



CITY OF MILWAUKIE

May 12, 2022

Jonathan Beaver
160 NE Sixth Ave., Ste 200
Portland, OR 97232

Re: Preapplication Report

Dear Jonathan:

Enclosed is the Preapplication Report Summary from your meeting with the City on 04/28/2022, concerning your proposal for action on property located at 11211 SE McLoughlin Blvd.

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

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

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

Sincerely,

Will First
Administrative Specialist II



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

Preapplication Conference Report

Project ID: 22-001PA

This report is provided as a follow-up to the meeting that was held on 4/28/2022 at 10:00 AM

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

APPLICANT AND PROJECT INFORMATION

Applicant:	Jonathan Beaver, 2.ink Studio	Applicant Role:	Project Designer
Applicant Address:	160 NE Sixth Ave, Ste 200, Portland, OR 97232		
Company:	2.ink Studio		
Project Name:	Milwaukie Bay Park Phase 3 Improvements		
Project Address:	1211 SE McLoughlin Blvd	Zone:	OS
Project Description:	Park improvements including: new restroom, interactive water feature, playground, picnic areas, gathering space, pathways, plantings		
Current Use:	Park		
Applicants Present:	Heather Koch (NCPRD), Jonathan Beaver (2.ink studio), Adam Zucker (Zucker Engineering), John Vlastelicia (ESA), Christopher Olin (2.ink studio), Kevin Cayson (NCPRD), Julia Warden (2.ink studio)		
Staff Present:	Vera Kolas, Steve Adams, Beth Britell, Samantha Vandagriff, Tessie Pentice, Seth Brumley (ODOT)		

PLANNING COMMENTS

Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. Parks and open space are permitted uses. Some limited retail and restaurant uses are permitted as conditional uses (depending on the size).
<input checked="" type="checkbox"/>	Dimensional Standards	Table 19.304.4 includes all applicable dimensional standards, including maximum building height of 15 ft.

Land Use Review Process

<input checked="" type="checkbox"/>	Applications Needed	Downtown Design Review (Type I); Willamette Greenway Review (Type III); Natural Resources Review (Type III); Variance – if requested (Type III)
<input checked="" type="checkbox"/>	Fees	<ul style="list-style-type: none"> Type III = \$2,000 per application Type II = \$1,000 Type I = \$200

		<p><u>Note:</u> For multiple applications, there is a 25% discount offered for each application fee beyond the most expensive one.</p> <p>For technical review of a Natural Resources review, a \$3,000 deposit is required for review of the natural resources report by the city's environmental peer review consultant.</p> <p>The applicant is responsible for the final actual cost of the peer review, though the City will endeavor to have the consultant work within the initial deposit amount.</p>
<input checked="" type="checkbox"/>	Review Type: Choose an item.	<ul style="list-style-type: none"> • Willamette Greenway = Type III (\$2,000) • Natural Resources Review = Type III (\$1,500 w/ discount + \$3,000 deposit) • Variance = Type III (\$1,500 w/ discount—up to 3 variance requests per application) • Downtown Design Review = Type I (\$150 w/ discount) or Type III if exception requested (\$2,000)
Overlay Zones (MMC 19.400)		
<input checked="" type="checkbox"/>	Willamette Greenway (MMC 19.401)	<p>The entire site falls within the Willamette Greenway overlay.</p> <p>Land use actions and development within the Willamette Greenway overlay zone are conditional uses and so are subject to the provisions of MMC 19.905. Note that a conditional use permit will be provided upon approval and must be recorded with Clackamas County.</p> <p>In addition to the approval criteria for conditional uses that must be addressed (MMC 19.905.4.A), the Willamette Greenway criteria established in MMC 19.401.6 must also be addressed.</p> <p>There are no specific lighting requirements in the WG overlay.</p>
<input checked="" type="checkbox"/>	Natural Resources (MMC 19.402)	<p>The proposal would result in permanent disturbance of significant areas of designated Water Quality Resource (WQR) and Habitat Conservation Area (HCA), which requires review under the applicable provisions of MMC 19.402. The process for discretionary review is established in MMC 19.402.12 and requires a technical report prepared by a qualified professional to provide an impact evaluation, alternatives analysis, and recommendation for mitigation of the proposed disturbance.</p> <p>For permanent impacts, the code allows off-site mitigation of HCA disturbance but requires a variance for off-site mitigation of WQR impacts. The Natural Resource review will follow a discretionary process, with the approval criteria being to demonstrate how the project avoids impacts where possible, minimizes impacts where unavoidable, and adequately mitigates for all impacts. There is no specific mitigation formula or ratio in the code, though some recently approved mitigation efforts have aimed at a ratio of 1.5:1 (area of mitigation to area of disturbance). The code's general recommendation for mitigation is related to the condition of the WQR area (Good, Marginal, or Poor—see MMC Table 19.402.11.C) and focuses on restoration with native species to provide significant vegetated cover and more than 50% tree canopy coverage.</p> <p>The proposed work in the WQR is described to be bank stabilization and restoration work, so specific descriptions will be necessary to adequately outline the benefits on the impact and purpose of the disturbance.</p>
<input type="checkbox"/>	Historic Preservation	
<input type="checkbox"/>	Flex Space Overlay	
Site Improvements/Site Context		
<input type="checkbox"/>	Landscaping Requirements	
<input checked="" type="checkbox"/>	Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	19.504.9.E requires that walkways are permeable for stormwater. If the proposed design does not include this, then a Type III variance would be required.

		<p>Please note the lighting standards in 19.504.9 and provide information showing compliance with these standards.</p> <p>Required bicycle parking, per the code, is established as a percentage of required vehicle parking spaces. In this case, the park improvements and associated bike parking would be calculated by the provided vehicle parking spaces at the park. However, staff notes that this is a regional park that is a destination and will be the host for numerous large events throughout the year. The park is adjacent to the Trolley Trail and parking is limited. The city is actively promoting alternative modes of transportation throughout the city and wants to see a substantial number of bike parking racks/spaces at the park. The applicant is encouraged to provide ample bike parking throughout the park.</p>
<input type="checkbox"/>	Connectivity to surrounding properties	
<input type="checkbox"/>	Circulation	
<input type="checkbox"/>	Building Design Standards (MMC 19.505)	
<input checked="" type="checkbox"/>	Downtown Design Standards (MMC 19.508)	<p>As new development downtown, the restroom building is subject to Downtown Design Review and the procedures of MMC 19.907. If the project can meet all of the applicable design standards established in MMC 19.508, the design review portion of the project will be subject to the clear and objective Type I review process as part of the overall Type III land use review.</p> <p>The restroom is subject to Type I Downtown Design Review (if it meets the design standards in 1.508). The building is subject to the following standards:</p> <ul style="list-style-type: none"> • Weather Protection • Exterior Building Materials • Windows and Doors • Roofs and Rooftop Equipment <p>Staff notes that it appears that the building will meet the exterior building materials standard, but the application will have to show compliance. It does not appear that weather protection has been proposed in the design and this will need to be addressed in the application. Similarly, the design does not include any windows or glazing, and this will also need to be addressed in the application (perhaps some kind of opaque glazing can be used to meet the standard and still allow natural light into the restroom).</p> <p>If an exception to the design standards is sought, please refer to the section addressing 19.907.</p>
Parking Standards (MMC 19.600)		
<input type="checkbox"/>	Residential Off-Street Parking Requirements	
<input checked="" type="checkbox"/>	Multi-Family/Commercial Parking Requirements	<p>Parks are subject to off-street parking requirements. Parking has been provided as part of earlier phases of the park improvements. No additional vehicle parking is required as part of this phase.</p>
Approval Criteria (MMC 19.900)		
<input type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	
<input checked="" type="checkbox"/>	Conditional Use (MMC 19.905)	<p>Willamette Greenway review is a conditional use subject to the approval criteria in MMC 19.905.4.</p>

<input type="checkbox"/>	Development Review (MMC 19.906)	
<input checked="" type="checkbox"/>	Downtown Design Review (MMC 19.907)	<p>Variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards in this section must be reviewed through a Type III downtown design review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907.</p> <p>An application for Type III downtown design review shall be approved when all of the following criteria have been met:</p> <ol style="list-style-type: none"> 1. Compliance with Title 19. 2. Compliance with applicable design standards in Section 19.508. 3. Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of the applicable design standard(s). <p>Downtown Design Guidelines document: https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/42831/downtowndesignguidelines.pdf.</p>
<input checked="" type="checkbox"/>	Variance (MMC 19.911)	<p>The applicant has indicated that a variance may be requested to the requirement for permeable paving for walkways. This variance request requires Type III review; up to 3 variance requests can be included in a single variance application (for that single application fee).</p> <p>MMC 19.911.4.B establishes approval criteria for Type III variances in general. The applicant may choose to use either the broadly applicable Discretionary Relief criteria or the more narrowly focused Economic Hardship criteria, though please note that the Economic Hardship criteria are quite stringent.</p> <p>Please review the approval criteria for Type III Variances and address them in the application materials regarding the requirements in 19.504.9.</p>
Land Division (MMC Title 17)		
<input type="checkbox"/>	Design Standards	
<input type="checkbox"/>	Preliminary Plat Requirements	
<input type="checkbox"/>	Final Plat Requirements (See Engineering Section of this Report)	
Sign Code Compliance (MMC Title 14)		
<input checked="" type="checkbox"/>	Sign Requirements	<p>MMC 14.16.060 establishes standards for the types of signs that are allowed in downtown zones including the OS zone. MMC 14.12.010 establishes the types of signs exempted from sign review. Please keep these standards in mind when finalizing the sign package for the park.</p>
Noise (MMC Title 16)		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
Neighborhood District Associations		
	Historic Milwaukie	

<input checked="" type="checkbox"/>	Choose an item.	Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property will receive a referral and the opportunity to provide comment on the application. Applicants are encouraged to meet with the NDA prior to application submittal: https://www.milwaukieoregon.gov/citymanager/historic-milwaukie-nda .
	Choose an item.	
Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
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 Historic Milwaukie NDA, which occurs at 6:30 p.m. on the second Monday of every month at the Libbie's Restaurant (11056 SE Main St). Contact information: https://www.milwaukieoregon.gov/citymanager/historic-milwaukie-nda .		
ENGINEERING & PUBLIC WORKS COMMENTS		
Public Facility Improvements (MMC 19.700)		
<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	MMC 19.702 establishes the applicability of MMC 19.700, including partitions, subdivisions, replats, new construction, and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips. The proposed development to construct new park improvements will intensify the current use and have a projected increase in vehicle trips. MMC 19.700 applies.
<input type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	A Transportation Facilities Review (TFR) is not required.
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)	A Transportation Impact Study (TIS) is not required.
<input type="checkbox"/>	Rough Proportionality (MMC 19.705)	The subject property is developed as a public park. The requirements for right-of-way (ROW) dedication and street improvements are not proportional to the impacts resulting from the proposed development. Street improvements and ROW dedication are not required.
<input checked="" type="checkbox"/>	Agency Notification (MMC 19.707)	The City shall provide notice to the following agencies: 1. Oregon Department of Transportation (ODOT) 2. Metro 3. Clackamas County 4. TriMet
<input type="checkbox"/>	Transportation Requirements (MMC 19.708)	No transportation facilities are required. See Additional Notes section for comments and requirements for the proposed multi-use path outside of the Right-of-Way.
<input checked="" type="checkbox"/>	Utility Requirements (MMC 19.709)	No additional public utility upgrades are required.

		<p>A Right-of-Way permit and system development charges will be required for any new connections to City utilities.</p> <p>If the proposed development chooses to upgrade any existing facilities, a Right-of-Way permit will be required.</p>
Flood Hazard Area (MMC 18)		
<input checked="" type="checkbox"/>	Development Permit (MMC 18.16.030)	A Floodplain Development Permit will be required. FEMA Base Flood Elevation is 36' NAVD88. The boundary of the FEMA floodplain is not the 36' topographic contour.
<input checked="" type="checkbox"/>	Elevation Certificate (MMC 18.16.020)	Elevation certificate will be required for all structures.
<input type="checkbox"/>	Nonresidential Construction (MMC 18.20.120)	All nonresidential structures will be elevated to the Flood Protection Elevation (39.4' NAVD88) or floodproofed.
<input checked="" type="checkbox"/>	Compensatory Storage (MMC 18.20.020)	Balanced cut and fill is required for grading in the 1996 Flood Inundation Area. The boundary of the 1996 Flood Inundation Area is not the 36' topographic contour, but it may be assumed to be the 36' topographic contour as this elevation encompasses the 1996 Flood Inundation Area.
<input checked="" type="checkbox"/>	Floodways (MMC 18.20.010.B)	FEMA No-Rise Analysis submitted for all the manmade/development in the floodway. Plans currently show the following development in the floodway: Grading, Flatwork, Paving, Pedestrian Bridges, River View Seating, Event Stage, Special Event Fire Pit, Drop Off / Loading Area.
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	
<input type="checkbox"/>	Erosion Control (MMC 16.28)	
<input type="checkbox"/>	Tree Cutting (MMC 16.32)	
Public Services (MMC 13)		
<input checked="" type="checkbox"/>	Water System (MMC 13.04)	<p>Connection and extension of City utilities is subject to plan and application review. Application for City utility billing connections shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application</p> <p>A system development charge must be paid prior to new connections to city water.</p> <p>A right-of-way permit is required prior to new connections to city water.</p>
<input checked="" type="checkbox"/>	Sewer System (MMC 13.12)	<p>Connection and extension of City utilities is subject to plan and application review.</p> <p>A system development charge must be paid prior to new connections to city sanitary sewer.</p> <p>A right-of-way permit is required prior to new connections to city sanitary sewer.</p>
<input checked="" type="checkbox"/>	Stormwater Management (MMC 13.14)	<p>Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 Portland Stormwater Management Manual.</p> <p>A system development charge must be paid prior to building permit issuance.</p>

<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	All new development or intensification of use shall be subject to system development charges. Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges
<input type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	

Public Places (MMC 12)

<input checked="" type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	A Right-of-Way permit is required to construct any connections and/or extensions of City utilities (such as sewer and/or water) and the on-site path and any other pedestrian/bicycle facilities.
<input type="checkbox"/>	Access Requirements (MMC 12.16.040)	The proposed development does not include any alterations to the existing accessway.
<input type="checkbox"/>	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.

Additional Engineering & Public Works Notes

Per ODOT comments, if the signal pole at SE Monroe Street/ OR 99E intersection will need to be relocated to accommodate the new Trolley Trail alignment, an ODOT permit will be required.

All new paths on park property shall be constructed of pervious pavement, a variance on this requirement will not be supported by engineering.

A City of Milwaukie Right-of-Way permit will be required for all on-site flat work (pathways) and all utility connections to City utilities (such as sewer/water). On-site storm mitigation plans will be reviewed during the building permit phase.

BUILDING COMMENTS

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

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

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

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

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

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

Additional Building Notes

Bathrooms will need to be ADA compliant.

OTHER FEES

<input type="checkbox"/>	Construction Excise Tax	Calculation: Valuation *12% (.12)
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	Affordable Housing CET – Applies to any project with a construction value of over 100,000.	
<input type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
<input type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.69 a square foot, Residential = \$1.39 a square foot (not including garages)

FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

COORDINATION WITH OTHER AGENCIES

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

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

MISCELLANEOUS

State or County Approvals Needed

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

Arts Tax

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

<input type="checkbox"/>	Major:	
<input type="checkbox"/>	Minor:	

<input type="checkbox"/>	Painted Intersection Program Permits:	
<input type="checkbox"/>	artMOB Application	
<input type="checkbox"/>	Traffic Control Plan (Engineering)	
<input type="checkbox"/>	Parklet:	
<input type="checkbox"/>	Parklet Application/ Planning Approval	
<input type="checkbox"/>	Engineering Approval	
<input type="checkbox"/>	Building Approval	
<input type="checkbox"/>	Sidewalk Café:	
<input type="checkbox"/>	Tree Removal Permit:	

Infrastructure/Utilities

Applicant must communicate directly with utility providers. These may include the following:

- PGE
- NW Natural
- Clackamas River Water (CRW)
- Telecomm (Comcast, Century Link)
- Water Environmental Services (WES)
- Garbage Collection (Waste Management, Hoodview Disposal and Recycling)

Economic Development/Incentives

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

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

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

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

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

ENGINEERING DEPARTMENT

Steve Adams	City Engineer	503-786-7605
Jennifer Backhaus	Engineering Technician III	503-786-7608

PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Koliass	Senior Planner	503-786-7653
Brett Kolver	Senior Planner	503-786-7657
Adam Heroux	Associate Planner	503-786-7658
Ryan Dyar	Assistant Planner	503-786-7661

COMMUNITY DEVELOPMENT DEPARTMENT

Joseph Briglio	Community Development Director	503-786-7616
Mandy Byrd	Development Programs Manager	503-786-7692
Janine Gates	Housing & Econ. Dev. Prog. Mgr.	503-786-7627
Emilie Bushlen	Administrative Specialist II	503-786-7600
Will First	Administrative Specialist II	503-786-7600

CLACKAMAS FIRE DISTRICT

Alex McGladrey	Lieutenant Deputy Fire Marshal	503-742-2662
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Clackamas Fire District #1



Pre-Application Comments:

To: Vera Kalias, Senior Planner, City of Milwaukie

From: Alex McGladrey, Deputy Fire Marshal, Clackamas Fire District #1

Date: April 14, 2022

Re: 22-001PA, Development of Milwaukie Bay Park at 11211 Se McLoughlin 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:

The Fire District has no comments for this proposal.

If you have any questions, please contact me at 503-742-2662 or alex.mcgladrey@clackamasfire.com

Link to Fire Code Application Guide:

*****clackamasfire.com/wp-content/uploads/2021/05/Fire-Code-Applications-Guide-2021.pdf



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

5/9/22

ODOT #12546

ODOT Response

Project Name: Milwaukie Bay Park	Applicant: Jonathan Beaver
Jurisdiction: City of Milwaukie	Jurisdiction Case #: 22-001PA
Site Address: 11211 SE McLoughlin Blvd, Milwaukie, OR	Tax Lot(s): Various
State Highway: OR 99E	Mileposts: 5.83

The site of this proposed land use action is adjacent to OR 99E ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

COMMENTS/FINDINGS

ODOT has reviewed the applicant's proposal to redevelop Milwaukie Bay Park including new restroom, interactive water feature, playground, picnicking areas, gathering space, Trolley Trail, secondary pathways, and planting. North Clackamas Parks and Recreation (NCPRD) has been coordinating closely with ODOT on the Trolley Trail/sidewalk design and right of way considerations. ODOT and NCPRD will continue to work together on the following items:

- Through the ODOT surplus process, ODOT sold a small piece of right of way to facilitate the park redevelopment. The conditions of that sale are:
 1. Agreement that SB (southbound) pedestrian facility will be continuously functional, serving 99E throughout park redevelopment and construction of replacement sidewalk.
 2. Agreement on maintenance of replacement sidewalk and existing sidewalk by Parks or ODOT.
 3. 4f boundary set back from sidewalk – sidewalk along highway will be for transportation use, not recreational.

NCPRD and ODOT will work with the City to ensure those conditions are fulfilled.

- A signal pole at the SE Monroe Street/OR 99E intersection may need to be moved to accommodate the new Trolley Trail alignment. Moving the signal pole would likely trigger additional improvements such as upgrading the ADA ramps on all four corners of the intersection. ODOT will provide more information on those requirements as signal design plans are developed and reviewed.
- All alterations within the State highway right of way are subject to the ODOT Highway Design Manual (HDM) standards. Alterations along the State highway but outside of ODOT right-of-way may also be subject to ODOT review pending its potential impact to

safe operation of the highway. If proposed alterations deviate from ODOT standards a Design Exception Request must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval. Until more detailed plans have been reviewed, ODOT cannot make a determination whether design elements will require a Design Exception.

Note: Design Exception Requests may take up to 3 months to process.

All ODOT permits and approvals must reach 100% plans before the District Contact will sign-off on a local jurisdiction building permit, or other necessary requirement prior to construction.

ADVISORY INFORMATION

Frontage Improvements and Right of Way

- Curb, sidewalk, cross walk ramp(s) and bikeways shall be constructed as necessary to be consistent with local, ODOT and ADA standards.

Permits and Agreements to Work in State Right of Way

- An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

Note: If a CIA is required, it may take up to **6 months** to process.

- The applicant must obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with the ODOT Highway Design Manual section 4.2.6 (http://www.oregon.gov/ODOT/Engineering/Documents_RoadwayEng/HDM_04-Cross-Sections.pdf).

If proposed tree placement deviate from ODOT standards (such as placement in a planter strip), a Design Exception Request for clear zone must be prepared by a licensed engineer for review by ODOT Technical Services. Preparation of a Design Exception request does not guarantee its ultimate approval.

Note: It may take up to **3 months** to process a Design Exception.

- Illumination within the ODOT right of way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, which states that local jurisdictions must enter into an Intergovernmental Agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.

- An ODOT Miscellaneous Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

Please send a copy of the Land Use Notice including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

ODOT_R1_DevRev@odot.oregon.gov

Development Review Planner: Seth Brumley	Seth.A.Brumley@odot.oregon.gov
Traffic Contact: Avi Tayar, P.E.	Abraham.TAYAR@odot.oregon.gov
District Contact: District 2B	D2BUP@odot.oregon.gov