any other location on the site.

MMC 19.911.4.B Type III Variance Approval Criteria (Perimeter Landscaping)

This section outlines how this proposed project meets the various approval criteria for a Variance for the stated standard for perimeter landscaping at various points around the subject site. The selected criteria for this Variance to Perimeter Landscaping requirements contained in MMC 19.606.2.C. is the “Discretionary Relief Criteria” as contained in 19.911.4.B.1. These criteria are addressed as follows:

- a. *The applicant’s alternative analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to baseline code requirements;*

Response ➡ As discussed previously, the smaller size of the site, and the “irregular” trapezoidal shape of the site, combine to make things challenging for the applicants. Simply stated, without some relief from the stated standards for site size, setbacks, and landscape buffers the site cannot be developed as proposed. The character of the site, likely being a remnant parcel from previous regulatory land use actions and development, results in the need for regulatory relief. As noted in the third (3rd) paragraph on page 1, the effective developable size of the site shrinks to approximately 20% of the original site, resulting in a very restrictive site.

To be clear, the applicants are not requesting total relief from the landscaping requirements but, rather, relief through the application of lesser landscape standards at various locations throughout the site. With the proposed zero setback along the Johnson Creek Blvd. frontage, landscaping there will be reduced to some form of a hanging trellis as additional screening along the street frontage (see Sheet A-2 of “3b - Proposed Building Plans.pdf”). Landscaping is also proposed to be reduced along the northerly side of the site, adjacent to the driveway/parking area. Other perimeter landscaping along the westerly side of the site, where the building is planned for a zero lot line development, there is no

landscaping proposed adjacent to the “warehouse” portion of the building. As illustrated on Sheet C-1, there will be landscaping comprised of “shrubs and bark” adjacent to the parking and office portion of the building. Landscaping along the frontage of the site at SE 58th Drive meets code requirements. These proposed reductions in landscaping requirements will assist in making the site developable as proposed, and the site becoming a positive addition to the local landscape.

- b. *The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:*

- (1) *The proposed variance avoids or minimizes impacts to surrounding properties;*

Response ➡ The proposed reduction in landscaping requirements will serve to have the site landscaped, but to lesser standards in order to make use of a very limited site. Perhaps one of the most potentially impacted properties is the site directly adjacent to the north, adjacent to the parking and office portion of the proposed building. There is a 3.5 foot proposed landscape strip that will provide a measure of visual protection for the property to the north. This area of common frontage is only 11 feet in length, thus reducing the amount of exposure. In addition the dwelling on the property north of the subject site is closer to Smith Rock, Inc. than to the proposed development on the subject site. As such, potential impacts to the property to the north are minimized.

- (2) *The proposed variance has desirable public benefits;*

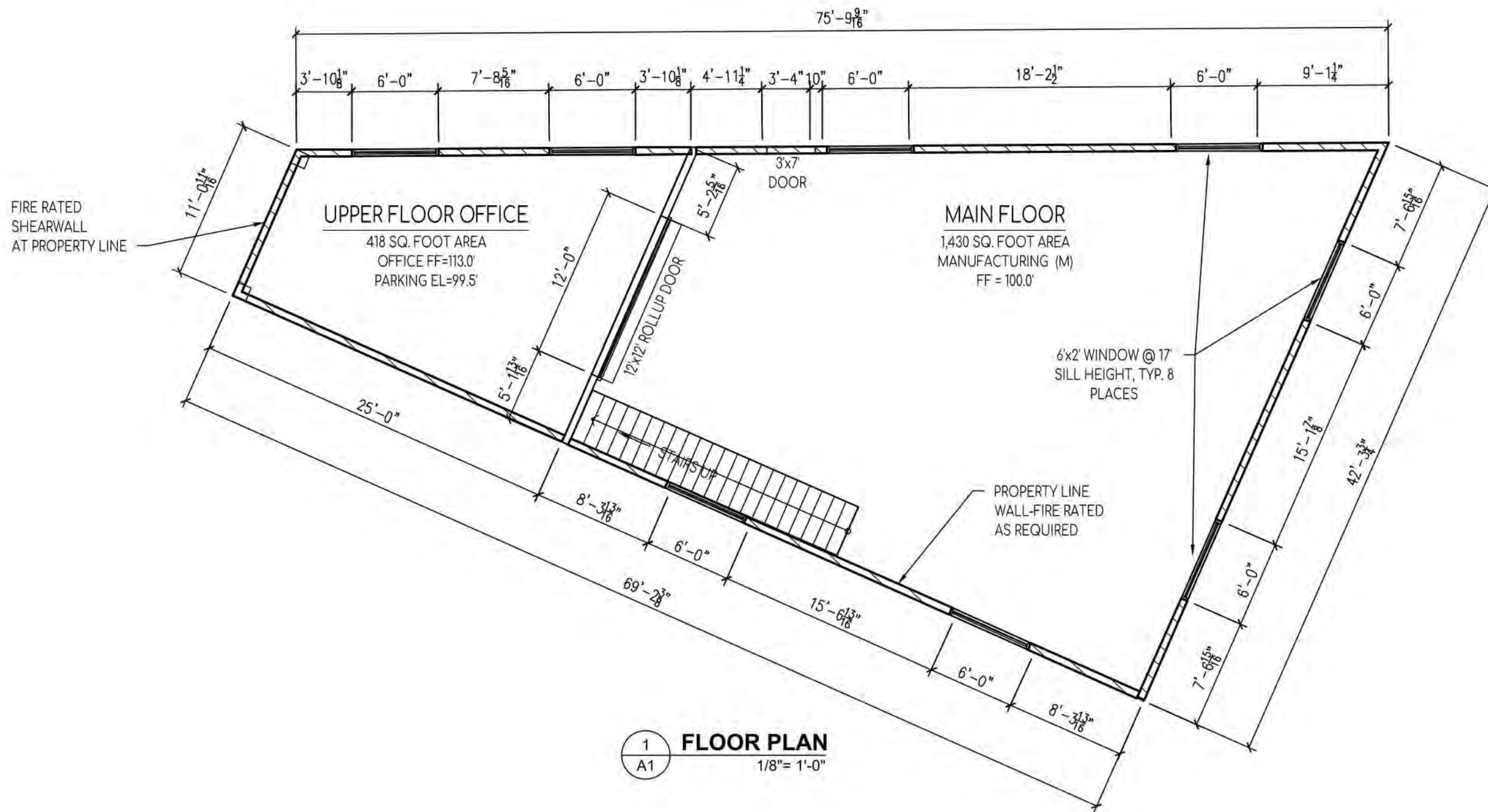
Response ➡ The proposed variance to allow for lesser perimeter landscape standards will allow the site to be developed for a useful, practical, and reasonable use of the land. The combination of the several variances for setbacks, access management, and landscaping will result in a development plan that is reasonable, practical, and sensible. There are major public benefits to the development of this here-to-fore vacant site, including increased tax payments to the public jurisdictions and agencies, upgrading of the local small manufacturing environment along Johnson Creek Blvd., and use of a properly zoned site which should avoid some pressure on other sites throughout the city that may need to be rezoned to accommodate the proposed use, as well as increased local employment.

- (3) *The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.*

Response ➡ The design of the proposed building for the subject site has been done in a practical, tasteful, and reasonable manner such that the design meets the needs of the applicants, and the location of the building on this very limited site. Generally, speaking, the new building, with modified setbacks, access management, and modified perimeter landscaping will fit the site very well, and will blend into the local manufacturing environment. The development of the subject site, with its modified perimeter landscaping, will still “fit” into the local environment and will not appear to be out of place. Once Johnson Creek Blvd. is widened and rebuilt, and once SE 58th Avenue is fully improved, the development of the subject site will become an integral part of the Johnson Creek Blvd. Corridor.

- c. *Impacts from the proposed variance will be mitigated to the extent practical.*

Response ➡ The proposed reduction in landscaping, especially along the westerly and southerly borders of the site, will continue to identify the site as a new manufacturing use of the land. The full landscaping of the frontage on SE 58th Avenue will provide the impression that the entire site is tastefully landscaped throughout. In addition, the use of a hanging trellis on the side of the building at the Johnson Creek Blvd. frontage is a unique and novel way to provide a visual element to an otherwise blank two story wall of a metal industrial building. Wherever possible, landscaping touches have been used to make the overall character of the building and the site in keeping with the intent of the code standards.



1
A1 **FLOOR PLAN**
1/8" = 1'-0"



LYVER ENGINEERING AND DESIGN

7950 SE 106th, Portland, Oregon 97266
 Ph: 503.705.5283 Fax: 503.482.7449 TroyL@Lyver-EAD.com www.Lyver-EAD.com

PROJECT: PHELPS MANUFACTURING	SHEET TITLE: FLOOR PLAN
LOCATION: 58th DR & JC BLVD. MILWAUKIE, OREGON	DATE: 06/14/2021
CLIENT: CAROL PHELPS	SCALE: 1/8" = 1'-0"
LEAD PROJECT #19-042	

REVISIONS: Nov. 2021 - PARKING

SHEET:
A-1

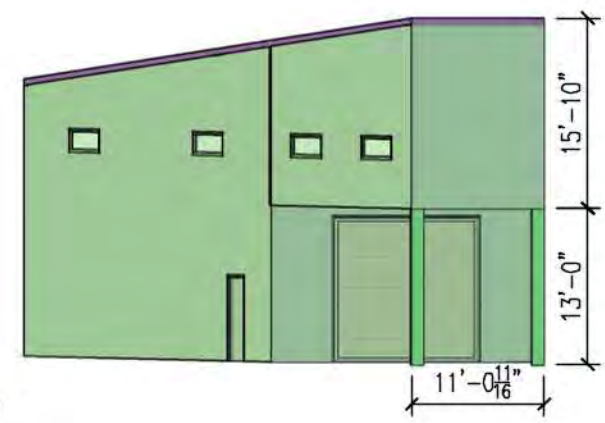


ZONE SCREENING:
HANGING TRELLIS MOUNTED TO BLDG. ALONG JCB IN
PATTERN TBD AT PERMITTING.

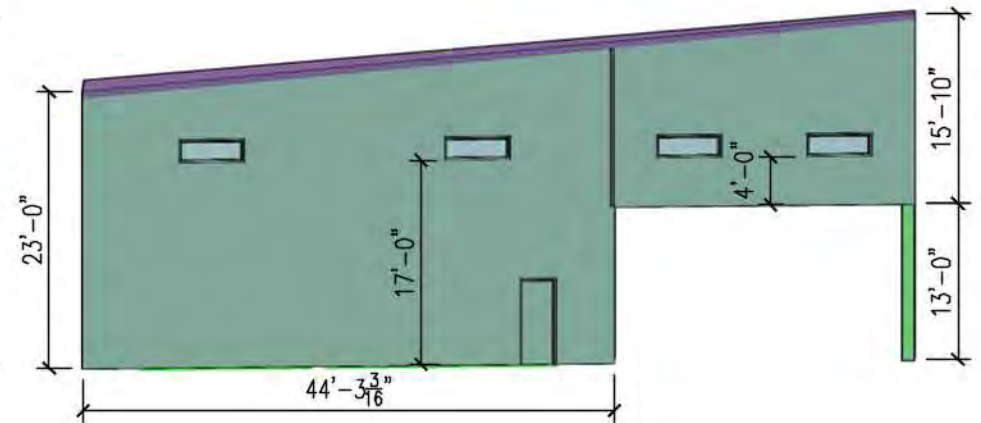
BUILDING EXTERIOR:
PBR 26 GAUGE ROOFING AND SIDING,
COLORS TBD AT PERMITTING.



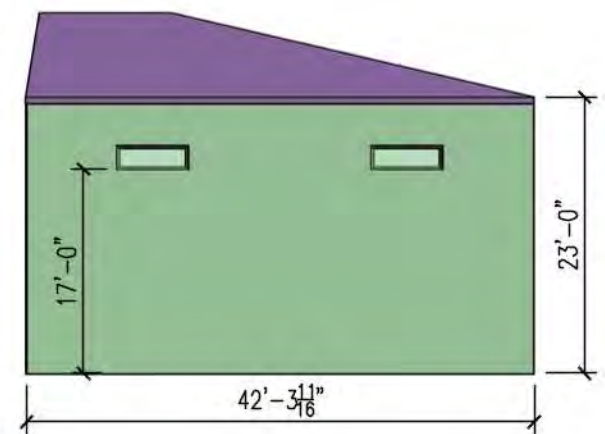
5
A2 **3-D RENDERINGS**
NOT TO SCALE



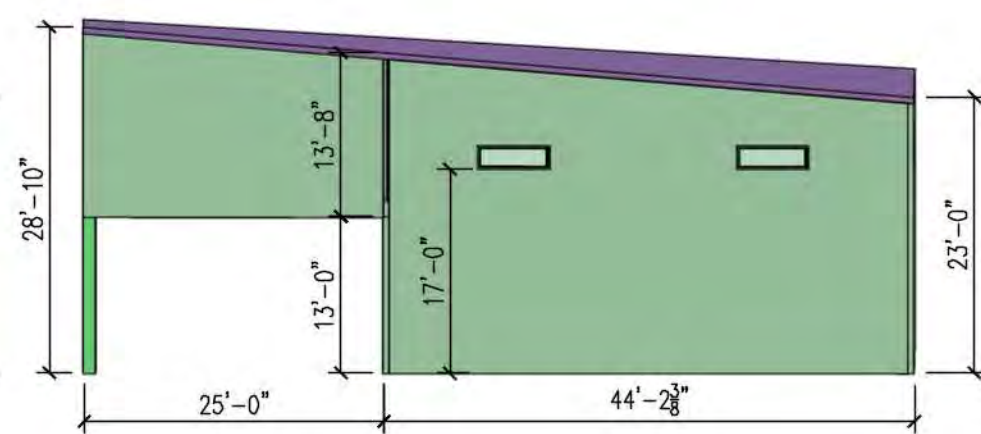
4
A2 **NORTH
ELEVATION**
1/16" = 1'-0"



3
A2 **EAST
ELEVATION**
1/16" = 1'-0"



2
A2 **SOUTH
ELEVATION**
1/16" = 1'-0"



1
A2 **WEST
ELEVATION**
1/16" = 1'-0"



LYVER ENGINEERING AND DESIGN

7950 SE 106th, Portland, Oregon 97266
Ph: 503.705.5283 Fax: 503.482.7449 TroyL@Lyver-EAD.com www.Lyver-EAD.com

PROJECT: PHELPS MANUFACTURING	SHEET TITLE: ELEVATIONS
LOCATION: 58th DR & JC BLVD. MILWAUKIE, OREGON	DATE: 06/14/2021
CLIENT: CAROL PHELPS	SCALE: 1/16" = 1'-0"
LEAD PROJECT #19-042	

REVISIONS: Nov. 2021 - PARKING

SHEET:
A-2

EXISTING CONDITIONS MAP

TAX LOT 1500, MAP 1S, 2E, 30AD
 LOCATED IN THE N.E. 1/4 SECTION 30, T.1S., R.2E., W.M.,
 CLACKAMAS COUNTY, OREGON
 FEBRUARY 11, 2019 SCALE 1"=20'

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NAVD 88.

A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER RECORD OF SURVEY RECORDED UNDER PRIVATE SURVEY NUMBER 2007-421, RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

LEGEND:

- Some Symbols shown may not be used on map
- | | | | |
|--|----------------------------|--|-----------------------------------|
| | DECIDUOUS TREE | | UTILITY AND LIGHT POLE |
| | EVERGREEN TREE | | UTILITY POLE |
| | STORM SEWER MANHOLE | | LIGHT POLE |
| | CATCH BASIN | | GUY WIRE |
| | SANITARY SEWER CLEANOUT | | ELECTRIC BOX |
| | SANITARY SEWER MANHOLE | | ELECTRIC METER |
| | WATER VALVE | | ELECTRICAL POWER PEDESTAL |
| | WATER METER | | ELECTRIC RISER |
| | FIRE HYDRANT | | HEAT PUMP |
| | GAS VALVE | | OVERHEAD LINE |
| | GAS METER | | GAS LINE |
| | BOLLARD | | ELECTRICAL LINE |
| | SIGN | | COMMUNICATIONS LINE |
| | MAILBOX | | SANITARY SEWER LINE |
| | COMMUNICATIONS PEDESTAL | | STORM DRAIN LINE |
| | COMMUNICATIONS MANHOLE | | WATER LINE |
| | COMMUNICATIONS BOX | | FENCELINE |
| | STORM OUTFALL | | UTILITY RISER |
| | FOUND MONUMENT | | DOWN SPOUT TO SPLASH GUARD/GROUND |
| | DOWN SPOUT TO STORM SYSTEM | | |

- FD = FOUND
 FI = FIR TREE
 PI = PINE TREE
 CE = CEDAR TREE
 IR = IRON ROD
 RPC = RED PLASTIC CAP
 DE = DECIDUOUS TREE

SIGNED ON:
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

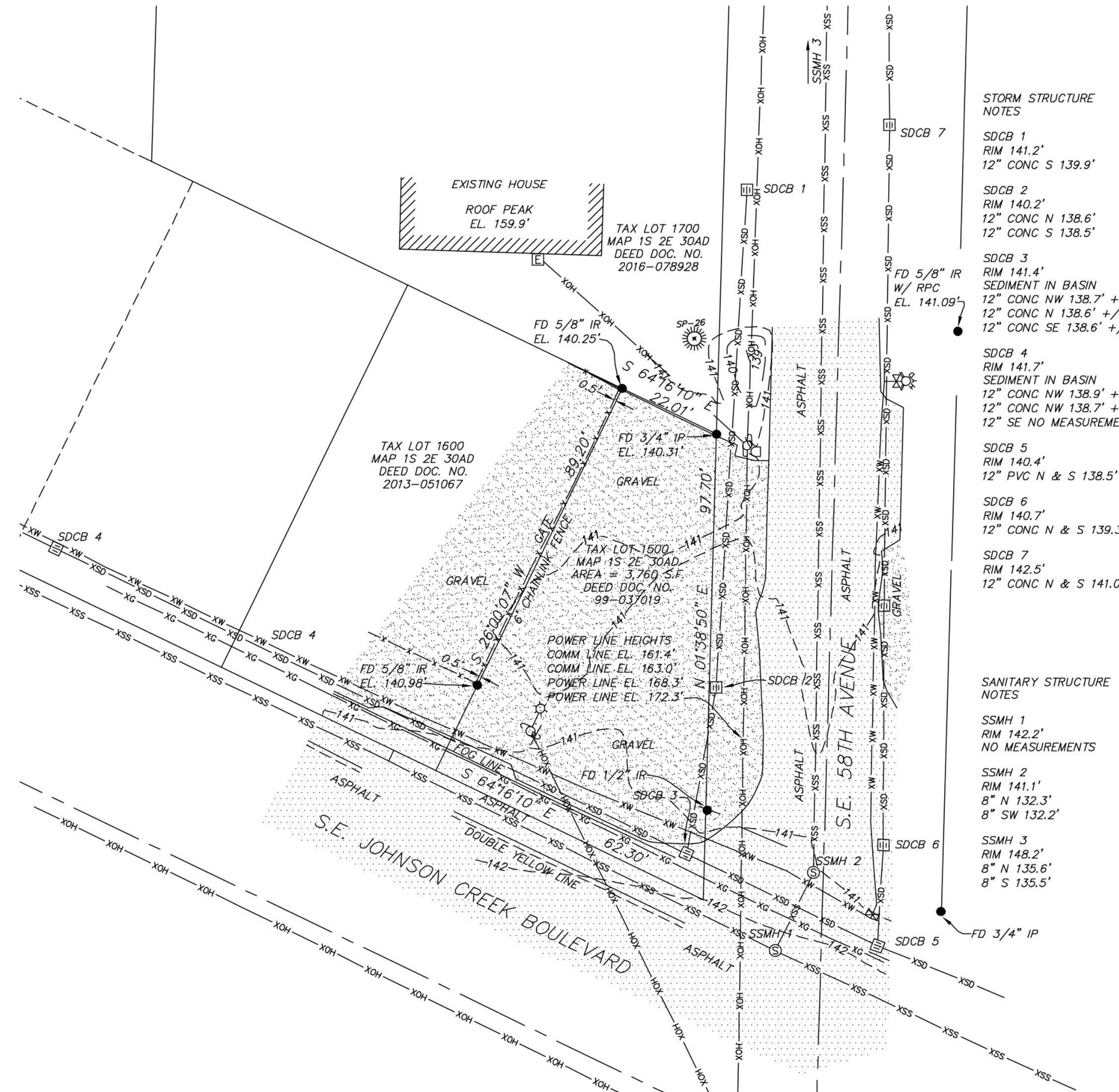
OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2019

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.

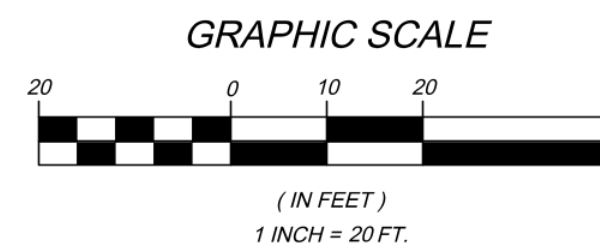
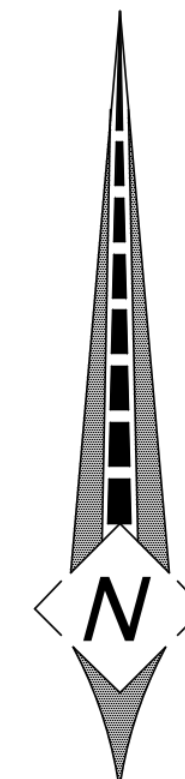
19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

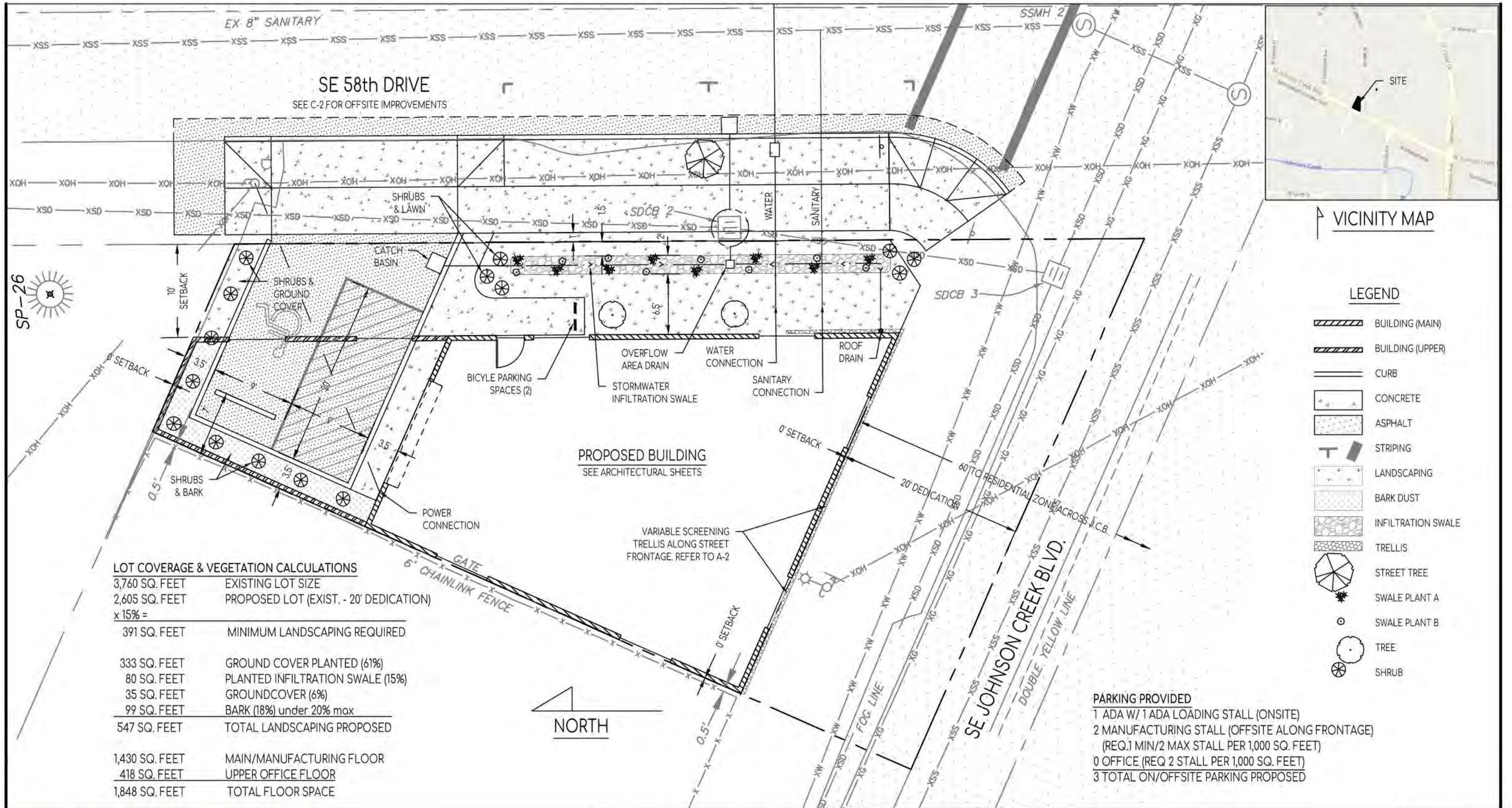
Plotted: P:\-OPhelps\6 - Originals\LED\ECM_recover.dwg



- STORM STRUCTURE NOTES**
- SDCB 1
 RIM 141.2'
 12" CONC S 139.9'
- SDCB 2
 RIM 140.2'
 12" CONC N 138.6'
 12" CONC S 138.5'
- SDCB 3
 RIM 141.4'
 SEDIMENT IN BASIN
 12" CONC NW 138.9' +/-
 12" CONC N 138.6' +/-
 12" CONC SE 138.6' +/-
- SDCB 4
 RIM 141.7'
 SEDIMENT IN BASIN
 12" CONC NW 138.9' +/-
 12" CONC NW 138.7' +/-
 12" SE NO MEASUREMENT
- SDCB 5
 RIM 140.4'
 12" PVC N & S 138.5'
- SDCB 6
 RIM 140.7'
 12" CONC N & S 139.3'
- SDCB 7
 RIM 142.5'
 12" CONC N & S 141.0'

- SANITARY STRUCTURE NOTES**
- SSMH 1
 RIM 142.2'
 NO MEASUREMENTS
- SSMH 2
 RIM 141.1'
 8" N 132.3'
 8" SW 132.2'
- SSMH 3
 RIM 148.2'
 8" N 135.6'
 8" S 135.5'





SP-26



VICINITY MAP

LEGEND

- BUILDING (MAIN)
- BUILDING (UPPER)
- CURB
- CONCRETE
- ASPHALT
- STRIPING
- LANDSCAPING
- BARK DUST
- INFILTRATION SWALE
- TRELLIS
- STREET TREE
- SWALE PLANT A
- SWALE PLANT B
- TREE
- SHRUB

LOT COVERAGE & VEGETATION CALCULATIONS

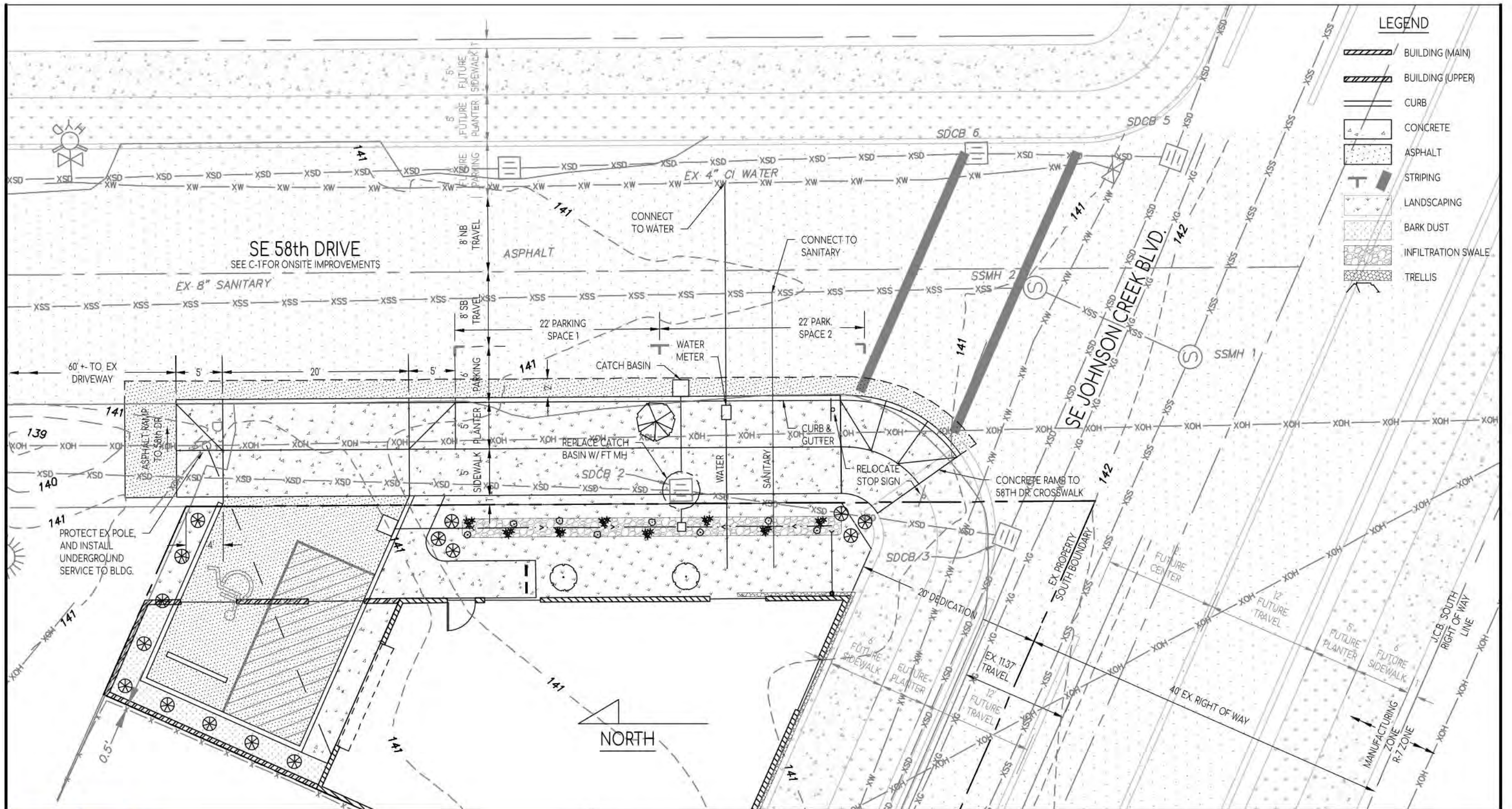
3,760 SQ. FEET	EXISTING LOT SIZE
2,605 SQ. FEET	PROPOSED LOT (EXIST. - 20' DEDICATION)
x 15% =	
391 SQ. FEET	MINIMUM LANDSCAPING REQUIRED
333 SQ. FEET	GROUND COVER PLANTED (61%)
80 SQ. FEET	PLANTED INFILTRATION SWALE (15%)
35 SQ. FEET	GROUND COVER (6%)
99 SQ. FEET	BARK (18%) under 20% max
547 SQ. FEET	TOTAL LANDSCAPING PROPOSED
1,430 SQ. FEET	MAIN/MANUFACTURING FLOOR
418 SQ. FEET	UPPER OFFICE FLOOR
1,848 SQ. FEET	TOTAL FLOOR SPACE

PARKING PROVIDED

1 ADA W/ 1 ADA LOADING STALL (ONSITE)
2 MANUFACTURING STALL (OFFSITE ALONG FRONTAGE)
(REQ. 1 MIN/2 MAX STALL PER 1,000 SQ. FEET)
0 OFFICE (REQ. 2 STALL PER 1,000 SQ. FEET)
3 TOTAL ON/OFFSITE PARKING PROPOSED

LYVER ENGINEERING AND DESIGN
 7950 SE 106th, Portland, Oregon 97266
 Ph: 503.705.5283 Fax: 503.482.7449 TroyL@Lyver-EAD.com www.Lyver-EAD.com

PROJECT: PHELPS MANUFACTURING	SHEET TITLE: PROPOSED SITE PLAN		SHEET: C-1
LOCATION: 58th DR & JC BLVD. MILWAUKIE, OREGON	DATE: 06/14/2021	REVISIONS: Nov. 2021 - PARKING	
CLIENT: CAROL PHELPS	SCALE: 1" = 10'		
LEAD PROJECT #19-042			



LYVER ENGINEERING AND DESIGN

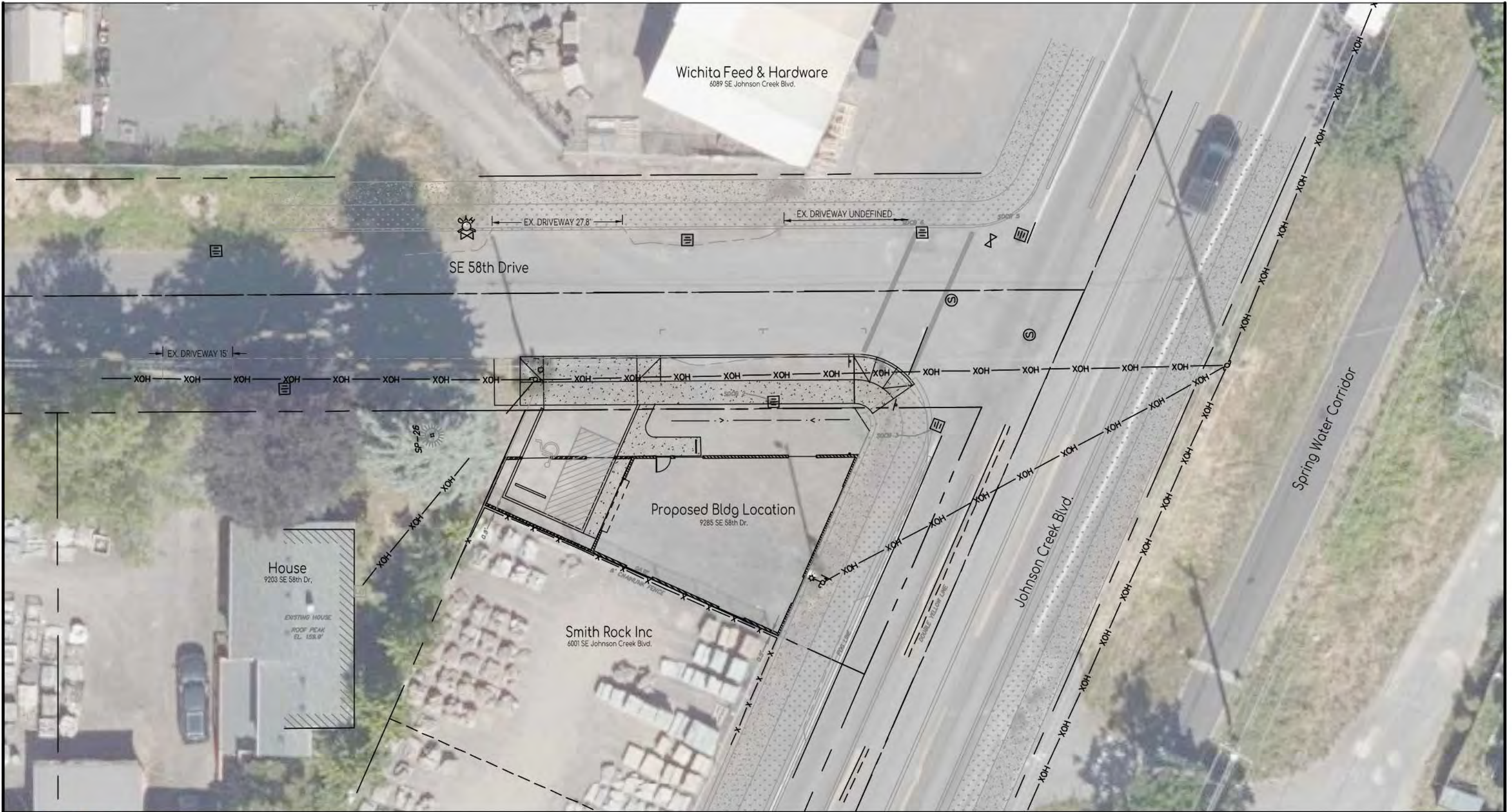
7950 SE 106th, Portland, Oregon 97266
 Ph: 503.705.5283 Fax: 503.482.7449 TroyL@Lyver-EAD.com www.Lyver-EAD.com

PROJECT: PHELPS MANUFACTURING
 LOCATION: 58th DR & JC BLVD. MILWAUKIE, OREGON
 CLIENT: CAROL PHELPS
 LEAD PROJECT #19-042

SHEET TITLE: PROPOSED PUBLIC ROAD IMPROVEMENTS
 DATE: 06/14/2021
 SCALE: 1" = 10'

REVISIONS:
 Nov. 2021 - PARKING

SHEET:
C-2



LED
LYVER ENGINEERING AND DESIGN
 7950 SE 106th, Portland, Oregon 97266
 Ph: 503.705.5283 Fax: 503.482.7449 TroyL@Lyver-EAD.com www.Lyver-EAD.com

PROJECT: PHELPS MANUFACTURING
LOCATION: 58th DR & JC BLVD. MILWAUKIE, OREGON
CLIENT: CAROL PHELPS
LEAD PROJECT #19-042

SHEET TITLE: LOCATION PLAN	
DATE: 06/14/2021	REVISIONS:
SCALE: 1" = 20'	Nov. 2021 - PARKING

SHEET:
C-3



21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140



EXPIRES: 12/31/2021

Technical Memorandum

To: Carol and Keith Phelps

From: Michael Ard, PE

Date: June 14, 2021

Re: SE Johnson Creek Boulevard at SE 58th Drive Industrial Site – Access Analysis

This transportation analysis memorandum is written to provide information related to a proposed 1,848 square foot light industrial/manufacturing building on the west side of SE 58th Drive immediately north of SE Johnson Creek Boulevard in the City of Milwaukie, Oregon.

The site is tax lot 1S2E30AD1500 with an area of approximately 0.08 acres. Given the small footprint of the subject property, there is no access point available which will meet the city’s requirement for a minimum of 100 feet of access spacing from an intersection for an industrial driveway on a local street. Accordingly, a modification of the access spacing standard will be required for the site. This analysis is intended to serve as an access study supporting the requested modification pursuant to the requirements of MMC Section 12.16.040.B.2.

TRIP GENERATION

In order to assess the potential traffic impacts of the proposed development, a trip generation estimate was prepared using data from the Institute of Transportation Engineer’s *Trip Generation Manual, 10th Edition*. The trip data used was for land use code 140, *Manufacturing*. The trip estimate was calculated for a manufacturing facility with a gross floor area of 1,848 square feet. Based on the trip generation estimate, the proposed subdivision would generate 1 new trip during the morning peak hour, 1 new trip during the evening peak hour, and 8 new daily trips.

A summary of the trip generation calculations is provided in Table 1 below. Detailed trip generation calculations are also included in the attached technical appendix.

Table 1 - Trip Generation Calculation Summary

SE Johnson Creek Boulevard at SE 58th Drive Industrial Development									
	Morning Peak Hour			Evening Peak Hour			Daily Trips		
	In	Out	Total	In	Out	Total	In	Out	Total
1,848 sf Manufacturing	1	0	1	0	1	1	4	4	8



SITE ACCESS SPACING

The project site has frontage on both Johnson Creek Boulevard and 58th Drive. MMC Section 12.16.040.C.1 requires that access shall be provided first from the street with the lower classification. In this instance, SE Johnson Creek Boulevard is classified by Clackamas County as a Minor Arterial, while SE 58th Drive is classified by the City of Milwaukie as a Local Street. Based on these classifications, access is required to be taken from SE 58th Drive.

Placing the proposed access at the extreme north end of the project site per the proposed development plan results in access spacing of approximately 72 feet between the near side curb line on SE Johnson Creek Boulevard and the near side of the proposed site access. Since this measurement is less than the 100-foot minimum spacing required under city code, a detailed examination of the impacts of the proposed access spacing was undertaken.

Where intersection spacing is less than the desired standards, it is appropriate to conduct analysis to determine both the potential safety and operational impacts of reduced access spacing. Intersection safety is primarily associated with the available sight lines at the driveway, which can be limited by the proximity to the public intersection. Accordingly, the first analysis conducted was to determine whether adequate sight lines for safe access can be attained under the proposed development plan. Following the safety analysis an operational analysis is appropriate to determine the potential impacts of reduced access spacing on all travel modes, and to identify and mitigation measures that may be appropriate to ensure safe and efficient operation.

INTERSECTION SIGHT DISTANCE

To determine whether this proposed site access can operate safely, an intersection sight distance analysis was conducted. Based on the posted speed limit of 25 mph on SE 58th Drive, a minimum of 280 feet of intersection sight distance is required in each direction for the proposed site access driveway.

In accordance with the methodology described in *A Policy on Geometric Design of Highways and Streets*, published by the American Association of State Highway and Transportation Officials, intersection sight distance is measured from a driver's eye position 14.5 feet behind the edge of the travelled way at an elevation 3.5 feet above the ground to an oncoming driver's eye height of 3.5 feet above the oncoming travel lanes in each direction.

Under existing conditions, intersection sight distance to the north on SE 58th Drive is limited to approximately 75 feet by existing vegetation on the west side of the roadway north of the subject property. However, with clearing of vegetation surrounding the wood pole at the north side of the subject property



and cutting of the low limbs of the noble fir on the adjacent property to the north, sight lines in excess of 280 feet to the north can be attained. Accordingly, it is feasible to provide adequate intersection sight distance to the north for safety and operations.

Intersection sight distance to the south will be limited by the proximity to SE Johnson Creek Boulevard as well as the locations of the buildings on both sides of the roadway. Based on the proposed site plan in conjunction with the location of the existing buildings on the north side of SE Johnson Creek Boulevard east of SE 58th Drive, it is projected that there will be 260 feet of intersection sight distance for vehicles approaching eastbound on SE Johnson Creek Boulevard and 125 feet of intersection sight distance for vehicles approaching eastbound on SE Johnson Creek Boulevard.

Intersection sight distance is an operational standard based on the desire to minimize the need for through vehicles traveling on the major street to slow or stop to avoid a collision. This minimum standard should be attained where it is reasonably possible to do so. However, where full intersection sight distances cannot be provided reduced sight distances can be accepted provided that the intersection can operate safely, and that the projected operational impacts to through traffic are deemed acceptable. The minimum standard for safe operation of an access is determined based on stopping sight distance rather than intersection sight distance. This is made explicit in *A Policy on Geometric Design for Highway and Streets*, published by the American Association of State Highway and Transportation Officials (the AASHTO “Green Book”), which states:

Sight distance is also provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersecting highway to decide when to enter the intersecting highway or to cross it.

If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions. However, in some cases, a major-road vehicle may need to stop or slow to accommodate the maneuver by a minor-road vehicle. To enhance traffic operations, intersection sight distances that exceed stopping sight distances are desirable along the major road.” [emphasis is mine]

To evaluate stopping sight distances for the proposed site access on SE 58th Drive, it is necessary to determine appropriate design speeds for vehicles approaching from both directions on SE Johnson Creek Boulevard. Vehicles turning from SE Johnson Creek Boulevard onto SE 58th Drive must slow to make the corner in either direction. Since SE 58th Drive forms a skewed intersection with SE Johnson Creek Boulevard, the turning speeds are slightly elevated for vehicles approaching from the east and slightly decreased for vehicles approaching from the west, as compared to a standard 90-degree intersection. Based on the intersection geometry, it is anticipated that vehicles will make eastbound left turns from SE Johnson Creek Boulevard onto SE 58th Drive at speeds of up to 19 mph. For westbound vehicles turning from SE



Johnson Creek Boulevard onto SE 58th Drive it is projected that vehicles will turn at speeds of up to 25 mph. These respective design speeds require minimum stopping sight distances of 100 feet and 155 feet, respectively. Since the actual sight distances available in these respective directions are in excess of the required minimums for safety, the proposed access can operate safely.

Based on the intersection sight distance analysis, adequate sight lines can be attained for safe operation of the proposed site access provided that the existing vegetation on the north side of the driveway is removed or trimmed to provide a minimum of 280 feet of intersection sight distance to the north from the proposed access. Although full intersection sight distances cannot be provided to the south for vehicles approaching from SE Johnson Creek Boulevard, the available sight lines are projected to be adequate for safety. A more detailed analysis of the potential operational impacts of the reduced sight distances is provided in the operational analysis section of this report below.

SITE ACCESS OPERATION

The proposed site access will be located approximately 50 feet north of the near side of the crosswalk on the north side of SE Johnson Creek Boulevard crossing SE 58th Drive. The driveway will also be spaced approximately 65 feet from an existing driveway serving the existing home within the Smith Rock commercial site immediately north of the subject property. An existing driveway serving the storage yard on the east side of SE 58th Drive north of the Wichita Feed and Hardware store is located immediately north of the proposed site access. Additionally, the parking area serving the front of the Wichita Feed and Hardware store connects continuously to the east side of SE 58th Drive. No other driveways are located within 100 feet of the subject property. With clearing of vegetation on the north side of the proposed site access as previously described, all driveway approaches within the influence area of the proposed access will be visible to drivers exiting the site. Accordingly, the available sight lines will be adequate to allow drivers exiting from all driveways to see and avoid conflicts originating at other driveways in the site vicinity.

The 50-foot spacing between the proposed site access and the near (north) side of the crosswalk crossing SE 58th Drive allows sufficient stacking space for approximately 2 vehicles. Based on observations of traffic volumes at the intersection of SE Johnson Creek Boulevard and SE 58th Drive, no queues were observed to accumulate on SE 58th Drive southbound. Accordingly, it is anticipated that southbound queues will not significantly obstruct safe and efficient access in or out of the subject property.

Since sight distances to the south will be less than the desired minimum intersection sight distances, it is anticipated that when vehicles exit the site access by turning to the north while vehicles are turning from SE Johnson Creek Boulevard, the through vehicles traveling along SE 58th Drive may need to slow to



avoid collisions at the access. Based on the available sight distances, it is anticipated that the maximum operational delays induced to through traffic on SE 58th Drive will be 3.4 seconds for vehicles making eastbound left turns onto SE 58th Drive and 0.6 seconds for vehicles making westbound right turns onto SE 58th Drive. Given the low trip generation of the site (4 vehicles entering and 4 vehicles exiting per day on average), the fact that less than 25 percent of exiting trips would be expected to turn left onto SE 58th Drive resulting in a potential conflict, and the low volume of through traffic on SE 58th Drive, it is anticipated that the average induced delays resulting from the proposed access spacing will be well below 1 second per day. Since SE 58th Drive is classified as a local street on which delays to through traffic are considered normal and acceptable, the operational impact of the proposed access spacing is negligible. Accordingly, no mitigations are recommended to offset the operational impacts of the proposed site access spacing.

Based on a review of the proposed site plan, the proposed access spacing is projected to have no impacts on pedestrians or people riding bicycles. Similarly, the proposed access spacing is projected to have no impact on transit users.

Since the proposed development is industrial in nature, it is expected that some vehicles exiting the site may consist of trucks. The eye height of people driving trucks is significantly higher than the eye height of people driving passenger vehicles. Since safe operation of the proposed access depends on adequate clearing of vegetation for drivers exiting the driveway to see vehicles approaching from the north, the sight lines provided by vegetation clearing should be sufficient for both passenger vehicles and trucks. Accordingly, vegetation clearing should be provided which is sufficient to ensure clear sight lines between 3.5 feet above the driveway elevation and 7.6 feet above the driveway elevation.

CONCLUSIONS

Based on the analysis, the proposed site access on SE 58th Drive will result in no significant operational or safety impacts if vegetation is cleared from the north side of the driveway to provide a minimum of 280 feet of continuous intersection sight distance to the north as measured from a minimum passenger vehicle driver's eye height of 3.5 feet above the driveway elevation to a maximum truck eye height of 7.6 feet above the driveway elevation. No other operational or safety mitigations are recommended in conjunction with the proposed development.

If you have any questions regarding this analysis, please feel free to contact me at (503)537-8511 or by email at mike.ard@gmail.com.



2100 N Pacific Hwy.
Woodburn, OR 97071
www.pbsbuildings.com

Toll Free 800-727-7844
Phone 503-981-9581
Fax 503-981-9584

Job Number:
Quote Number: 10645 R1
Quote Request: NC02214
Salesperson: Neil Chambers

CUSTOMER INFORMATION:	PROJECT INFORMATION:
Customer:	Project Name: New Building
Contact: Keith and Carol Phelps	Project For:
Address: PO Box 68631	Address: 58th and Johnson Creek Blvd
City: Oak Grove State: OR Zip: 97268	City: Portland State: OR Zip: 97206
Phone: 971-212-4159 Fax:	County: Multnomah Building Use: Commercial
Cell: Email: phelpsent@aol.com	Desired Delivery Date (subject to factory approval):

BASIC BUILDING:

Building Type: Symmetrical Single Slope Lean-to Other

Width: **45'-0"** Length: **42'-0"** Low Sidewall Eave Height: **23'-0"** High Sidewall Eave Height: **26'-9"**

Roof Pitch: **1 :12** Minimum Rafter Clearance:

Sidewall Bay Spacing: **21'-4", 20'-8"** Left Endwall Bay Spacing: **(2) @ 24'-8 1/4" (Skewed)**

Special Girt Spacing: Right Endwall Bay Spacing: **(2) @ 22'-6"**

DESIGN CODES: Note: It is the builder/contractor responsibility to verify building codes and loadings with the local building department.

Governing Code	Building Code: OSSC14 (Oregon Structural Specialty Code 2014)	Risk Category: II Standard Occupancy
Roof Load	Collateral Load: 1 psf Live Load: 20 psf <input type="checkbox"/> Reducible	Dead Load: 2.5 psf
Wind Load	Wind Speed: 120 mph Exposure: C	Enclosure: Closed
Snow Load	Ground Snow: 9 psf Roof Snow: 20 psf	Thermal Factor: Heated
Seismic Data	Seismic Design Category: D Ss: 0.972 S1: 0.413	Sms: 1.080 Sm1: 0.655

FRAMING DATA:

Frame Type: **RF - Standard Rigid Frame** Interior Column Spacing:
 Straight Exterior Columns Unsupported Exterior Columns Special, See Notes

Structural Finish: **Standard Enamel Color** Blue Green Grey Red Other

Left Endwall Frame: **Post and Beam** High Sidewall Bracing: **Portal Frame** Low Sidewall Bracing: **X-Bracing**

Right Endwall Frame: **Post and Beam** Left Endwall Bracing: **X-Bracing** Right Endwall Bracing: **X-Bracing**

Eave Condition: **Gutters and Downspouts** High Sidewall Girts: **Bi-Pass** Low Sidewall Girts: **Bi-Pass**

Base Condition: **Base Angle** Left Endwall Girts: **Bi-Pass** Right Endwall Girts: **Bi-Pass**

SHEETING:

Roof Panels: **PBR** Gauge: **26** Finish: **Painted** Screw Length: **Long 1.5"**

Wall Panels: **PBR** Gauge: **26** Finish: **Painted** Screw Length: **Long 1.5"**

INSULATION:

Roof Insulation: **6" VRR (R-19)** Use Thermal Block: Yes No Insulation by PBS: Yes No

Wall Insulation: **4" VRR (R-13)** Use Thermal Tape: Yes No Insulation by PBS: Yes No

ROOF & WALL FRAMED OPENINGS:

Qty:	Width:	Height:	Type:	Location:	Sill Height:
1	12'-0"	12'-0"	Overhead Door	High Sidewall	
2	6'-0"	2'-0"	Window	Low Sidewall	19'-0"
2	6'-0"	2'-0"	Window	Left Endwall	19'-0"
2	6'-0"	2'-0"	Window	Right Endwall	19'-0"

BASIC BUILDING:					
Building Type: <input type="checkbox"/> Symmetrical <input type="checkbox"/> Single Slope <input checked="" type="checkbox"/> Lean-to <input type="checkbox"/> Other					
Width: 25'-0"		Length: 21'-8 3/16"		Low Sidewall Eave Height: 26'-9"	
Roof Pitch: -1 :12		High Sidewall Eave Height: 28'-10"			
Minimum Rafter Clearance:					
Sidewall Bay Spacing: 21'-8"			Left Endwall Bay Spacing: 27'-5 3/16" (Skewed)		
Special Girt Spacing: Right Endwall Bay Spacing: 25'-0"					
FRAMING DATA:					
Frame Type: LT - Lean-To		Interior Column Spacing:			
<input type="checkbox"/> Straight Exterior Columns		<input type="checkbox"/> Unsupported Exterior Columns		<input type="checkbox"/> Special, See Notes	
Common Wall Condition: Girts and Sheeting		Bracing Condition in Common Wall: Portal Frame			
Left Endwall Frame: Half-Loaded Lean-To		High Sidewall Bracing: Portal Frame		Low Sidewall Bracing: Common Wall	
Right Endwall Frame: Half-Loaded Lean-To		Left Endwall Bracing: None		Right Endwall Bracing: None	
Eave Condition: Gutters and Downspouts		High Sidewall Girts: Bi-Pass		Low Sidewall Girts: Bi-Pass	
Base Condition: None		Left Endwall Girts: Bi-Pass		Right Endwall Girts: Common Wall	
SHEETING:					
Roof Panels: PBR		Gauge: 26		Finish: Painted	
				Screw Length: Per Design	
Wall Panels: PBR		Gauge: 26		Finish: Painted	
				Screw Length: Per Design	
INSULATION:					
Roof Insulation: 6" VRR (R-19)		Use Thermal Block: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Insulation by PBS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Wall Insulation: 4" VRR (R-13)		Use Thermal Tape: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Insulation by PBS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ROOF & WALL FRAMED OPENINGS:					
Qty:	Width:	Height:	Type:	Location:	Sill Height:
2	6'-0"	2'-0"	Window	Left Endwall	19'-0"
ROOF EXTENSIONS:					
Extension: None		Location:		Soffit <input type="checkbox"/> None	
Width:		Start Bay:		End Bay:	
				Gauge: Finish:	
Extension: None		Location:		Soffit <input type="checkbox"/> None	
Width:		Start Bay:		End Bay:	
				Gauge: Finish:	
CANOPIES:					
Location: None		Roof Panels:		Height:	
Width:		Start Bay:		End Bay:	
				Slope:	
				Gauge: Finish:	
Location: None		Roof Panels:		Height:	
Width:		Start Bay:		End Bay:	
				Slope:	
				Gauge: Finish:	
PARTITION WALLS:					
Orientation: None		Bay Spacing:		Panels:	
Length:		Offset Left:		Insulation:	
				Gauge: Finish:	
Orientation: None		Bay Spacing:		Panels:	
Length:		Offset Left:		Insulation:	
				Gauge: Finish:	
LINER PANELS:					
Location: None		Notes:		Panels:	
Start Bay:		End Bay:		Height:	
				<input type="checkbox"/> Liner Trim	
				Gauge: Finish:	
Location: None		Notes:		Panels:	
Start Bay:		End Bay:		Height:	
				<input type="checkbox"/> Liner Trim	
				Gauge: Finish:	
NOTES:					
1. Portal braced at the high sidewall, standard X-bracing elsewhere.					
2. Half-loaded lean-to end frames.					
3. 26 gauge painted PBR roofing and siding.					
4. Full width x full length light storage mezzanine. (See FORM 5: MEZZANINE DATA)					
5. Open below 13'-6" at all walls.					
6. Low sidewall connected to main building.					



2100 N Pacific Hwy.
Woodburn, OR 97071
www.pbsbuildings.com

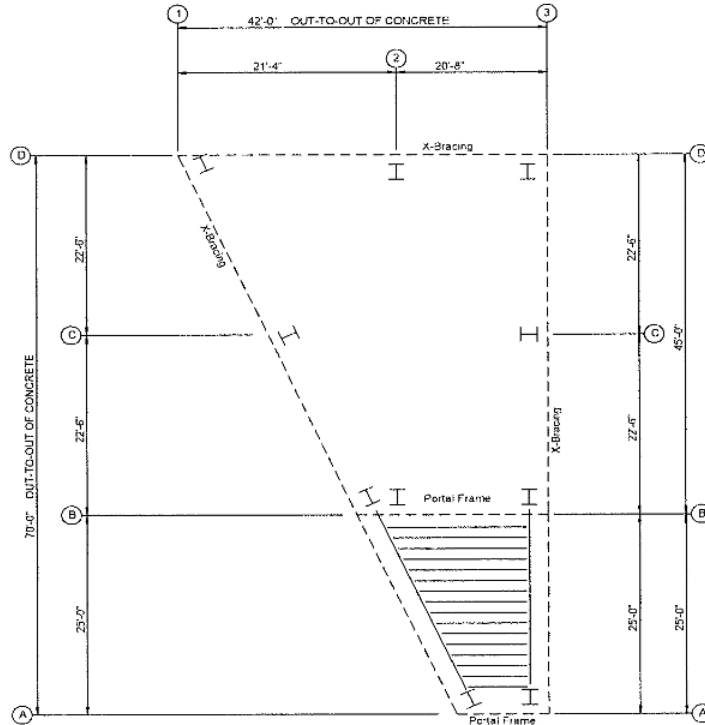
Toll Free 800-727-7844
Phone 503-981-9581
Fax 503-981-9584

CUSTOMER INFORMATION:

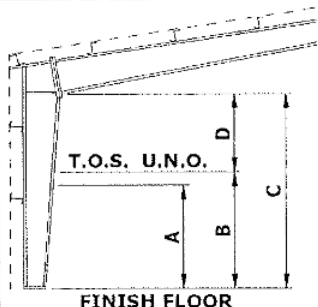
Customer: _____
 Contact: **Keith and Carol Phelps**
 Address: **PO Box 68631**
 City: **Oak Grove** State: **OR** Zip: **97268**
 Phone: **971-212-4159** Fax: _____
 Cell: _____ Email: **phelpsent@aol.com**

PROJECT INFORMATION:

Project Name: **New Building**
 Project For: _____
 Address: **58th and Johnson Creek Blvd**
 City: **Portland** State: **OR** Zip: **97206**
 County: **Multnomah** Building Use: **Commercial**
 Desired Delivery Date (subject to factory approval): _____



MEZZANINE PLAN



Critical Dimensions:

- A 13'-6"
- B 15'-0"
- C 25'-0"
- D (C - B)

Correct usage and loads imposed on mezzanine are the responsibilities of the purchaser to relate to PBS. PBS will design the mezzanine based on the given live and dead loads. Dead loads separated into two categories: structural and non-structural. Structural dead loads are to include mezzanine beams, floor joists, decking, concrete cover, all other structural components associated with the floor design. Non-structural dead loads include partition loads, ceiling loads, carpets, or any temporary loads to the floor above and ceiling below as well as permanent mechanical service equipment. Live loads are based on the usage of the floor system, and typically specified by the purchaser.

Design Loads: Live: 100 psf Dead: 15 psf	Beams: <input checked="" type="checkbox"/> By PBS <input type="checkbox"/> By Others
Joists: <input checked="" type="checkbox"/> By PBS <input type="checkbox"/> By Others	Columns: <input checked="" type="checkbox"/> By PBS <input type="checkbox"/> By Others
Type: <input checked="" type="checkbox"/> C or Z <input type="checkbox"/> Bar Joist <input type="checkbox"/> Wide Flange <input type="checkbox"/> Other:	Base Plate Bearing: <input checked="" type="checkbox"/> At Finish Floor <input type="checkbox"/> Below Finish Floor
Spacing: <input checked="" type="checkbox"/> By PBS <input type="checkbox"/> By Others:	MATERIAL BY OTHERS
Connections: <input checked="" type="checkbox"/> Bolted <input type="checkbox"/> Field Welded	Stairs _____ Railing _____
Floor Deck: <input type="checkbox"/> By PBS <input checked="" type="checkbox"/> By Others	Framed Openings: (Locate Above) _____ *Dimension on drawing above
Floor Type: Plywood Floor Thickness: 1 1/8"	Size _____ Size _____
Edge Angle: <input type="checkbox"/> By PBS <input checked="" type="checkbox"/> By Others Size: _____	A _____ x _____ C _____ x _____
	B _____ x _____ D _____ x _____

NOTE: Indicate bays where X-Bracing is allowed.

1. DEFINITIONS:

Those terms and conditions and the Quote/Contract, along with all attachments, prepared by Seller for Purchaser are together referred to as the "Agreement." As used in Agreement, "Seller" shall mean Truss "T" Structures Inc. dba Pacific Building Systems an Oregon corporation, and "Purchase" shall mean the person or entity identified as customer in the Quote/Contract.

2. PRODUCT:

This Agreement covers only the Seller's standard metal building system components and related accessories identified in the Quote for Purchaser and does not include any construction or installation services. The terms and specifications set forth on Seller's Contract/Quote shall control, notwithstanding any specifications or instructions provided by Purchaser. Any deviation from the Seller's standard specifications will be specified in the Notes section of the Contract/Quote. Seller reserves the right to substitute materials as it sees fit without notice to purchaser to meet Seller's standard's specifications.

3. COMMON INDUSTRY PRACTICES:

"The Common Industry Practices" in the current edition of the Metal Building Manufacturer's Association ("MBMA") Building Systems Manual, are incorporated into this Agreement by reference. The "Common Industry Practices" apply to this transaction unless the terms thereof conflict with the express terms of this Agreement in which event the terms of this Agreement shall govern.

4. TERMS OF PAYMENT:

- 4.1 If the total amount of this Agreement is less than \$250,000.00 then 20% is due at the time Seller accepts this Agreement, the remaining balance to be paid Cash on Delivery ("C.O.D.") or tender accepted by Seller prior to any unloading of materials and/or components.
- 4.2 If the total amount of this Agreement is greater than \$250,000.00 then 20% is due at time Seller accepts Agreement, 40% prior to any fabrication process and/or purchasing of materials and the remaining balance to be paid Cash on Delivery ("C.O.D.") or tender accepted by Seller prior to any unloading of materials and/or components.
- 4.3 If this Agreement contains hangar door(s), in addition to the payment terms stated above, Purchaser shall pay 50% of the total cost of the door at time that Seller accepts this Agreement and 50% at time of fabrication of the hangar door by the manufacturer.
- 4.4 Payments which are not paid when due shall accrue late fees of one and one-half per cent (1.5 %) per month on the unpaid balance until paid. Purchaser will pay all Seller's costs of collecting or securing any amount due hereunder, including lien expenses, reasonable attorney's fees and litigation expenses. No retainage by Purchaser is permitted. If Purchaser fails to make the payments required by this Agreement, Seller may suspend performance to include, without limitation, design, fabrication or delivery of Products until payment is made, including any and all added costs related to unpaid payment. Purchaser shall pay Seller's costs of engineering, work orders, purchase of out-sourced materials or services, processing, detailing, and production of all approval, permit, erection, or similar drawings and work completed.

5. TAXES:

Unless otherwise specified, taxes are not included in the sales price and will be paid by Purchaser. Applicable taxes will be charged unless appropriate documentation (resale certificate) is submitted to Seller authorizing exemption from payment of taxes prior to acceptance of this Agreement.

6. DELIVERY:

Delivery shall be within a reasonable time as scheduled by Seller after acceptance of this Agreement and prior to fabrication of the products, at the location identified in the Quote/Contract. Seller may adjust the delivery schedule due to any delays in return of approval drawings, order clarification, product or design changes, credit hold, Purchaser or End Customer design or fabrication holds or any other delay caused by Purchaser or End Customer ("Purchaser Delays"). If at any given time the Seller experiences delays out of Seller's control, the price provided in this Agreement may be increased by Seller until date of shipment by any additional costs incurred by Seller, including increased material costs. Such price increases shall be implemented by change order issued by Seller. Purchaser agrees to make available a safe location for unloading. If in the opinion of the Seller's driver or carrier service the delivery of materials and/or components is deemed as unsafe or impractical to reach the site to off-load, delivery shall be that place where off-loading may reasonably proceed. Each load shall be unloaded by the Purchaser at the time and date of scheduled delivery. If this does not occur, the Purchaser agrees to pay additional fees of \$50 per hour per load, with a maximum of \$400 per load. Purchaser also agrees to off load and reload material destined for other sites at no cost to Seller.

7. INSPECTION PERIOD:

Purchaser shall have fifteen (15) business days to inspect the product after delivery by Seller's driver or Carrier Service. If Purchaser does not deliver to Seller notice objecting to any defects or non-conformity of the product in accordance to this Agreement within the fifteen-day inspection period, then Purchaser will be deemed to have accepted delivery of the product and limit Purchaser to the remedies provided for under this Agreement.

WARNING: This material is subject to severe water damage if moisture is allowed to get between the parts; therefore, it MUST BE STORED UNDER COVER and pro and elevated to allow for drainage until erected. If moisture is allowed to get between the parts "RUST" or "PAINT LIFT OFF" may occur. Seller shall have no responsibility or liability for damage resulting from improperly stored product and Purchaser assumes full responsibility for the condition of the Product following delivery.

8. SHORTAGES & BACK CHARGES:

Seller shall not be responsible for loss or damage to Products after delivery. Seller will not pay any claims or accept any back-charges from the Purchaser related to correction of errors and repairs unless the following procedure is followed: (1) Purchaser prior to any correction or repair, must provide Seller with a written notice describing the problem; (2) Purchaser must provide Seller with sufficient information to allow Seller to evaluate the problem; determine the estimated amount of man-hours needed and Products required; and determine the direct cost to the Purchaser to correct the problem; and (3) If Seller determines that correction is necessary, Seller will authorize the corrective process by issuing the Purchaser a written authorization. After receiving the authorization, the Purchaser can make the corrections. The hourly labor rate for work to be approved by Seller prior to any commencement of work, only Seller approved labor rate will be charged. COST OF EQUIPMENT (RENTAL EXPENSE, VALUE OR DEPRECIATION), TOOLS, SUPERVISION, OVERHEAD AND PROFIT, DELAY CHARGES OR CONSEQUENTIAL LIQUIDATED OR INCIDENTAL DAMAGES ARE EXCLUDED. SELLER WILL NOT BE LIABLE FOR ANY CLAIMS OR BACK CHARGES PERFORMED WITHOUT SELLER'S PRIOR AUTHORIZATION. FREIGHT DAMAGE MUST BE NOTED ON SHIPPING DOCUMENTS AND NOTICE MUST BE GIVEN TO SELLER PRIOR TO THE CARRIER LEAVING THE DELIVERY SITE. SHORTAGES MUST BE REPORTED WITHIN FIFTEEN (15) BUSINESS DAYS FOLLOWING SHIPMENT. ALL OTHER CLAIMS MUST BE SUBMITTED WITHIN THREE (3) MONTHS OF DELIVERY. Any legal action or proceeding by Purchaser for breach of this Agreement must be commenced within one (1) year from date of delivery or the date. Any claims which have not been asserted by written notice within the designated periods of time are waived.

9. PURCHASER DELAYS:

If, at Purchaser's request, Seller agrees to delay delivery of Products after commencement of fabrication, then Purchaser shall make full payment at time of Seller invoice. Risk of loss shall be assumed by Purchaser upon notice that the Products are fabricated. Upon written request from Seller, Purchaser shall provide reasonable evidence of property insurance on the Products and designate Seller as loss payee. Seller may charge Purchaser a reasonable storage charge per day until actual shipment. Storage charges are due prior to delivery of the Product.

10. LIMITED WARRANTY:

Seller warrants its products against defects in material and defects in fabrication of the products from that specified in the Quote/Contract for a period of one (1) year from date of delivery to Purchaser. Damage or failures due to faulty or improper handling, storage, or erection by Purchaser or others are not covered by this Warranty, including without limitation defects in paint and rust. This Warranty is further limited by the following: (1) The Products must be erected promptly after shipment to Purchaser; (2) Damages from outside sources, misuse and abuse, lack of proper maintenance (including removal of excessive loads such as snow and ice), unauthorized modification or alteration to the Products, addition of unspecified collateral loads, damages caused by negligence of others, or natural storms imposing loads beyond specified design loads, and normal wear and tear are excluded from Seller's Warranty. This Warranty does not cover goods, materials, inventory, accessories, parts or attachments or other property which are not manufactured by Seller. This Warranty is non-assignable and non-transferable. THE WARRANTY SET FORTH ABOVE IS SUBJECT TO THE LIMITATIONS SPECIFIED, AND THIS AGREEMENT EXCLUDES ALL OTHER WARRANTIES, WHETHER EXPRESS, IMPLIED, OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE.

11. EXCLUSIVE REMEDIES:

Purchaser's exclusive remedy is that Seller will, at its option, either repair or replace defective or non-conforming component(s). If for any reason, Seller is unable to reasonably remedy the breach of warranty by repair or replacement of defective component(s), as determined by Seller in its sole discretion, then Purchaser's sole and exclusive remedy is for a refund of the cost of the defective or nonconforming components.

12. CONSEQUENTIAL, INCIDENTAL AND LIQUIDATED DAMAGES:

SELLER SHALL NOT BE LIABLE TO PURCHASER, OR ANY OTHER PARTY, FOR INCIDENTAL, LIQUIDATED, SPECIAL OR CONSEQUENTIAL DAMAGES OF ANY TYPE, including, but not limited to, loss of profits, loss of rents, loss or expense arising from any building or plant closing, construction or completion delays, labor or overhead expense, increased operating expense, increased insurance or maintenance expense, business interruption, damage or loss to inventory or any other property, or any other type of consequential, incidental, or special loss or damage whatsoever, whether claims for such damages or losses shall be based upon contract warranty, tort, negligence, strict liability, or any other cause of action.

13. FORCE MAJEURE:

Seller shall have no liability for delay, failure to fabricate or deliver the Products caused directly or indirectly by fire, strike, act of God, war, insurrection, terrorism and any disruption of supply, transportation or essential services, acts of government, floods, storms, damage or delay of procuring essential materials or materials specially ordered by Purchaser which must be purchased by Seller, excessive backlog, or other acts or circumstances beyond the reasonable control of Seller. Seller shall give Purchaser reasonable notice of an occurrence of a Force Majeure event; and Seller's time for performance shall be deemed extended for a sufficient time to reasonably complete performance under the circumstances.

14. PURCHASE SPECIFICATIONS:

It is Purchaser's responsibility to determine the intended use and end use of the building in which the products will be incorporated, and to determine and specify all loading for the building, including, but not limited to, live load, wind load, snow load, collateral, mechanical or auxiliary loads, seismic data, importance and exposure factors, and all requirements for compliance with applicable building codes, statutory and regulatory requirements pertaining to the products and completed structure. This responsibility will not be performed by Seller. If project plans or any form of project documentation has been submitted to Seller for use of building estimation, and/or conformity to Purchaser's project it is the Purchaser's responsibility to ensure the project documentation and this Agreement coincides and will fulfill the Purchaser's and/or End User's desired end product, it is not the Seller's responsibility to ensure products and components that are not considered Seller's standard metal building system components be included based off any and all Purchaser provided documentation and/or information. Purchaser acknowledges that Seller is not a Design Professional, Engineer of Record or architectural firm. Purchaser is responsible to ensure Seller has most recent and updated structural and architectural drawings to work from.

15. ERECTION:

Purchaser acknowledges that the Products must be erected in accordance with Seller's erection drawings, details, manuals and any applicable erection specifications. Seller has no responsibility for erection, supervision of erection, or inspection of erection of the Products. Field connections, structural connections, bracing to structural systems provided by others are not the responsibility of Seller. Purchaser shall indemnify, defend and hold Seller harmless from all claims, actions, damages, losses or expenses, including without limitation reasonable attorney's fees and litigation expenses, arising from personal injuries or property damage resulting from (1) noncompliance with Seller's erection plans and specifications; (2) negligent or faulty erection of the products by Purchaser or its subcontractors; (3) inadequate structural systems, connections, or bracing provided by any other firm other than Seller; or (4) any breach of any of Purchaser's obligations under this Agreement.

16. ACCEPTANCE, APPROVAL, CHANGE ORDERS AND CANCELLATION:

This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Electronic signature, facsimile or email transmission of any signed original document, and retransmission or email of any signed facsimile or email transmission, shall be the same as delivery of an original. This Agreement will be considered approved only after Seller has supplied to the Purchaser approval drawings based off this Agreement, at that time it will be the Purchaser's responsibility to fulfill any insufficient data, approve color choices, date, sign, and return approval drawings to Seller before this Agreement can and will be considered approved. Seller will not perform or proceed forward in any process (design, engineering or detailing) without Purchaser approval. If any changes and/or modifications are made to this Agreement, Seller will provide to Purchaser a written notice of change (Change Order) to the Agreement. PBS reserves the right to pass on material cost increases (from PBS suppliers) occurring after date of signed contract. You will be notified of any cost that will be incurred prior to fabrication of your project. The Seller may stop and or hold the process of this Agreement until the Seller has received from Purchaser approved changes (Signed Change Order). Purchaser may cancel this Agreement by giving written notice to Seller. In the event of such cancellation the Purchaser agrees to pay Seller the actual costs and damages incurred by Seller, which include, but are not limited to, lost profits, incidental damages in preparation to perform this Agreement and Seller's expenses of order processing, engineering, detailing, purchase of material and fabrication.

17. BENEFIT:

Purchaser may not assign, transfer or delegate this Agreement or any interest or obligation herein. This Agreement shall bind and benefit only Seller and Purchaser; shall not benefit any other persons or entities ("Third Parties"); and shall not be deemed to create any rights in favor of any End Customer or Third Parties, whether or not referred to in this Agreement.

18. ENTIRE AGREEMENT:

This Agreement sets forth the entire agreement of the parties. There are no representations, terms, warranties or undertakings except as stated in this Agreement.

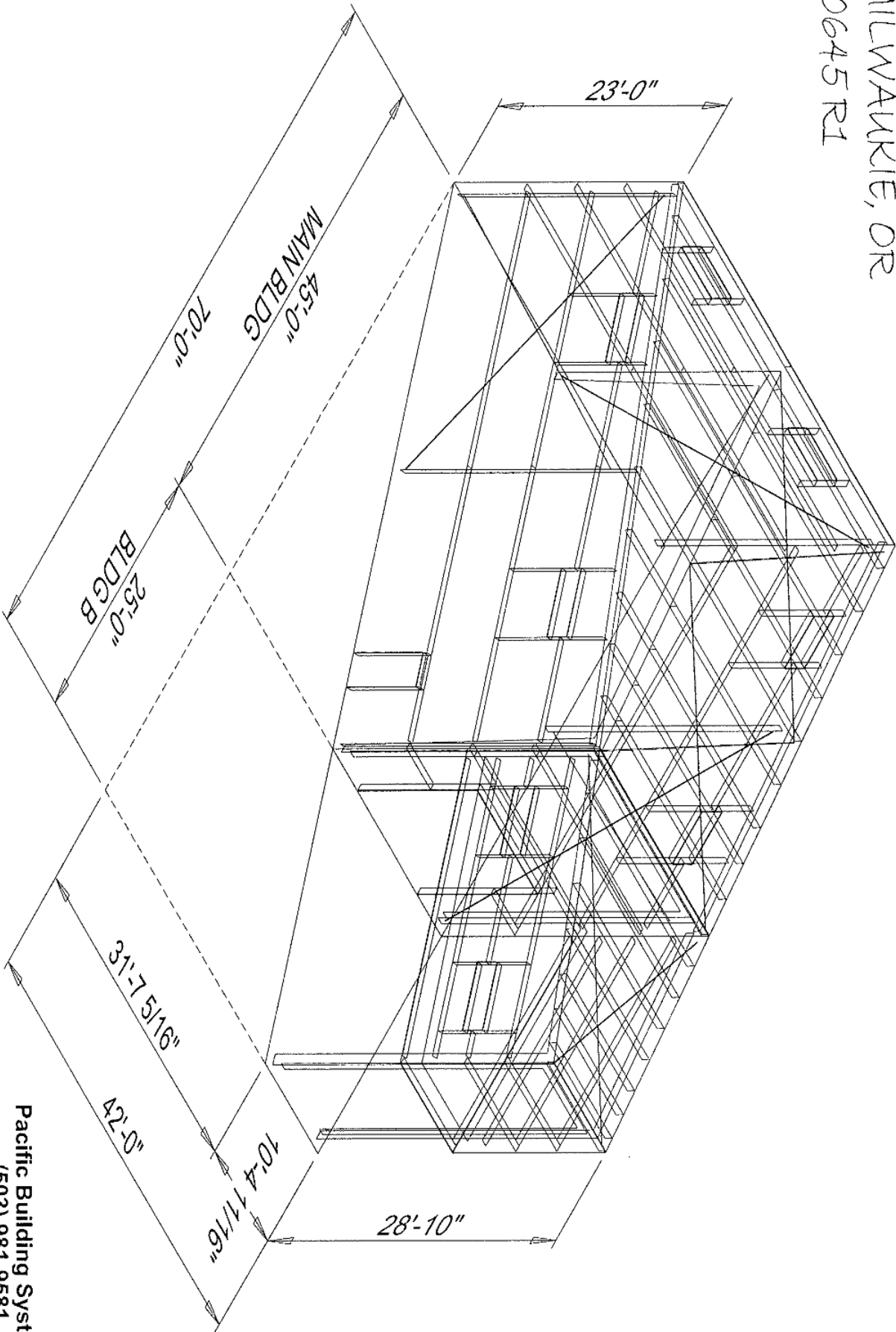
19. SEVERABILITY:

If any provision of this Agreement is found to be invalid or unenforceable under applicable law, such provision shall be severable and the remaining provisions of this Agreement shall remain in full force and effect. The headings of the paragraphs of this Agreement are for convenience of reference and shall not limit or otherwise affect any provisions of this Agreement.

20. APPLICABLE LAW & JURISDICTION:

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of laws. The sole and exclusive jurisdiction and venue for any legal action arising from this Agreement (excluding enforcement of liens against End Customers) shall be the state courts in Marion County, Oregon. Purchaser consents to such jurisdiction and venue and waives and covenants not to assert any defense thereto.

KEITH AND CAROL PHELPS
NEW BUILDING
MILWAUKIE, OR
10645 R1



Pacific Building Systems
(503) 981-9581
2100 N. Pacific Hwy.
Woodburn, OR 97071



CITY OF MILWAUKIE

July 18, 2019

Carol & Keith Phelps
PO Box 68631
Oak Grove OR 97268

Re: Preapplication Report

Dear Carol & Keith:

Enclosed is the Preapplication Report Summary from your meeting with the City on June 13, 2019, concerning your proposal for action on property located at the corner of SE 58th Ave and 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 Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

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

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Troy Lyver
file

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 6/13/2019 at 10:00am

Applicant Name: Keith and Carol Phelps

Company:

Applicant 'Role': Owner

Address Line 1: PO Box 68631

Address Line 2:

City, State Zip: Oak Grove OR 97268

Project Name: New Industrial/Light Manufacturing Building

Description: New Industrial/Light Manufacturing Building

ProjectAddress: Johnson Creek Blvd & 58th Ave

Zone: Manufacturing (M)

Occupancy Group:

ConstructionType:

Use: Industrial (I)

Occupant Load:

AppsPresent: Troy Lyver, Carol Phelps

Staff Attendance: Vera Kalias, Steve Adams, Samantha Vandagriff, Tay Stone, Dalton Vodden

BUILDING ISSUES

ADA: ADA parking shall be provided. If parking is to be provided on street as purposed, the sidewalk can be used as the adjacent unloading zone for the ADA parking.

Structural: Structure shall meet all the requirements of the Oregon Structural Specialty Code (OSSC). Second story interior stair shall have an exit or exit pathway directly to the exterior.

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes:

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: See attached notes.

PUBLIC WORKS ISSUES

Water: The development is located within the service district of Clackamas River Water (CRW). New connections are managed through CRW's New Services Coordinator, Betty Johnson, at (503) 723-2571 or bjohnson@crwater.com.

Sewer: A City of Milwaukie 8-inch PVC wastewater main on SE 58th Dr is available to provide service to the proposed development. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge per plumbing fixture units in accordance with the Uniform Plumbing Code and the second component is the City of Portland's SDC for treatment per equivalent dwelling unit that the City collects and forwards to Portland. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm: Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works Standards.
The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the City of Portland 2016 Stormwater Management Manual for design of water quality facilities.
All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings. A 12" concrete storm line is available on SE 58th Dr if infiltration is not feasible.

The storm SDC is based on the amount of new impervious surface constructed at the site. The storm SDC will be assessed and collected at the time the building permits are issued.

Street:

The proposed development fronts the north side of SE Johnson Creek Blvd and the west side of SE 58th Drive. The portion of SE Johnson Creek Blvd fronting the proposed development has a right-of-way width of 40 feet, a paved width of 38 feet and unimproved shoulders on both sides of the road. The portion of SE 58th Dr fronting the proposed development has a right-of-way width of 50 feet, paved width of 24 ft with an unimproved shoulder.

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is per PM peak trip generated. Credits will be given for any existing use of structures.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code (MMC) applies to partitions, subdivisions, new construction and modification and or expansions of existing structures or uses that produce a projected increase in vehicle trips.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

Final Street Design of SE 58th Dr

- 8 foot travel lanes
- 6 foot parking strips with curb & gutter
- 5-foot landscape strips
- 5-foot setback sidewalks

Final Street Design of SE Johnson Creek Blvd

- 12-foot travel lanes
- 12-foot center lane
- 5-foot landscape strips
- 6-foot setback sidewalks

The applicant will be responsible for constructing half street improvements along the fronting portion of SE 58th Dr to mitigate impacts. This will include management of stormwater generated from new impervious surface and a pedestrian ramp to provide connectivity traveling east across SE 58th Dr at the intersection of SE Johnson Creek Blvd. A portion of the planned landscape strip may be converted to an accessible route to allow for the establishment of an accessible parking spot along SE 58th Dr. The proposed development’s impacts will not require construction of frontage improvements along SE Johnson Creek Dr.

Right of Way:

The existing 50-foot right-of-way on SE 58th Dr fronting the proposed development is of adequate width to accommodate the planned cross-section. The right-of-way width of SE Johnson Creek Blvd will require a dedication of twenty feet by the applicant.

Driveways:

New accessways are subject to all access management requirements found in MMC Chapter 12.16. The minimum spacing from an intersection for an industrial driveway on a local street is set by MMC section 12.16.040.C.4.b at 100 feet. Modification of spacing will be necessary for this site. Access spacing can be modified through an access study prepared and certified by a registered professional traffic engineer in the State of Oregon. The method for access modification is described in MMC section 12.16.040.B.2. The access study shall include the following:

- a. Review of site access spacing and design;
- b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site (100 feet for this development);

- c. Review of all modes of transportation to the site;
- 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.

MMC section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards, Section 5.0085, at the time of development. The width of industrial driveway aprons are governed by 12.16.040.F.7 to be between 15 feet and 45 feet.

Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance land use application.

Erosion Control:

MMC section 16.28.020.C states an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet. The proposed development exceeds the threshold therefore, an erosion control permit is required.

Code Section 16.28.02.E states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, MMC section 16.28.020.B states that an erosion control plan that meets the requirements listed in MMC section 16.28.030 prior to any approval of an erosion control permit.

Traffic Impact Study:

MMC 19.704 states the Engineering Director will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the Engineering Director cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. It is the responsibility of the applicant to provide enough detailed information for the Engineering Director to make a TIS determination. The Engineering Director has determined that sufficient existing transportation data is available for the City to determine the transportation system impacts of the development. A project specific TIS is not required for this development at this time. Changes to the application may alter this determination.

PW Notes:

APPLICABILITY OF PRE-APPLICATION REVIEW

The comments provided are preliminary and intended to address the original application materials submitted unless otherwise specifically called out in the notes. The information contained within these notes may change over time due to changes or additional information presented for the development. This pre-application review is for the following:

The construction of an industrial building near the intersection of SE 58th Dr and SE Johnson Creek Blvd.

SYSTEM DEVELOPMENT CHARGES (SDC'S)

There was insufficient information to estimate SDC's with the pre-application submitted. All SDC's are calculated, assessed, and collected at the time of building permit is issued.

In addition to the SDC's mentioned earlier, there is a Parks & Recreation System Development Charge (SDC) that is triggered with an intensification of use. Currently, the parks and recreation SDC is based on the number of employees according to the Metro Employment Density Study. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

OVERHEAD UTILITIES

All utility lines, including, but not limited to, those required for electric, communication, lighting, cable television services, and related facilities shall be placed underground.

REQUIREMENTS PRIOR TO CERTIFICATE OF OCCUPANCY

Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development. Plans shall be prepared by a Professional Engineer licensed in the State of Oregon.

- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.
- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.
- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.
- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection

ADDITIONAL REQUIREMENTS

- All fees mentioned are subject to change in accordance with the City of Milwaukie Master Fee Schedule.

PLANNING ISSUES

Setbacks:

For new development in the Manufacturing (M) zone, front yard setbacks are 20 ft; street side yard setback is 10 ft. No setback is required for a side or rear yard unless the property abuts a residential district, in which case the setbacks would have to match those of the adjacent residential zone.

Landscape:

In the M zone, a minimum of 15% of the site must be landscaped. Vegetated areas can be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per Milwaukie Municipal Code (MMC) Subsection 19.504.7).

Parking:

MMC Chapter 19.600 establishes the off-street parking standards for development. As per MMC Section 19.605 and Table 19.605.1, general office uses require a minimum of 2 off-street parking spaces per 1,000 sq ft of floor area; warehouse uses less than 150,000 sq ft require 0.3 spaces per 1,000 sq ft of floor area; manufacturing uses require 1 space per 1,000 sq ft of floor area. Based on the proposed building of 1,430 sq ft of manufacturing and 418 sq ft of associated office space, 1 off-street parking space is required.

Parking lot design standards are provided in MMC Section 19.606, including requirements for parking stall dimension and perimeter and interior landscaping.

Loading areas must meet the standards of MMC Section 19.608 and shall not obstruct travel within the right-of-way or provide a hindrance to private streets or adjacent properties.

Contact the City's Building Department for information on ADA parking requirements for the proposed new building.

Transportation Review: New construction triggers the requirements of MMC Chapter 19.700 Public Facility Improvements. Please see the Public Works notes for information about the requirements of MMC 19.700.

Application Procedures: The proposal requires 2 land use applications:
1. Type III Variance
2. Type II Development Review

Variance

The proposal shows the new building with a 0-ft front yard setback off Johnson Creek Blvd, due to the required 20-ft right-of-way dedication. A Type III variance is required to allow the project as proposed. MMC 19.911.4.B identifies the approval criteria for a Type III variance. Staff recommends that the applicant consider choosing a building design that includes windows or other design features on the street facing façade, as well as trellis structures for plant material to soften the building wall at the property line. An attractive street-facing façade would respond to the Type III variance approval criteria.

Development Review

In the M zone, new construction of a building over 1,000 sq ft and within 120 ft of a residential zone requires a Type II Development Review. MMC 19.906.4 identifies the approval criteria for this review.

During the pre-application conference, staff discussed off-street parking as it relates to required frontage improvements on 58th Ave, including on-street parking. This would allow the area originally identified for parallel off-street parking (with mountable curb that is not approvable) to be used for additional landscaping. A revised site plan could provide flexibility when designing the area near the loading door, and possibly providing an off-street parking space.

The current application fees are as follows: \$2,000 for Type III review, \$1,000 for Type II review, and \$200 for Type I review. For multiple applications submitted concurrently, the most expensive application is charged full price and additional applications are discounted by 25%.

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the Lewelling Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.

Prior to submitting the application, particularly if it will trigger a public hearing, the applicant is encouraged to present the project at a regular meeting of the Lewelling NDA, which occurs at 6:30 p.m. on the second Wednesday of every month at the Chapel Theatre (4107 SE Harrison St). Contact information: <https://www.milwaukieoregon.gov/citymanager/lewelling-nda>.

Natural Resource Review: The subject property does not include any mapped resource areas.

Lot Geography: The subject property is a triangular-shaped corner lot with frontage on both 58th Ave and Johnson Creek Blvd.

Planning Notes:

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

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 you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Stephanie Marcinkiewicz

- Inspector/Plans Examiner - 503-786-7613

ENGINEERING DEPARTMENT

Steve Adams - City Engineer - 503-786-7573 Alex Roller -

Engineering Tech II - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Leila Aman - Comm. Dev. Director - 503-786-7616

Alicia Martin - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egnor - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kolver - Associate Planner - 503-786-7657

Vera Kolas - Associate Planner - 503-786-7653

Mary Heberling - Assistant Planner - 503-786-7658

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Matt Amos - Fire Inspector - 503-742-2661

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Izak Hamilton, Fire Inspector, Clackamas Fire District #1
Date: 7/17/2019
Re: 19-010PA, SE 58th Ave., SE Johnson Creek Blvd.

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:

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.

Access:

1. Provide address numbering that is clearly visible from the street.
2. No part of the building may be more than 150 from an approved fire department access road.

Water Supply

1. Fire Hydrants Commercial Buildings: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided.

Note: This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.

2. 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.
3. Buildings constructed in areas without a reliable firefighting water supply may require the installation of a fire sprinkler system in order to comply with the Fire Code. Larger structures may also require development of an accessible water supply such as a pond, tank or reservoir, with a minimum capacity as approved by the Fire District.
4. Prior to the start of combustible construction required fire hydrants shall be operational and accessible.
5. 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.
6. Hazardous materials storage and use shall conform to the Fire Code and nationally recognized standards.
7. Storage of commodities in excess of 12 feet in height shall comply with the high pile storage provisions of the Fire Code.
8. Hazardous processes regulated by the Fire Code shall be approved by the Fire District.

Notes:

1. Comments may not be all inclusive based on information provided.
2. Please visit our website for access to our Fire flow Worksheet, and Fire Code Application Guide.

<http://www.clackamasfire.com/fire-prevention/new-construction-resources/>