

January 12, 2023

Bob Baltazar 4600 SE Harney Dr Portland, OR 97206

Re: Preapplication Report

Dear Bob:

Enclosed is the Preapplication Report Summary from your meeting with the City on December 29, 2022, concerning your proposal for action on property located at 5001 SE Johnson Creek Blvd.

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

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

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

Sincerely,

Emilie Bushlen 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: 22-021PA

This report is provided as a follow-up to the meeting that was held on 12/29/2022 at 10:00 AM

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

APPLICANT AND PROJECT INFORMATION					
Арр	licant:	Bob Baltazar		pplicant Role: Owner's representative Engineering Program Manager)	
Арр	licant Address:	4600 SE Harr	ey Dr, Portland, OR 97206		
Con	ıpany:	PCC Structu	als (Precision Castparts)		
Proje	ect Name:	Moly Remov	al Addition		
Proje	ect Address:	5001 SE Johr	ison Creek Blvd Ze	one: M (Manufacturing)	
			a 36-ft by 24-ft structurally independent pre-engineered metal building addition and a new exterior gallon double-walled containment tank to hold fluids from the moly removal process.		
Curr	ent Use:	Manufacturi	Manufacturing facility		
Арр	licants Present:	Bob Baltazar (engineer), Dan Symons (engineering consultant)			
Staff Present:		Brett Kelver (Senior Planner), Jennifer Garbely (Assistant City Engineer), Jennifer Backhaus (Engineering Tech III), Peter Passarelli (Public Works Director), Galen Hoshovsky (Environmental Services Coordinator), Shawn Olson (Fire Marshal, Clackamas Fire District #1)			
			PLANNING COMMENTS		
			Zoning Compliance (MMC Title 19))	
	Use Standards (e.g., commercial, acces	• •	The property is zoned Manufacturing (M), which office, and/or commercial uses when at least 2 use.		
			The subject property is comprised of multiple to Portland and Milwaukie. That portion of the car Boulevard It is approximately 21 acres in size an buildings and accompanying outdoor loading, lots on the south side of Johnson Creek Boulevo parking spaces to serve the facility.	mpus on the north side of Johnson Creek nd is developed with several large industrial , storage, and parking areas. Additional tax	
\boxtimes	Dimensional Standa	ards	Dimensional standards for the M zone are provi Section 19.309 (specifically in MMC Subsection		

	The minimum required front yard setback is 20 ft. No side or rear yard setback is required except where the site abuts a residential district, in which case the setback must match that of the adjacent property. for cottages closest to boundaries are 5 ft.
	Land Use Review Process
Applications Needed, Fees, and Review Type	A development review application is required for new development and expansions/modifications of existing development. The application will be processed through the Type I review process unless the new construction is over 1,000 sq ft and is within 120 ft of a residentially zoned area—in such cases, Type II review will be required.
	In addition, an application for a subdivision replat is necessary to consolidate the portions of four underlying lots from the Gibson's Subdivision of the J.A. Logan Tract subdivision (platted in 1905) that comprise the subject property at the project area. Subdivision replats involve four or more lots and are usually processed with Type III review. However, the Type III review can be reduced to Type II when there is no increase in the number of lots, which would be the case here (going from four underlying lots to one). Because the action is effectively a lot consolidation, the application fee would be that of a lot consolidation (\$200), regardless of review type. The consolidation will be officialized through the final plat process and recorded with Clackamas County.
	The development review and subdivision replat applications can be submitted together or separately. The replat and final plat
	 Development Review (Type I) = \$200 (For Type II review, fee is \$1,000.) Subdivision Replat (Type II) = \$200 (\$150 after 25% discount) Final Plat (Type I) = \$200 (separate from and following the replat approval)
	<u>Note</u> : For multiple applications processed concurrently (for example, if the Development Review and Subdivision Replat applications are submitted at the same time), there is a 25% discount offered for each application fee after paying full price for the most expensive application.
Application Process	The applicant must submit a complete electronic copy of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.
	Where multiple applications with different review types are submitted concurrently, the submittal is reviewed using the highest review type (in this case, Type II review).
	For Type II applications, within 7 days of the application being deemed complete, public notice of the application will be sent to property owners and current residents within 300 ft of the subject property, and a sign with notice of the application must be posted on the site. The application will also be referred to other relevant departments and agencies for review and comment. Parties will have at least 14 days to provide comments before a decision is issued.
	Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. (For Type I applications, the application is usually the only party with standing.) If no appeal is received within the 15-day window, the decision becomes final. Any appeal of a Type I or II decision would be heard by the Planning Commission for the final local decision.
	Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.
	Approval of the final plat application is indicated by the City Engineer and Planning Manager signing a mylar of the plat once it has been reviewed and revised as needed. The plat must also be reviewed by the County Surveyor and then signed and recorded.
1	Overlay Zones (MMC 19.400)
Willamette Greenway	(There are no overlay zones on the subject property.)

Natural Resources		
Historic Preservation		
Flex Space Overlay		
	Site Improvements/Site Context	
Landscaping Requirements	In the M zone, the minimum landscaping requirement is 15% of the site area. Street trees are required along street frontages and within parking lots to help delineate entrances and provide shade and permeable areas for stormwater runoff.	
	The subject property appears to provide less than 15% landscaping; however, no landscaping will be removed for the proposed addition, so the site will not be brought further out of conformance with this standard. Staff encourages the applicant to assess the situation and identify opportunities to voluntarily provide additional landscaping and/or street trees where practicable.	
Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)	(No existing pedestrian or bicycle improvements appear to be displaced by the proposed addition.)	
Connectivity to surrounding properties		
Circulation		
Building Design Standards (MMC 19.505)	(The building design standards for nonresidential development (MMC 19.505.7) are only applicable in the commercial mixed-use zones and do not apply to the M zone.)	
Downtown Design Standards (MMC 19.508)		
Parking Standards (MMC 19.600)		
Residential Off-Street Parking Requirements		
Multi-Family/Commercial Parking Requirements	No parking spaces will be removed with the proposed development. As of January 1, 2023, state law has restricted local jurisdictions' ability to require off-street parking, including in areas within one-half mile of a bus line that provides frequent service. TriMet currently provides frequent bus service within less than half a mile to the west from the project area (where 45 th Place and Johnson Creek Boulevard intersect). No off-street parking is required.	
	Voluntary improvements to the existing off-street parking areas are encouraged, to bring the site closer to conformance with the applicable standards for parking area design and landscaping, which are provided in MMC Section 19.606.	
	Approval Criteria (MMC 19.900)	
Community Service Use (CSU) (MMC 19.904)		
Conditional Use (MMC 19.905)		
Development Review (MMC 19.906)	As noted above, a development review application is required for new development and expansions/modifications of existing development. The application will be processed	

		through the Type I review process unless the new construction is over 1,000 sq ft and is within 120 ft of a residentially zoned area—in such cases, Type II review will be required.	
		The approval criteria for development review are provided in MMC Subsection 19.906.4 and include addressing all applicable standards in Chapters 19.300 (base zone), 19.400 (overlay zones), 19.500 (supplementary development regulations), 19.600 (off-street parking), and 19.700 (public facility standards). In addition, any applicable conditions of past land use approvals must be addressed.	
	Variance (MMC 19.911)		
		Land Division (MMC Title 17)	
	Design Standards	(As noted above, lot consolidation is required so that the new building does not cross a lot line. MMC Section 17.28.040 establishes general standards for lot design, but they are not relevant for the consolidation of existing lots.)	
	Preliminary Plat Requirements	The replat will be recorded as a new plat, so it will go through the preliminary and final plat review processes.	
		MMC Section 17.16.050 provides application requirements and procedures for replats, including a reference to the City's preliminary plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for preliminary plat established in MMC Chapter 17.20.	
		MMC Section 17.12.030 establishes approval criteria for lot consolidations and replats. The application must include a narrative description demonstrating that the proposal meets all applicable code requirements and design standards, as well as allowing reasonable development of the affected lots without need of a variance.	
	Final Plat Requirements (See Engineering Section of this Report)	MMC Section 17.16.070 provides application requirements and procedures for final plats, with a reference to the City's final plat checklist. The checklist outlines the specific pieces of information that must be shown on the plat, based on the provisions for final plat established in MMC Chapter 17.24.	
		MMC Section 17.12.050 establishes the approval criteria for final plats.	
		Sign Code Compliance (MMC Title 14)	
	Sign Requirements		
		Noise (MMC Title 16)	
	Noise Mitigation (MMC 16.24)		
		Neighborhood District Associations	
⊠	Lewelling	Prior to submitting the application, the applicant is encouraged (but not required) to	
	Choose an item.	 present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Lewelling NDA. 	
	Choose an item.	Lewelling NDA Chair Camden McKone Lewellingndachair@gmail.com	
		Regular meeting is the second Wednesday of most months—most recent meeting was January 11, 2023 (6:30pm) at the Kairos-Milwaukie UCC (4790 SE Logus Rd). The next meeting is likely February 8, 2023.	

	Other Permits/Registration		
	Business Registration		
	Home Occupation Compliance (MMC 19.507)		
		Additional Planning Notes	
mixe	ed-use buildings with five or more a	ity's newly adopted requirements for EV charging infrastructure apply to residential and dwelling units, as well as to commercial and industrial projects. No new parking is proposed, uired for the proposed development (though it is encouraged).	
	E	ENGINEERING & PUBLIC WORKS COMMENTS	
		Public Facility Improvements (MMC 19.700)	
X	Applicability (MMC 19.702)	MMC 19.702 establishes the applicability of MMC 19.700, including to partitions, subdivisions, replats, new construction, and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips.	
		The proposed development is to construct a new 24-ft by 36-ft structure. This would increase the gross floor area. 19.700 applies.	
	Transportation Facilities Review (MMC 19.703)	A Transportation Facilities Review (TFR) Land Use Application is not required.	
	Transportation Impact Study (MMC 19.704)	A Transportation Impact Study (TIS) is not required.	
	Rough Proportionality (MMC 19.705)	Johnson Creek Boulevard is under Clackamas County's road authority. Per Clackamas County Department of Transportation and Development (DTD), based on the proportionality of this development, no frontage improvements or right-of-way dedication will be required.	
X	Agency Notification	The city shall notify the following agencies:	
	(MMC 19.707)	 Clackamas County Metro TriMet 	
		Flood Hazard Area (MMC 18)	
	Development Permit (MMC 18.16.030)	The project area is not in a flood hazard zone. (Other parts of the larger PCC Structurals site are within the floodplain, but the are where new development is proposed is not.)	
	General Standards (MMC 18.04.150)		
	Compensatory Storage (MMC 18.20.020)		
	Floodways (MMC 18.20.010.B)		

	Environmental Protection (MMC 16)		
⊠	Weak Foundation Soils (MMC 16.16)	MMC 16.16 applies to area having weak foundation soils as identified on the City of Milwaukie Natural Hazards Map.	
		This site is identified as having weak foundation soils.	
		Application for building permits to construct this development must be accompanied by a report by a qualified soils engineer and/or engineering geologist that indicates proposed building techniques to mitigate soil limitations.	
		The report and building permit issuance are subject to plan review.	
	Erosion Control (MMC 16.28)	Erosion control and prevention is required as outlined in MMC16.28	
		Standard Erosion Prevention and Sediment Control notes	
		Projects that disturb more than 500 square feet within the City of Milwaukie limits require an <u>Erosion Control Permit</u> from the City's Building Department. Even projects that are less than 500 square feet may require a permit based on site conditions and proximity to natural resources such as wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.	
		Please review the City's <u>Erosion Prevention and Sediment Control requirements</u> . The applicant is encouraged to use the City's adopted <u>Erosion Prevention and Sediment</u> <u>Control Planning & Design Manual (2020)</u> for assistance in designing an erosion control plan.	
		Development sites between 1 acre and 5 acres should apply for a 1200-CN permit as outlined on <u>https://www.milwaukieoregon.gov/publicworks/1200cn</u> . Applicants will use the DEQ 1200-C permit application but submit it to the city for review and approval through the Milwaukie Erosion and Sediment Control Program. A 1200-C permit can be found on the DEQ website at <u>https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx</u> . Applicants do not need to submit a permit to DEQ if under 5 acres in site size.	
		For more information, please visit <u>https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control</u> or contact <u>erosioncontrol@milwaukieoregon.gov</u> .	
	Tree Code (MMC 16.32)	(The City's tree code is not applicable to the proposed development, as the subject property is not in residential use and no trees in the public right-of-way are involved.)	
		Public Services (MMC 13)	
	Water System (MMC 13.04)	Connection to City utilities is subject to plan and application review. Applications for City utility billing connections shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application	
		A system development charge and a water service connection fee must be paid prior to new connections to city water.	
		A Right-of-Way (ROW) Permit is required for any work on City of Milwaukie utilities in the ROW. A Clackamas County DTD permit will also be required for any work in the ROW.	
	Sewer System (MMC 13.12)	Connection to City utilities is subject to plan and application review.	
		A system development charge (SDC) must be paid prior to new connections or impacts due to intensification of use to city sanitary sewer. An updated fixture count table may be required at the time of building permits to determine SDC impacts.	
		A ROW Permit is required for any work on City of Milwaukie utilities in the ROW. A Clackamas County DTD permit will also be required for any work in the ROW.	

	Stormwater Management (MMC 13.14)	This site drains to the City of Portland's MS4 through an on-site treatment system under a 1200-Z permit managed by Portland.
		Applicant will need to coordinate all stormwater treatment and mitigation with their BES pretreatment manager.
⊠	System Development Charge (SDC) (MMC 13.28.040)	All new development or intensification of use shall be subject to system developments charges.
		Latest charges are determined by the City's Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges
		SDC fees will be determined at building permit plan review.
		Public Places (MMC 12)
	Right of Way Permit (MMC 12.08.020)	A City of Milwaukie ROW permit will be required for any utility work within the ROW, and a Clackamas County DTD ROW permit will be required for any work in the ROW.
	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.
		Additional Engineering & Public Works Notes
	mwater treatment must adhere to m report will be required at plan re	o the current City of Portland Stormwater Management Manual. Stormwater plans and/or a eview for this development.
	Clackamas County DTD, no fronto t of this development.	age improvements, ROW dedication, and/or Fee In Lieu of Construction will be required as
		BUILDING COMMENTS
		c on January 3, 2023 and can be available for questions and coordination with the Fire Marshal upancy classification, change of occupancy, retroactive improvements, etc. as needed.
All c	drawings must be submitted elect	ronically through <u>www.buildingpermits.oregon.gov</u>
		all the provisions of the current applicable Oregon Building Codes. All State adopted building //www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx.
lice: sam	nse at <u>www.buildingpermits.oreg</u>	lectronic and can be applied for online with a valid CCB license number or engineer/architect on.gov. Each permit type and sub-permit type are separate permits and are subject to the I to be applied for individually. Plans need to be uploaded to their specific permits in PDF format ges) if size allows.
		eviews (when required) are done off site and are subject to that jurisdiction's timelines. The City timelines, so please plan accordingly.
Site	utilities require a separate plumbi	ing permit and will require plumbing plan review.
lf yc	ou have any building related ques	stions, please email us at building@milwaukieoregon.gov.
out	of numbers and needing to re-ac	ers will have one address and unit numbers for the individual cottages. This is to avoid running ddress an entire street. If the current address is out of synch with the primary pattern on the epartment may take the opportunity to adjust the address accordingly.
reco	ommendation of current staff is to	es: The new Building Official (due to start in early 2023) will have the final word, but the keep all submittal components together and not submit building permits in advance of the nponents. Building permits will not be issued prior to the review being completed for other

609.2 Trenches. Water pipes shall not be run or laid in the same trench as building sewer or drainage piping constructed of clay or materials that are not approved for use within a building unless both of the following conditions are met: (1) The bottom of the water pipe shall be not less than 12 inches (305 mm) above the top of the sewer or drain line. (2) The water pipe shall be placed on a solid shelf excavated at one side of the common trench with a clear horizontal distance of not less than 12 inches (305 mm) from the sewer or drain line. Water pipes crossing sewer or drainage piping constructed of clay or materials that are not approved for use within a building shall be laid not less than 12 inches (305 mm) above the sewer or drain pipe. **OTHER FEES** Calculation: X Construction Excise Tax Valuation *12% (.12) Affordable Housing CET -Applies to any project with a construction value of over 100,000. Metro Excise Tax \boxtimes Calculation: Valuation *.12% (.0012) Metro – Applies to any project with a construction value of over \$100,000. 冈 **School Excise Tax** Calculation: Commercial = \$0.69 a square foot, School CET – Applies to any Residential = \$1.39 a square foot (not including garages) new square footage. 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

Water and sewer lines on private property can be in the same trench as long as the pipe materials and conditions in OPSC 609.2 are met.

Boi	iler Approval (State)		
Ele	vator Approval (State)		
Health Department Approval (County)			
		Arts Tax	
Ne	ighborhood Office Permit		
		Other Right-of-Way Permits	
Ma	ijor:		
Mir	nor:		
	inted Intersection Program rmits:		
	artMOB Application		
	Traffic Control Plan (Engineering)		
Par	rklet:		
	Parklet Application/ Planning Approval		
	Engineering Approval		
	Building Approval		
Sid	ewalk Café:		
Tre	e Removal Permit:		
		Infrastructure/Utilities	
Applicant must communicate directly with utility providers. These may include the following: PGE NW Natural Clackamas River Water (CRW) Telecomm (Comcast, Century Link) Water Environmental Services (WES) Garbage Collection (Waste Management, Hoodview Disposal and Recycling)			
Economic Development/Incentives			
Ent	erprise Zone:		
Ve	rtical Housing Tax Credit:		
Ne	w Market Tax Credits:		

Housing Resources:	
PLEASE SEE NOTE	AND CONTACT INFORMATION ON THE FOLLOWING PAGE

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

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT					
Patrick McLeod Harmony Drake Stephanie Marcinkiewicz	Building Official Permit Technician Inspector/Plans Examiner	503-786-7611 503-786-7623 503-786-7636			
ENGINEERING DEPARTMENT					
Steve Adams Jennifer Backhaus Eanna Zaya	City Engineer Engineering Technician III Engineering Technician I	503-786-7605 503-786-7608 503-786-7609			
PLANNING DEPARTMENT					
Laura Weigel Vera Kolias Brett Kelver Adam Heroux Ryan Dyar	Planning Manager Senior Planner Senior Planner Associate Planner Assistant Planner	503-786-7654 503-786-7653 503-786-7657 503-786-7658 503-786-7651			
COMMUNITY DEVELOPMENT DEPART	COMMUNITY DEVELOPMENT DEPARTMENT				
Joseph Briglio Mandy Byrd (vacant) Emilie Bushlen (vacant)	Community Development Director Development Programs Manager Housing & Econ. Dev. Prog. Mgr. Administrative Specialist II Administrative Specialist II	503-786-7616 503-786-7692 503-786-7627 503-786-7600 503-786-7600			
SUSTAINABILTY DEPARTMENT					
Natalie Rogers Courtney Wilson Galen Hoshovsky	Climate & Natural Resources Mgr. Urban Forester Environmental Services Coordinator	503-786-7668 503-786-7697 503-786-7660			
CLACKAMAS FIRE DISTRICT					
Shawn Olson	Fire Marshal	shawn.olson@ClackamasFire.com			

Clackamas Fire District #1



Pre-Application Comments:

Re:	22-021PA-5001 SE Johnson Creek BlvdAddition and 5,000 gallon tank
Date:	12/29/2022
From:	Shawn Olson, Fire Marshal, Clackamas Fire District #1
To:	Brett Kelver, Senior Planner, City of Milwaukie

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:

- 1) Contact Milwaukie Building Official for consultation on the fire and life safety systems. Determine if exiting building was approved for a Hazardous occupancy.
- 2) An Alternative Means and Methods application may be submitted, pending Building Official approval, for chemicals reactionary to water.
- 3) No part of a building may be more than 150 feet from an approved fire department access road.
- 4) The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28 feet and 48 feet respectively, measured from the same center point.
- 5) Gates across access roads must be pre-approved by the Fire District.
- 6) Fire hydrants shall be within 600' of all portions of any new construction.
- The applicant must obtain a stamp of approval from Clackamas Fire District #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.
- 8) Please see our design guide. This project may not be applicable, but use for reference. <u>https://clackamasfire.com/fire-prevention/new-construction-resources/</u>
- 9) If you have questions, please contact Fire Marshal Shawn Olson at shawn.olson@clackamasfire.com or by calling 503-742-2663.

If fire department access and water supply approval is needed from the City of Milwaukie, submit site plan here:

Submit fire apparatus access and water supply site plans to: https://clackamasfire.com/access-and-water-supply-plan-review-submittal/